**OHCHR’s multi-stakeholder meeting on the human rights of older persons**

from 29 August to 30 August 2022,

from 10 a.m. to 12 p.m. and 3 p.m. to 5 p.m, in a hybrid format

at the United Nations (Palais des Nations, Room XVII) in Geneva, Switzerland.

Monday 29 August, in the session 2 **“Adequacy of existing mechanisms in responding to the challenges”.**

Anna Chabiera, Senior Specialist in the Office of the Commissioner for Human Rights of Poland

**National human rights institutions**

1. To what extent is the work of your NHRI (and of NHRIs more generally) framed by existing or supported by international human rights treaties? For example, how have the CRC or the CRPD informed the protections available under Polish law and the scope and impact of the work of the Office of the Commissioner for Human Rights in Poland?

Thank you, Andrew, for this question.

And many thanks to the OHCHR for organizing this important event and inviting me to speak in this panel.

First I would like to underline the importance of the only UN mechanism on the human rights of older persons established in Geneva – namely the Independent Expert on the enjoyment of all human rights by older persons. Their reports, country visits are of unique value with the concrete conclusions and recommendations – that’s something we as NHRIs can refer to in our statements and recommendations to government with regard to older persons. I’d like to express my deep appreciation of the work of both Rosa Kornfeld Matte – the first IE and Dr Claudia Mahler who now works extremely hard to bring to the attention of the global community to the need for strengthening the international legal framework on the human rights of older persons. Let me underline, that **the mandate of Independent Expert should be not only renewed by the HRC but also strengthened to allow them to undertake their tasks in the most efficient way.**

Other existing mechanisms like UPR do not provide NHRIs with space to report specifically on the rights of older persons. Even if we add some information on older persons it’s fragmented and not consistent -as questionnaires are limited in this regard.

Coming back to your very concrete question:

There are at least two dimensions in which we observe the impact of international human rights treaties on the work of NHRIs.

1. Institutional level which means the impact on the structure and tasks undertaken by NHRIs
2. the substantive level which means what kind of analysis and research NHRIs can conduct and then what kind of recommendations they can issue for governments, what kind of standards and reports NHRIs can refer to. (in this dimension we can observe the impact of the work of the IE on the rights of older persons)

Those two dimensions are of course co-related.

You asked about examples. In Poland we have a separate Ombudsperson for the rights of the child and their work is strictly guided by the Convention of the rights of the Child.

I will give as an example the CRPD, ratified by Poland in 2012, as the Polish NHRI plays the role of a monitoring body (next to Civil Society Organizations) regarding implementation of this Convention. That is because in Art 33 point 2 of CRPD states that:

“ States Parties shall, (…) designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.”

So thanks to this provision the Polish NHRI started to submit reports to the Committee on the Rights of Persons with Disabilities in 2014.

But only last year – so after 7 years – the Polish Government included in the Strategy on the rights of persons with disabilities a clear task to regulate officially the monitoring function of the Commissioner for Human Rights of Poland in this regard. **This might have happened earlier if in the Convention NHRIs had been explicitly indicated as monitoring bodies**. It has its consequences in the structure of our institution. As for now only one expert deals with monitoring of the Convention which is not sufficient (actually she is hired only because of European Anti-discrimination Directives). Our NHRI keeps requesting Government to allocate resources to monitor the CRPD. **The explicit mandate within Polish law would make it much easier.** Just like in case of the OPCAT mechanism which is inbuilt in the structure of our NHRI. After being designated by Government as a National Preventive Mechanism our institution gained over time resources to create a separate team consisting of 11 experts who deal with the tasks combined with prevention of torture and Other Cruel, Inhuman or Degrading Treatment.

That was about the institutional dimension. Only by having people who can work on this issue can we fulfil this task and this depends on an explicit mandate.

Let’s have a closer look at the merit dimension now. CRPD raised the visibility of persons with disabilities. Furthermore this treaty allows us **to design social research** **on** discrimination on the ground of **disability from the perspective of human rights of persons with disabilities.** My colleague, who deal with complaints, advocate for the rights of persons with disabilities in individual cases and in legislative proposals and general motions to Government invoking CRPD. This is a powerful instrument because it is respected as a binding Convention. We observe a slow but continuing progress in both awareness on the human rights of persons with disabilities and in enriching Polish legislation and public policy with adequate tools. There’s still a lot to be done but at least we have a good compass on this journey - in form of the CRPD.

As I mentioned before, the Polish NHRI submits to the UN Committee on the rights of persons with disabilities comprehensive reports on the state of implementation. This **includes us – and here I mean Polish society – in the global community, where we can relate to the established standards and seek advice, useful comments and recommendations from the Committee, to better implement CRPD**.

I hope these examples shows those two dimensions: resources within the institutions and standards we can relate to as NHRIs.

Moreover, I dare to say **that thanks to those mechanism we have well prepared experts now in Poland as after some years of dealing with this issues they gained knowledge and expertise**. This role of all mechanism should be also appreciated.

So as we can see – the new Convention on the rights of older persons would equip NHRIs with similar relevant tools.

3. In relation to strengthening the protection of the human rights of older persons, what are the key requests / recommendations to the Human Rights Council and OHCHR as the next steps.

I would like to recall ENNHRI (European Network of NHRIs) statement during last HRC Session. In that statement ENNHRI expressed its deep appreciation of the HRC and OHCHR recent achievements in the form of the first substantive resolution on the human rights of older persons and ageism and the latest report of the High Commissioner for Human Rights on this topic which was prepared on request included in this resolution. I believe we need further steps to be taken here in Geneva.

First we need a continued dialog on the human rights of older persons under HRC auspices, for instance in form of another Multistakeholders’ meeting next year.

This panel discussion shows us again that we need a new Convention of the rights of older persons with the reporting mechanism that would provide clear standards, not lowering the existing ones. Among other advantages it would foster the so needed shift from social rights perspective towards human rights based perspective to older persons

On a very practical level it would also provide older persons themselves, us as a society in general and particularly NHRIs with concrete tools to support older persons in cases when their rights have been violated.

In this new binding Convention, among other actors as Civil Society Organisations, NHRIs should be indicated as monitoring bodies, to foster actions needed for effective protection of human rights.

I am convinced that the next substantive resolution of HRC will have a similar positive impact on strengthening the human rights of older persons.