**Poland's submission to the call for inputs on violence against older persons – 2023 HRC report**

**1. Legal, policy and institutional framework**

* The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997 No. 78, item 483) specifically Article 32 states that every citizen has the right to equal treatment by public authorities and can not be discriminated against in political, social or economic life for any reason;
* The Act on the Implementation of Certain Provisions of the European Union regarding equal treatment (Journal of Laws 2020, item 2156) prohibits discrimination based on sex, race, ethnic origin, nationality, religion, belief, worldview, disability, age or sexual orientation. It defines the mandate of the Government Plenipotentiary for Equal Treatment and the Ombudsman for Civil Rights;
* The Act of 29 July 2005 on counteracting family violence (Journal of Laws of 2021, item 249) and the provisions of the National Programme for Counteracting Family Violence.

The modification of the domestic violence prevention system is underway in Poland to increase the safety of persons experiencing domestic violence, including the older persons. The bill is now passed by the Senate and forwarded with amendments to the Polish Parliament for deliberation. The amendments respond to the challenges and provisions of international law on countering violence, including against women and girls. Poland, by implementing a wide range of measures to prevent domestic violence and consistently amending laws to increase the safety of persons suffering domestic violence, is fulfilling the provisions of the Istanbul Convention.

The amendments to the Criminal Code and the Criminal Procedure Code introduced since 2015 reflect the priority given to combating violence, including violence against the older persons and violence in the family. They included i.a.: increased length of sentences for crimes committed to the detriment of minors and indigent persons.

**2. Manifestation of violence**

In 2015 a scientific study 'Family violence against the older persons and persond with disabilities' was conducted by the Polish Academy of Sciences. Its results confirmed that 42,7% of older persons suffered from violence outside of family : physical (38.4%), economic (44.9%) and psychological (44.7 %), while 17.3% suffered from violence within the family: physical (15.4%), economic (18.5%) and psychological (17.5%).

In 2022 a project "Counteracting violence against the older persons and disabled", based on the Justice Programme and co-financed from Norwegian funds confirmed that 78.1% persons with disabilities experienced psychological and 57.8% physical violence. As much as 87.3% of older persons experienced psychological violence, 43.1% of them : both physical and economic one. In the case of older persons with disabilities: 70.2% experienced psychological violence, 45.2% physical and 41.1% economic one.

**3. Intersectionality**

According to the Annual Report on the implementation of the National Programme for the Prevention of Family Violence for 2021:

1) the number of persons experiencing domestic violence

|  |  |  |  |
| --- | --- | --- | --- |
| included in the "Blue Cards" procedure in a given year | total | | **161 575** |
| of which women | total | 86 995 |
| including those with disabilities | 5 529 |
| **including older** | **13 908** |
| of which men | total | 23 006 |
| including those with disabilities | 1 899 |
| **including older** | **4 247** |

2) the number of persons affected by domestic violence who :

|  |  |  |  |
| --- | --- | --- | --- |
| benefited from consultation points | total | | **21 571** |
| of which women | total | 15 390 |
| including those with disabilities | 643 |
| **including older** | **1 506** |
| of which men | total | 3 961 |
| including those with disabilities | 221 |
| **including older** | **454** |

3)

|  |  |  |  |
| --- | --- | --- | --- |
| received assistance at municipal support centres | total | | **197** |
| of which women | total | 109 |
| including those with disabilities | 0 |
| **including older** | **9** |

4)

|  |  |  |  |
| --- | --- | --- | --- |
| received assistance at district support centres | total | | **628** |
| of which women | total | 391 |
| including those with disabilities | 4 |
| **including older** | **3** |
| of which men | total | 106 |
| including those with disabilities | 1 |
| **including older** | **0** |

5)

|  |  |  |  |
| --- | --- | --- | --- |
| received assistance in homes for mothers  with minor children and pregnant women | total | | **382** |
| of which women | total | 167 |
| including those with disabilities | 15 |
| **including older** | **1** |

6)

|  |  |  |  |
| --- | --- | --- | --- |
| received assistance in crisis intervention centres | total | | **10 071** |
| of which women | total | 7 127 |
| including those with disabilities | 292 |
| **including older** | **521** |
| of which men | total | 1 141 |
| including those with disabilities | 63 |
| **including older** | **73** |

7)

|  |  |  |  |
| --- | --- | --- | --- |
| received assistance at crisis intervention points | total | | **6 140** |
| of which women | total | 4 606 |
| including those with disabilities | 75 |
| **including older** | **251** |
| of which men | total | 801 |
| including those with disabilities | 27 |
| **including older** | **75** |

8)

|  |  |  |  |
| --- | --- | --- | --- |
| have been assisted in other centres providing specialised assistance to persons affected by domestic violence in the family | total | | **2 471** |
| of which women | total | 1 447 |
| including those with disabilities | 189 |
| **including older** | **74** |
| of which men | total | 234 |
| including those with disabilities | 23 |
| **including older** | **23** |

9)

|  |  |  |  |
| --- | --- | --- | --- |
| received assistance in specialist support centres for victims of domestic violence | total | | **4 762** |
| of which women | total | 3 322 |
| including those with disabilities | 218 |
| including older | **217** |
| of which men | total | 443 |
| including those with disabilities | 28 |
| including older | **41** |

**4. Data**

The Ministry of Family and Social Policy conducts monitoring and reporting activities based on the Report on the Implementation of the National Programme for Counteracting Family Violence. The report is submitted every year to the Parliament and the Senate, with statistical data concerning i.a. older persons and persons with disabilities. The local governments’ activities are included in the statistics maintained by the Ministry of Family and Social Policy.

**5. Access to justice** and **6. Access to information**

Access to information in the field of **justice**, **legal assistance, social assistance, psychological assistance and support, health** is implemented within the framework of the procedure, "Blue Cards" in case of suspicion or use of domestic violence (on the basis of the Act on counteracting family violence).

The "Blue Cards" procedure covers all activities undertaken and carried out by representatives of organisational units of social assistance and the Police, i.e. in the event of a suspicion of violence against family members. Measures defined for persons experiencing violence, including older persons, provide: free medical certificate specifying the causes and type of injuries related to the use of violence, Free safe shelter in a specialist support centre for victims of domestic violence, psychological, medical, legal, social counselling, crisis intervention and support. They prohibit the perpetrators of violence contact with the victim and order them to leave the dwelling.

The right to information on **health**, regulated in the **Act of 6 November 2008 on Patients' Rights and Patients' Rights Ombudsman**, provides that patient has the right to obtain understandable information about the patient's health condition, diagnosis, the proposed and possible methods of diagnosis and treatment, foreseeable consequences of their application or omissions, the results of treatment, and prognosis. A patient has the right to express his opinion in this regard to the physician as well to request not having this information. A patient has the right to be informed of the nature and scope of health services provided by the entity providing health services, including the preventive health programs financed from public funds.

**7. Good practices for preventing, monitoring and combating violence and abuse against older persons**

The Government Plenipotentiary for Equal Treatment prepares and submits to the Council of Ministers the National Action Programme for Equal Treatment, which sets out the objectives and priorities for action on equal treatment with regard to : raising public awareness on equal treatment and the causes and consequences of violations of the principle of equal treatment; counteracting infringements of the principle of equal treatment and cooperation with social partners, NGOs and other entities.

On 24 May 2022, the National Action Programme on Equal Treatment 2022-2030 was adopted with piorities such as: Anti-discrimination policy; Work and social security; Education; Health; Access to goods and services; Awareness-building; Data collection and research and Coordination.

The National Programme for Counteracting Family Violence includes:

* conducting cyclical nationwide social campaigns to raise public awareness on family violence;
* commissioning nationwide surveys every two years, taking into account the categories of persons and forms of family violence experienced. The reports from the surveys, with data and recommendations, provide a basis for legal changes and modifications to the system - currently underway ;
* creation of a website - friendly and accessible to citizens.

The actions that the Government of the Republic has undertaken included :

* in 2009 : "National Social Campaign to Counteract Family Violence against the Older Persons and Persons with Disabilities"
* In 2010 : a TV spot on the prevention of family violence against the older persons and the persons with disabilities was commissioned by the Ministry of Family and Social Policy
* in 2010 : a guidebook "Domestic violence against the older persons and persons with disabilities - A guide for frontline workers" dedicated to professionals involved in countering domestic violence
* in 2018 : a public awareness campaign on the safety of older persons, and to increase the knowledge and awareness of older persons about their right
* in 2018 : a national conference 'Safety for older persons. Prevention, intervention, assistance' in the context of the demographic processes related to the ageing population