



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Consideration of reports submitted by States
parties under article 35 of the Convention**

Initial report of State party due in 2014

Poland*

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For detailed information and a list of legal acts see the annex to the report**

** Annex can be consulted in the files of the Secretariat.

List of abbreviations

BON	Office of the Government Plenipotentiary for Disabled People
EEA	European Economic Area
EU	European Union
GUS	Central Statistical Office of Poland
Kc	Civil Code
Kk	Penal Code
KKw	Executive Penal Code
Kp	Labour Code
Kpa	Code of Administrative Procedure
Kpc	Code of Civil Procedure
Kpk	Code of Criminal Procedure
Krio	Family and Guardianship Code
KRRiT	National Council of Radio and TV Broadcasting
KRUS	Agricultural Social Insurance Fund
MPiPS	Ministry of Labour and Social Policy
NFZ	National Health Fund
PFRON	State Fund for Rehabilitation of Disabled People
PKP Intercity	Polish State Railways Intercity
TVP	Polish Television
ZUS	Social Insurance Institution

Article 1 – Purpose

1. Disability, according to the definition provided by the Act on Vocational and Social Rehabilitation and Employment of Disabled People (*further: Act on Vocational and Social Rehabilitation*), means a permanent or temporary incapacity to fulfil one's social roles due to a permanent or long-lasting impairment, in particular one that causes incapacity for work. Disability assessment takes into account the physical, mental and social aspects of human functioning.

2. Persons aged 16 or older receive a certificate of disability. There are three degrees of disability: severe, moderate, mild.

3. Person aged 16 or older is regarded disabled if his physical or mental ability is impaired and the estimated duration of the impairment exceeds 12 months, if he suffers from a birth defect, a prolonged illness or a body impairment which causes him to require complete care or assistance in fulfilling his basic life needs in a way that exceeds the assistance required by a person of the given age.

4. An application for a disability certificate or a disability degree certificate is considered by a commission at the powiat level. The evaluation commission must include a physician, and the other member may be a psychologist, a social worker, a job coach, a pedagogue or a different physician. The applicant is entitled to make an appeal against the decision to a Voivodship Disability Assessment Team, an appeal against the voivodship team's decision is made to a Labour and Social Security Court.

5. The disability certificate, apart from stating the disability or its degree, contains also recommendations concerning, including:

- The disabled person's employment.
- Employment in a vocational activity establishment.
- Training.
- Participation in occupational therapy.
- Provision of orthopaedic items, auxiliary appliances or technical aids.
- Receiving community assistance (social and personal care services, therapy and rehabilitation).
- Permanent or long-lasting care or assistance of another person.
- Use of a disabled person's parking card.

These recommendations are the basis for seeking cash benefits and benefits in kind on the basis of separate legal regulations.

6. The social security system refers to disability in the aspect of incapacity for work. The Act on Retirement, Disability and Other Pensions from the Social Insurance Fund stipulates that a person who is unable to work is a person who has completely or partly lost his ability to perform remunerated work due to a physical impairment and has no chance of regaining his capacity to work after retraining. Incapacity for work is stated by an assessing physician appointed by the Social Insurance Institution or by a medical board. The certificate issued by the physician or the board is the basis for granting benefits that replace or supplement the remuneration generated from work.

7. The Act on Vocational and Social Rehabilitation stipulates that the disability certificate issued by the assessing physician shall be treated on a par with the disability degree certificate. The disability degree certificate is not recognised for the purposes of

granting benefits provided for by the Act on Retirement, Disability and Other Pensions from the Social Insurance Fund.

8. The Act on Farmers' Social Security provides for an assessment system for the purposes of granting disability pensions. Along with the certificate of incapacity for work on a farm, the certificate of incapacity to live independently may also be issued.

9. According to the National Census, the number of disabled people in Poland in 2011 was 4,697,048 (12.2% of Poland's population), of whom 46.1% were males. The number of people holding a disability certificate in 2011 was 3,131,456, of whom 2,996,795 were persons aged 16 or older.

Article 2 – Definitions

10. Information on the Polish legally binding definitions of the notions indicated in Article 2 of the Convention on the Rights of Persons with Disabilities is included in the implementation overview of the Convention's articles that regulate the given issue.

Articles 3, 4 and 5 – General principles and obligations

General principles

11. Basic principles and obligations defined in the aforementioned provisions of the Convention are reflected by the Constitution. Ordinary legislation specifies the constitutional provisions.

12. The Constitution stipulates that all persons shall be equal before the law, shall have the right to equal treatment by public authorities and that no one shall be discriminated against in political, social or economic life for any reason whatsoever. The Constitution obliges public authorities to provide special health care to disabled people and aid to ensure their subsistence, adaptation to work and social communication.

13. The Act on Implementation of Some Regulations of the European Union Regarding Equal Treatment specifies means of counteracting violations of the equal treatment principle on grounds of disability, among others. The Act applies to natural persons and legal persons as well as to organizational entities other than legal persons, to which legal capacity is assigned under the Act.

14. The Act defines, among others:

- Direct discrimination.
- Indirect discrimination.
- Harassment.
- Unequal treatment.

15. The Act prohibits unequal treatment of natural persons in the following areas:

- Professional education, including the continuous education, further training or change of profession and professional practices.
- Conditions for taking and conducting business or professional activity, including, but not limited to the employment relationship or work under a civil law contract.

- Access to and use of:
 - Labour market instruments and labour market services specified in the Act on Employment Promotion and Labour Market Institutions, offered by labour market institutions and other entities acting for the employment, development of human resources and prevention of unemployment.
 - Social security.
 - Health care.
 - Education and higher education.
 - Services, including residential services, facilities and purchase of rights and energy, provided that they are publicly offered.

16. Unequal treatment resulting from adoption of measures necessary in the democratic state to ensure public safety and order, protection of health or protection of freedom and rights of other persons and prevention of actions subject to criminal sanctions, in the scope specified in other provisions, does not constitute a violation of equal treatment principle.

17. The Act's general provisions and provisions concerning equal treatment and legal measures for its protection do not apply to employees within the scope regulated by the Kp. Moreover, the Act does not apply to private and family life and legal actions related to these spheres of life, as well as allows cases of differential treatment in some areas of public life, in line with the provisions of European Union regulations on equal treatment.

18. Information on the safeguards for disabled people's rights provided for by other legal acts is presented in the implementation overview of articles which regulate the given issue in detail.

Policy making and implementation – institutions

19. Shaping the disability policy is entrusted with the Government Plenipotentiary for Disabled People.

20. The Plenipotentiary coordinates the tasks resulting from the Act on Vocational and Social Rehabilitation.

21. The BON ensures the performance of the Plenipotentiary's tasks.

22. The tasks of the Government Plenipotentiary for Equal Treatment comprise the implementation of governmental equal treatment policy, including prevention of discrimination due to disability.

23. The tasks related to preventing discrimination due to disability are performed by the Plenipotentiary for Equal Treatment in cooperation with the Government Plenipotentiary for Disabled People.

24. In the years 2012-2013, the PFRON financed research that aimed at diagnosing the social and vocational situation of disabled people. The results of the research are being used to formulate social policy in the field of disability, including the scope of assistance, standardization and improvement of the quality of services.

Redressing the violations of the law.

25. Claims regarding breaches of law are pursued in civil, administrative or criminal law procedure.

26. The Human Rights Defender guards the human and citizen rights and freedoms, specified in the Constitution and other acts (acts, international agreements, regulations, acts of local law).

27. The Defender takes actions provided for in the Act on Human Rights Defender, when he becomes aware of information pointing to the violation of human and citizen rights and freedoms, including the principle of equal treatment.

28. The scope of action of the Defender comprises also: analysing, monitoring and support for equal treatment of all persons, conducting research concerning discrimination, developing reports.

29. The Human Rights Defender cooperates with associations, civic movements or other assemblies and foundations as well as with foreign and international bodies and organizations.

30. The Defender annually informs the Sejm and Senate about his actions and about the observance of human and citizen's rights and freedoms, and provides information on the activities undertaken in the field of equal treatment.

Participation of disabled people in policy making

31. Representatives of disabled people consult legal acts and make decisions as part of the National Advisory Council for Disabled People and community councils for disabled people.

32. The Council is a forum of co-operation of central administration bodies, local self-governments and non-governmental organizations. The Council is an advisory body to the Government Plenipotentiary for Disabled People. The sessions of the Council take place at least once every quarter.

33. The Council is composed of representatives of central administration authorities, local self-governments, delegates of each of representative organizations of employers and trade unions, and representatives of non-governmental organizations.

34. The Council consists of representatives of the following non-governmental organizations:

- Polish Association of the Blind.
- Polish Disability Forum.
- Friends of Integration Association.
- National Review Body for Sheltered Cooperatives and Blind People's Sheltered Cooperatives.
- Foundation for Active Rehabilitation.
- Polish Organization of Persons with Motor Disability.
- Wrocław Disabled People's Assembly.

35. Community councils for disabled people operate at the level of voivodship and powiat. The councils are consulting and advisory bodies to the local authorities: the marshals of voivodships and starostas of powiats. Sessions of the councils take place at least once every quarter. The councils are composed of representatives of non-governmental organizations, foundations, local authorities (i.e voivode and of powiats and gminas) functioning in the territory of the given voivodship or powiat.

36. The obligation of consulting employers' and employees' organizations at the law making stage is provided for in the Act on Trade Unions and the Act on Employers' Organizations.
37. In 2014, the MPiPS regulated in detail the procedure of public consultation of the documents developed in the Ministry. The list of entities with which draft documents are consulted comprises organizations representative for the given scope of responsibilities of the Minister of Labour and Social Policy.
38. The Ministry of Health consults all drafts with all entities to whom the Minister of Health is legally required to pass drafts for agreement. Moreover, the Ministry consults drafts with social partners according to the partners' or the represented social groups' scope of interest. The Ministry of Health uses a list of social partners with which public consultations are held. The list is currently (3rd quarter of 2014) being updated.
39. Consultations regarding documents developed in the Ministry of National Education are regulated by the Order of the Director General of the Ministry of National Education. The list of bodies and entities that draft government documents and normative acts are presented to for agreement or assessment includes entities representing the interests of disabled people.
40. Consultations of documents are held by the Ministry of Infrastructure and Development according to the Order of the Minister of Infrastructure and Development on developing and agreeing draft government documents, including draft normative acts in the Ministry of Infrastructure and Development, announcing them, as well as maintaining records and collections of such documents.
41. An example of extensive public consultations is the "Round Table" convened by the Minister of Labour and Social Policy in April 2014. As part of these consultations, systemic solutions concerning the support for disabled people and their carers are to be agreed. The "Round Table" is divided into work groups that discuss the following issues: children and the youth, disabled adults, health and rehabilitation, medical certification, social and vocational activation.
42. In 2012, PFRON financed a campaign concerning the effects of ratifying the Convention. The aim of the campaign was to inform disabled people how the ratification of the Convention will affect their situation, as well as informing the society (including institutions) about obligations resulting from the Convention.
43. Information about the Convention and its implementation was disseminated during conferences organised by the government's administration bodies, local self-governments, academic institutions and non-governmental organizations on different levels.
44. In 2012, the MPiPS published the text of the Convention in the Polish language on the Ministry's website, as well as a version accessible for the visually impaired and an overview of the Convention. In the future, the website will contain reports on the implementation of the Convention and related documents.
45. The Ministry has published a children-friendly Polish-language version of the text of the Convention (www.niepelnosprawni.gov.pl). The website includes also link to a Polish-language overview of the Convention in an easy-to-read format, prepared by the Polish Association for Persons with Mental Handicap. The audio version of the Polish text of the Convention is also available.
46. The MPiPS has prepared Polish-language version of the European Commission's Communication "European Disability Strategy 2010-2020" which defines the EU-level framework for the implementation of the Convention; the text meets European standards for preparation of easy-to-read text versions.

47. At each of the stages of work on the report on the implementation of the Convention, its text was presented on the MPiPS Public Information Bulletin website. Persons interested in consulting other documents related to the elaboration of the report have the right to request access to these documents, according to the Act on Access to Public Information.

48. Draft report on the implementation of the Convention was submitted in November 2013 to social partners and non-governmental organizations for comments. The Government reaction to the comments was presented to the social partners' and non-governmental organizations in March 2014. Some of the comments became the basis for amendments to the report. The comments were also presented to the Team for the Implementation of the Provisions of the Convention on the Rights of Persons with Disabilities (the Team – paragraphs 569-570).

49. Information on the progress of work on the report was presented to the National Advisory Council for Disabled People.

Article 6 – Women with disabilities

50. The Constitution stipulates that men and women shall have equal rights in family, political, social and economic life. The constitutional provisions are specified by legislative provisions, in particular:

- The Krio.
- The Kp, the Act on Employment Promotion and Labour Market Institutions.
- The Act on Implementation of Some Regulations of the European Union Regarding Equal Treatment.

Article 7 – Children with disabilities

51. The Constitution specifies the basic principles of family relationships, including:

- Protection of children's rights.
- Prohibition of subjecting to tortures or cruel, inhuman, or degrading treatment or punishment, as well as prohibition of corporal punishment.
- The right to legal protection of one's private and family life, of one's honour and good reputation.
- Right to make decisions about one's personal life.
- The parents' right to rear their children according to their own convictions.
- The obligation of public authorities to ensure special health care to children, as well as provide a child deprived of parental care with care and assistance.

52. The fundamental legal act in the area is the Krio, which specifies the principles of the well-being of children and children's equal rights formulated in the Constitution.

53. To ensure that the rights of children are safeguarded, the Commissioner for Children's Rights was established. The Commissioner has the responsibility of taking action upon every request indicating an infringement of children's rights.

54. The Constitution obliges the public authorities and persons responsible for children, in the course of establishing the rights of a child, to hear the child and, insofar as possible,

give priority to the views of the child. This provision is safeguarded by provisions of various branches of law.

55. The Kpc stipulates, that a court:

- Hears the child in cases concerning the child itself or its property, if his mental development, health and maturity level allow for it, taking into consideration, insofar as possible, his reasonable wishes; the hearing takes place outside of a courtroom.
- Takes into consideration the child's opinion and reasonable wishes, depending on the circumstances, mental development, health and maturity level of the child in connection with establishing non-property rights, in particular in connection with establishing parental authority in divorce cases, annulment of marriage, separation, establishing or denial of a child's origins, cancellation of declaration of paternity and dissolution of adoption of a child.

Article 8 – Awareness-raising

56. Actions aimed at changing the perception of disability take the form of campaigns and regular activities of institutions and the mass-media. The first Polish national campaign concerning disabled people was the disability campaign "Disabled people: something normal", held in 2000.

57. Events promoting a positive image of disabled people are organised mostly by non-governmental organizations in cooperation with local self-governments. These events include:

- Song festivals (example: "Enchanted Songs Festival", organised since 2005 by Anna Dymna's Foundation "Against All").
- Inclusive festivals combined with an exhibition of artwork (example: "Festival of Versatile Arts Olsztyn Inspires", since 2008).
- Disability film festivals (example: European Film Festival "Integration – You and Me", since 2003).
- Sports competitions of inclusive character or aimed at disabled people (example: the Wheelchair Fencing World Cup "Kiliński's Sabre" – 13th edition in 2013, the Wheelchair Tennis Tournament "Wrocław Cup" – 11th edition in 2013).
- Initiatives aimed at presenting the achievements of disabled people and raising social awareness of disability (example: the project "440 kilometres to drive change: Femininity despite disability" held in 2013; the woman behind the project walked 440 km along the coast of the Baltic Sea and organised meetings with female ambassadors invited to the project, i.e. physically disabled women who are professionally and socially active despite their disability).

58. Since 2011, the PFRON has been implementing the programme "Support for Initiatives", aimed at promoting artistic achievements of disabled people, popularizing and developing good practice, creating European policy for promotion of social inclusion of disabled people.

59. Information about campaigns concerning the image of disabled employees – paragraph 462.

60. National Action Programme for Equal Treatment for 2013-2016 provides for actions aimed at changing the discriminatory media image of disabled people by holding a debate concerning the ways in which disabled people are presented in the media.

61. Free access to air time is granted to public benefit organisations according to the rules defined by the Regulation of the National Council for TV and Radio Broadcasting on the procedures related to unpaid broadcasting, on public radio and television channels, information concerning non-profit activities of public benefit organizations. The free access can also be granted to non-governmental organizations.

62. TVP SA regularly broadcasts programmes on disabled people:

- TV series: “The invincible: unusual stories” – documentary series, “The useful ones” – reporter’s programme, “Anna Dymna – Let’s meet” – meetings with disabled people.
- Intervention programmes.
- Daily morning talk-shows – one of them features a weekly talk on disabled people.
- Discussion of achievements in culture and sports.
- Documentary films.

63. The topic of disability is present in regional TVP channels, in particular in everyday news programmes. The presented topics include: current events, integration, cultural and sports events, adaptations and obstacles to accessibility.

64. Polskie Radio S.A. (the public radio broadcaster) regularly broadcasts programmes targeted at disabled people as well as educational programmes. The principle is to avoid a stereotypical views: even in broadcasts that concern disability exclusively, disabled people are shown in the broad context of their daily family, social and political life.

- Once a week, Polskie Radio’s Programme 1 broadcasts the “Integration” programme. Twice a month, the “Night with Channel 1” broadcast is hosted by a blind female journalist.
- Radio documentaries, Polish Radio Theatre productions, literary programmes and concerts on Programme 2 radio channel are often the only means of participating in cultural life for people with sight impairment.
- Once a week, Polskie Radio’s Programme 3 broadcasts “Within an arm’s reach”. The programme’s author has been awarded numerous prizes for promoting the inclusion of disabled people. Disabled people are also featured in “The hour of truth” programme. The topic of inclusion of disabled people is regularly discussed in programmes devoted to current events and news programmes.
- Programme 4 of the Polskie Radio discusses the issue of disabled people as part of regular radio talk-shows with young people.
- The topic of disabled people is present also on www.polskieradio.pl website.

65. In 2013 the radio granted free access to air time to public benefit organizations which support disabled people, including: Mr Smoleń Creatures Foundation, Society for the Care for the Blind in Laski, Vis Maior Foundation, Polish Association for Persons with Mental Handicap, Live with Parkinson Disease Foundation.

66. The rules of access to air time are specified in the Terms and Conditions of broadcasting programmes that present social campaigns, prepared and delivered to Polskie Radio S.A. by public benefit organizations. Priority is granted to campaigns concerning disabled people.

67. The radio initiates campaigns aimed at preventing social exclusion of disabled people. An example of such campaign is the pre-election campaign of 2011 “Elections for All”. Its aim was to reach disabled and elderly people to encourage them to participate in

the elections and create conditions for voting (polling stations adapted, transport, information).

68. The core school curriculum, as defined by the Regulation of the Minister of National Education on core curriculum for preschools and general education in specific types of schools, takes into account the task of raising the awareness of human rights.

69. The core curriculum for preschool and general education in particular school types comprises content regarding the rights of disabled people, including issues concerning disabled people in social, legal, civil, ethical and economic contexts, which help develop the attitudes of responsibility, self-esteem, respect towards others, initiative-taking and other values that are important for respecting the rights of disabled people.

Article 9 – Accessibility

70. The obligations as concerns ensuring the access to buildings (residential buildings, public utility buildings, workplaces), road and transport, information, communication and other services, including electronic services, and to emergency services are imposed on both public and private entities.

Physical environment

71. The Act on Spatial Planning and Development stipulates that the needs of disabled people are to be taken into account in planning and spatial development. Technical and construction provisions specify the requirements and parameters of investments that ensure accessibility.

72. The Building Law stipulates that a construction work has to be planned and constructed in the way specified in the provisions that define, among others, the conditions of use of public utility facilities and multi-family residential buildings by disabled people. Every design has to comprise a description of accessibility for people with disabilities. Changes to an approved construction design regarding the conditions of the building's use by disabled people constitute a significant deviation from the initial design, and as such require a formal change of the building permit.

73. A construction work which requires a building permit can be approved for use if the competent authority has not filed an objection. In the case of a construction work which requires permission for use, the Construction Supervision Inspectorate controls the building process to establish whether it is being conducted according to the conditions specified in the building permit. In the case of any inconsistencies, beside a refusal to issue permission for use, the authority imposes a fine.

74. The solutions concerning the accessibility for disabled people are included in the Regulations of the Minister of:

- Transport, Construction and Maritime Economy on detailed scope and form of construction design.
- Infrastructure on technical conditions for buildings and their orientation.

75. All public utility facilities and multi-family residential buildings constructed after 1 January 1995 have to be accessible for disabled people. However, if the investor plans to expand, rebuild or change the mode of use of an existing building, he is obliged to meet the technical and construction requirements, including the requirements concerning accessibility.

76. Ensuring accessibility of construction works built before the aforementioned date may not be possible in view of the lack of space in the given construction work, its

construction system, prohibition of intrusion into the historical parts of the structure (in the case of structures listed as historic monuments or buildings that are subject to conservation). In such cases, the accessibility requirements may be fulfilled, upon expert technical evaluation, in a different way than specified in the Regulation on technical conditions for buildings and their orientation.

Mobility and means of transport

77. “Transport Development Strategy 2020” envisages the establishment of requirements and incentives to adapt urban transport systems to the needs of people with reduced mobility.

78. Technical requirements regarding accessibility of elevated road crossings (flyovers), tramway crossings and railway crossings, pedestrian tunnels, bridges, are specified in the Regulation of the Minister of Transport and Maritime Economy on technical conditions for road structures and their orientation.

79. The Polish standards concerning the accessibility of transport include PN-Z-80100:2004 – Acoustic signals and technical aids for persons with sight impairment, as well as PN-Z-80101:2007 – Accessibility of facilities and equipment, information signs.

80. The Carriage Law requires the carrier to take actions aimed at facilitating the use of means of transport by travellers, in particular people with reduced mobility and disabled people.

81. The EU Regulation No. 181/2011 concerning the rights of passengers in bus and coach transport applies, in principle, directly. To implement the Regulation’s obligations concerning establishing terminals where assistance for disabled people and people with reduced mobility is provided, appointing the authorities responsible for implementing the Regulation, and specifying sanctions that are applicable in the cases of infringements of the Regulation, a draft amendment to the Act on Road Transport is being prepared (3rd quarter of 2014).

82. Homologation requirements for passenger vehicles, including disabled people’s vehicles, are specified in the Regulations of the Minister of:

- Infrastructure on technical conditions for vehicles and their obligatory fittings.
- Transport, Construction and Maritime Economy on approvals for types of motor vehicles and trailers and their fittings or parts.
- Infrastructure on technical conditions for trams and electric buses and their obligatory fittings.
- Infrastructure on technical conditions for metro construction works and their orientation.

As well as

- Directive 74/60/EEC on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (interior parts of the passenger compartment other than the interior rear-view mirrors, layout of controls, the roof or sliding roof, the backrest and rear part of the seats) with regard to interior fittings for transporting a disabled person.
- Directive 2001/85/EC relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver’s seat.
- UNECE Rules of procedure No. 21: Uniform Provisions Concerning the Approval of Vehicles with Regard to their Interior Fittings.

- UNECE Rules of procedure No 107: Uniform provisions concerning the approval of category M2 or M3 vehicles with regard to their general construction.
83. Railway buildings are considered in the Regulations of the Minister of Transport and Maritime Economy concerning:
- Technical conditions for railway buildings and their orientation.
 - Technical conditions for intersections between railways and public roads and their orientation.
84. Works on the amendment to the Regulation on technical conditions for railway buildings and their orientation are close to completion (3rd quarter of 2014). The amendment will introduce the following obligations:
- To delimit the danger zone and the obstacle clearance area, as well as a tactile warning strip.
 - To provide tactile markings on access ways to stairs and install visual indicators on edges of stairs.
 - To construct railway platforms of specified width.
85. The Act on Rail Transport comprises provisions on the use of rail transport by disabled people and people with reduced mobility.
86. The European Commission's decision on the technical specification of interoperability relating to persons with reduced mobility in the trans-European conventional and high-speed rail system and the notice of the President of Rail Transport Office on establishing a list of adequate national technical specifications and standardization documents are implemented by rail carriers when buying new rolling stock and modernizing existing rolling stock, as well as by rail infrastructure managers and railway station operators as part of modernization and construction of train stations and station buildings.
87. The minister in charge of transport signed agreements with PKP Intercity on public services in inter-regional and international rail services. The agreements comprise requirements for accessibility of rolling stock to disabled people.
88. Requirements for information boards that are fitted in trains and serve to provide the travellers with information were specified in the Regulation of the Minister of Transport, Construction and Maritime Economy on the methods of registering and marking of rail vehicles. The requirements for the use of colours on the information boards and screens take sight dysfunctions into consideration.
89. Since 2011, the Team for Disabled People has been operating at the President of the Rail Transport Office. In 2012, the Team assessed projects of train stations infrastructure, train stations modernization, and solutions offered by the carriers.
90. The rights of disabled people in rail transport are regulated by the Regulation (EC) 1371/2007 on rail passengers' rights and obligations. According to the Act on Rail Transport, some of the provisions of the Regulation 1371/2007 do not apply to urban, suburban and regional trains. Part of these exemptions will be in force until 2019, because the fulfilment of all requirements resulting from the Regulation would require the carriers and infrastructure managers to perform huge investments. In the case of national rail passenger connections and connections with stations outside of the EU, the exemptions of the application of the provisions are in force until 4 December 2014.
91. The www.pasazer.utk.pl website contains information on the timetables, carriage law, an interactive map describing facilities for disabled people on railway stations and

stops, as well as addresses of carriers who, when informed about a planned rail journey, are obliged to assist disabled travellers.

92. The rights of disabled people travelling by air are regulated by the Regulation (EC) No. 1107/2006 on the rights of disabled persons and persons with reduced mobility when travelling by air and the Regulation of the Minister of Transport, Construction and Maritime Economy on air transport terms and conditions implementing the provisions of the EC Regulation.

93. The Regulation (EU) No. 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway is applied, on principle, directly, while the provisions requiring implementation as national provisions have been introduced in the Polish legal system. In 2013, the following Acts were amended:

- Act on Maritime Zones of the Republic of Poland and Maritime Administration.
- Maritime Code.
- Carriage Law.
- Act on Inland Shipping.

The Act on Tourist Services was also amended to provide the authority empowered to impose fines for non-compliance with obligations set out in the regulation.

94. The Regulations of the Minister of Transport, Construction and Maritime Economy on specifying the competent offices for handling complaints concerning infringements of the rights of passengers travelling, accordingly, by sea and by inland waterways were issued.

95. Currently (3rd quarter of 2014), works on a draft Regulation of the Minister of Infrastructure and Development on the National Civil Aviation Facilities Programme are being held. The Programme envisages the possibility of air carriers providing the passengers with information on the rights of disabled people that are specified in the Regulation (EC) No. 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

Services provided to the public

96. The Telecommunications Law obliges providers of universal telephone services to provide facilities for disabled people and ensuring access to telephone services equivalent to the access of most of the end users.

97. The requirements concerning facilities for disabled people are specified in the Regulation of the Minister of Administration and Digitization on detailed requirements for provision of accommodations for disabled people by universal telephone service providers.

98. The new provisions:

- Oblige the universal telephone service providers to adapt the subscriber service offices to the needs of disabled people, especially by fitting the offices with devices allowing for an on-line connection with a sign language interpreter or a Signed Polish interpreter. Alternatively, service providers are obliged to ensure the possibility of the assistance of a sign language interpreter or a Signed Polish interpreter; offices are to be fitted with a device that facilitates text enlargement and adaptation to the needs of people with restricted mobility.
- Specify the user requirements for devices adapted to the needs of disabled people, as well as requirements for public devices adapted to the needs of disabled people.

- Oblige service providers to provide assistance with device or telephone service configuration.
- Oblige the service provider to ensure accessibility of websites to disabled people with sight impairment (adaptation to WCAG 2.0 standards).

99. The President of the Office of Electronic Communications publishes information on users' devices adapted to use by disabled people and available on the market on the Office of Electronic Communications Public Information Bulletin website.

100. The Postal Law stipulates that an operator who provides universal postal services shall ensure accessibility to disabled people and defines the method of ensuring access by:

- Organizing the work of offices in a way that permits wheelchair users to access the services.
- Creating appropriately marked service desks.
- Placing postal outboxes in a way and in a place that enables wheelchair users to use them.
- Deliver letters, registered mail, postal orders with the omission of letter-box and without the need to collect the mail in the operator's post office to people with physical impairment that causes the necessity to use a wheelchair, as well as blind people, upon their request.
- Collecting non-registered mail from a disabled person in their place of residence.

101. Solutions concerning the services for people with reduced mobility are defined in the Regulation of the Minister of Administration and Digitization on conditions for providing universal postal services by a designated operator.

102. At the end of 2012, 98.2% of post offices were adapted to the needs of disabled people.

103. Adaptation works are held as part of the construction of new post offices and renovation of the existing ones.

104. In 2013, Poczta Polska S.A. launched a pilot programme aimed at improving the access of deaf-mute people and people with hearing impairments to postal services. The pilot programme consists in assessment of the functioning of facilities, which allows the deaf-mute customers and customers with hearing impairments to communicate with a post office worker through an on-line sign language interpretation system.

105. In 2011, the Polish Bankers' Association established the Team for Services for Disabled People. As a result of the Team's work the document "Best Practice" was completed in 2013. The document contains the guidelines of adaptation of banking services to different kinds of disability. As far as access to on-line banking is concerned, the use of WCAG 2.0 is recommended. Alternative channels of access to every service should be used.

106. The National Bank of Poland finances or co-finances materials in Polish Sign Language and carries out information campaigns in the Polish Sign Language. In 2013, the Bank ran the campaigns "The principles of safe loans and financial services" and "Stars use sign language".

Public procurement

107. The Public Procurement Law does not impose any obligations as to ensuring accessibility of the object of the procurement to disabled people. The requirements as to the

accessibility result from other provisions (construction law, transport or telecommunications provisions).

108. More information – paragraphs 438-440.

Promotion of accessibility – universal design

109. The MPiPS:

- Organises annually a conference on universal design.
- Translated the “Thematic Report on Universal Design” into Polish.
- Included the tab on accessibility and universal design on the website of the BON.
- Designed leaflets promoting universal design.

110. The MPiPS cooperates with universities and cultural institutions to popularize the idea of accessibility. It has also started cooperation with local self-government authorities.

111. In 2013, the first Polish universal design visual branding system was developed.

112. As part of work carried out on the project of the National Urban Development Policy, a recommendation concerning shaping of space, in particular public space, according to the standards of universal design was formulated. The works are to be completed in the 4th quarter of 2014.

113. The issue of universal design is discussed by the Construction Law Codification Commission. The proposals developed by the Commission were subject to public consultations in 2013 and will constitute the basis for the development of the Urban and Construction Code.

114. The task of the Technical Committee for Disabled People, established as part of the Polish Standardization Committee, is organizing the standardizing activities according to European and international solutions. The activity of the committee comprises:

- Devices that facilitate participation in social life.
- Orientation in the public space, access to buildings and facilities.
- Items of day-to-day use, clothing, footwear and interior design elements, rehabilitation and assistance equipment.

Article 10 – Right to life

115. The Constitution protects every person’s right to life.

116. The Kk criminalises acts that consist in:

- Intentional or non-intentional taking of life.
- Instigation or granting help leading to another person’s attempt at taking his life.
- Taking the victim’s life upon his request and motivated by compassion felt towards him.
- Termination of a pregnancy with the infringement of the Act on Family Planning, Human Foetus Protection and Preconditions for the Admissibility of Abortion, abortion with the use of violence against a pregnant woman or aborting in any other way without the consent of the woman or leading the woman to abortion with the use of violence, unlawful threat or deception.

Article 11 – Situations of risks and humanitarian emergencies

117. The Police ensure the possibility to be assisted by a third person, a sworn interpreter of sign language, to communicate through text messages (SMS) and electronic mail. Investigations are conducted in locations and at times convenient for disabled people. If necessary, the Police use the support of the Polish Association of the Blind.

118. Examples of other measures:

- Publication of a non-discrimination guidebook that refers to disabled people; publication of the guidebooks “Practical savoir-vivre of relations with disabled people”, “When you meet a blind person”, “The Police without barriers”.
- Training in communication with disabled people and in sign language.
- Campaigns, debates, meetings concerning the safety of disabled adults and children, including events with interpretation into sign language.
- Debates on how disabled people should use road and transport infrastructure.
- Reviews of pedestrian crossings (jointly with representatives of road management authorities): appropriate signs, lighting, acoustic signalling.

119. The National Police Headquarters has developed information about Police buildings and facilities accessible for disabled people. It is available on the Police’s website.

120. The Act on State of Natural Disaster defines the mode of introduction and calling off of the state of natural disasters and the guidelines for public authorities tasks. Solutions are applied for each case of a natural disaster, after an assessment of the actual needs. The experience of the entities that participate in emergency operations indicates that there is no need to develop special procedures targeted at disabled people.

121. The solutions to be applied in the case of disabled victims of floods are defined by the Act on Special Measures Designed to Remove Consequences of Floods:

- Allocating funds from PFRON to maintain the jobs of disabled people threatened with redundancies due to floods, redevelopment of the damaged or destroyed infrastructure and equipment of occupational therapy workshops, vocational activity establishments and sheltered work enterprises, purchase of the necessary rehabilitation equipment.
- Write-off of PFRON loans granted to sheltered work enterprises and disabled people before the flood in order to set up their own business or farming activity.
- Allocating a proportion of the statutory company fund for rehabilitation to re-create the infrastructure, equipment damaged or lost as a result of the flood, to re-establish job positions of disabled people and facilitate rehabilitation of such persons.

122. The conditions and mode of international protection of foreigners is regulated by the Act on Granting Protection to Aliens Within the Territory of the Republic of Poland. The Act contains regulations concerning disabled foreigners.

123. A foreigner who informs the proceeding agency about his disability undergoes medical or psychological examination to confirm his state of health. If the examination confirms that the foreigner is disabled, the refugee status proceedings are conducted in the following manner:

- In conditions that ensure freedom of speech and in the manner that best matches the person’s psychological and physical state.
- On the dates and times matching the person’s mental and physical state.

- With participation of a psychologist or a medical doctor and, if necessary, an interpreter of sex indicated by the foreigner.
- By a person of sex indicated by the foreigner who has been trained in contacts with disabled people.

124. A disabled foreigner residing in the reception centre for foreign nationals applying for refugee status shall have access to transport to testify and declare his statements in the services. The proceedings may take place in the place of residence of the foreigner if his state of health requires it. As a rule, foreigners whose mental and physical state justifies the presumption that they have been subject to violence or are disabled are not detained or placed in guarded centre unless the foreigner poses a threat to the safety, health or the lives of other people in the centre.

125. Disabled foreign nationals who apply for refugee status in Poland are accommodated in accessible centres (3 out of 12 reception centres). As part of the project “Improving accommodation conditions and purchase of equipment and materials for the reception centres run by the Office for Foreigners in 2010”, additional medical equipment was purchased. The purchase of equipment and improvement of infrastructure will be continued in the next years.

Article 12 – Equal recognition before the law

126. Poland has filed the declaration concerning Article 12 of the Convention.

Legal capacity and capacity to perform legal acts

127. The Kc stipulates that each person has legal capacity from the moment of birth. It is not possible to take away someone’s legal capacity.

128. The Kc permits limitation of capacity to perform legal acts or full incapacitation. A person aged 13 or more may be subject to full incapacitation if, as a result of a mental illness, a mental deficiency or other mental disorder the person is unable to control his behaviour and conduct. An adult may be partially incapacitated due to a mental illness, a mental deficiency or other mental disorder if his state of health does not justify full incapacitation but the person needs assistance to handle his affairs.

129. Guardianship shall be established for a fully incapacitated person, unless the incapacitated person remains under parental authority. For partially incapacitated persons, curatorship (wardship) shall be established.

130. Disability is not a premise that justifies incapacitation. The premises that justify incapacitation are the state of mental health and intellectual capacity and only as long as they result in that the person is unable to control their behaviour and conduct (full incapacitation) or the necessity of use of assistance when handling one’s own affairs (partial incapacitation). Therefore, the premises for incapacitation include not only a mental illness, a mental deficiency or other mental disorder, but also the necessity to have assistance in handling own personal and financial affairs. This position is confirmed by rulings of Polish courts.

131. Ruling in incapacitation cases falls within the jurisdiction of regional courts that issue their rulings through three professional judges. The solution results from the recognition of the significance of incapacitation cases and the necessity to provide special safeguards for the rights of persons who may become incapacitated. The court made of three professional judges guarantees extensive professional and life experience.

132. The Guardianship Court exercises supervision over court-appointed guardians and curators. The supervision consists in an ongoing control of their activities and giving the guidelines and orders. On dates specified by the court and at least once per year the guardian or the curator must file a report, including the documentation of expenses. In practice, court audits are performed once per quarter and, if deemed necessary, more frequently.

133. The court may revoke incapacitation if the causes of the ruling have ceased to exist; the court may also, if the person's state of health improves, change full incapacitation into partial incapacitation, and if his state of health deteriorates, change partial incapacitation into full incapacitation. The right to file an application for the incapacitation rescission proceedings or the proceeding to change incapacitation status rests, among others, with the incapacitated person himself.

134. There is a range of procedural warranties defined by the Kpc that safeguard the rights of disabled persons who are parties to incapacitation proceedings. These include in particular:

- Civil society organizations may enter the incapacitation proceedings at any stage.
- The court may appoint a power of attorney for the person in question; this applies to cases for rescission of incapacitation or change in incapacitation status.
- Incapacitation proceedings are conducted in two instances of courts.
- Appeal measures filed by the person who is the subject of incapacitation proceedings, cannot be rejected due to formal faults.

Supported decision-making.

135. According to the Krio, it is possible to appoint a curator for the disabled person if the person requires assistance in handling his affairs or in the handling of the particular case. According to the Kpc, the court appoints a curator upon motion of the disabled person or, if the disabled person consents, upon motion of a civil society organization whose task is to protect the rights of disabled people. The Code also provides for a possibility of an *ex officio* curator appointment by the court. The scope of obligations and rights of curators is defined by the court in each individual case.

Draft of amendments to incapacitation legislation

136. Currently (3rd quarter of 2014), works are under way to develop the draft framework for amendment to the Kc, the Kpc, the Krio, the Act on Family Support and Foster Care System and some other acts. According to the draft, the guardianship over a fully incapacitated person, curatorship over a partially incapacitated person and curatorship over a disabled person will be replaced by a flexible form of care, each time adjusted to particular needs of the person with intellectual disability. The care will be established as assistance in handling one's affairs, and the scope of duties and authority of the guardian will be strictly dependent on the mental status of the person. Full incapacitation will be replaced by a limitation of capacity to perform legal acts when the latter is necessary due to the disabled person's state of health.

Support for disabled people

137. According to the Act on Social Assistance, specialist counselling, including legal one, is provided to persons and their families that require such assistance.

138. The Citizen's Counselling Bureaus (35 Bureaus) provide information and counselling on issues related to tenancy and accommodation, family law, social benefits,

employment, finance, disability, consumer's rights, interpersonal relationships and ownership rights. Information and counselling are also provided by specialist non-governmental organizations and public institutions.

139. The PFRON provides funding for projects implemented by non-governmental organizations that ensure access to legal services and counselling. In 2013, 41 applications were filed to implement information and counselling points in the years 2014-2015.

Ownership right

140. Ownership right is not limited on the grounds of disability.

Article 13 – Access to justice

141. The Constitution ensures the right of every person to fair and public hearing of his case, without undue delay, by a competent, independent, impartial and sovereign court; the statutes must not restrict to any person the legal means of asserting breached freedoms or rights.

142. The Kpc does not make distinction between persons with and without disabilities in terms of all procedural guarantees.

143. The Kpc facilitates participation of disabled persons in proceedings

144. Parties to and participants of a civil proceeding have the right to obtain sound recordings from the case files unless the court record was prepared in writing. Electronic court records have not yet become fully available, but the ongoing investments make access to electronic records in all courts a matter of close future.

145. The Kpa facilitates participation of disabled persons in proceedings.

146. The Law on Proceedings Before Administrative Courts provides that court sessions should be held in the seat of the court, and can be held outside the seat of the court when doing so facilitates the proceedings of the case or contributes to saving costs.

147. The Kpk does not restrict the right to participate in court proceedings on the grounds of disability, nor does it remove the obligation to participate in the proceedings.

148. Under the Kpk the accused party must have an attorney if he is deaf, mute or blind, or if there is reasonable doubt as to his mental sanity. The defendant must have an attorney also if it is considered necessary by the court in view of the circumstances hindering the defence. Depending on the type and severity of disability, an individual may be examined with the participation of a sign language interpreter, a physician or an expert psychologist. The hearing of a disabled witness can be conducted in the place of the witness' residence. As far as delivery of the documents is concerned, should the disability prevent the recipient from confirming the receipt, the delivering party must establish an appropriate note on the return receipt; thus the delivery is considered completed.

149. In the years 2012-2013 the National School of the Judiciary and Prosecution Service organised a training course "Working methodology of the judge adjudicating in criminal proceedings of the Court of First Instance at the stage of fact-finding proceedings" which included the subject of "The elements of strategy and techniques of hearing the defendant and the witness in the criminal proceeding, including persons belonging to vulnerable groups (the elderly, persons with mental disorders and persons with an intellectual disability)". Trainee judges and prosecutors, during their studies at the National School of the Judiciary and Prosecution Service, participate in theoretical and practical training courses devoted to the rights of disabled persons.

150. The Law on Notarial Deeds provides for adaptations if a person taking part in a notarial deed is disabled.

Article 14 – Liberty and security of the person

Fundamental guarantees

151. The Constitution guarantees the following:

- Freedom of the person shall receive legal protection. Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law.
- Personal inviolability and security shall be ensured to everyone. Any deprivation or limitation of liberty may be imposed only according to principles and under procedures specified by statute.
- Anyone deprived of liberty, except by sentence of a court, shall have the right to appeal to a court upon the lawfulness of such deprivation. Any deprivation of liberty shall be immediately made known to the family of, or a person indicated by, the person deprived of liberty.
- Anyone deprived of liberty shall be treated in a humane manner.
- Anyone who has been unlawfully deprived of liberty shall have a right to compensation.

152. The Kk penalises physical and mental abuse of a person who is vulnerable because of his mental or physical condition. Furthermore, unlawful deprivation of liberty of a person is penalised.

153. A person can be placed in a care home, residential health care facility or residential care centre upon his request or, if the person is incapacitated, upon the request of his statutory representative. If the placement of a person in a care home or another facility is requested by his statutory representative, the consent of a guardianship court is required. An incapacitated person shall have the right to express his opinion on the placement.

154. Under the Act on Social Assistance, in exceptional circumstances, a person can be placed in a care home or another facility without his consent or the consent of his statutory representative if the person:

- Is absolutely unable to meet his basic needs.
- Cannot function independently in day-to-day life.
- Cannot be provided with necessary support in the form of assistance services.

155. In such cases, the decision is taken by a guardianship court upon the request of a care home, a social assistance centre or the prosecutor.

156. Under the Act on Mental Health Protection, anyone who, by reason of a mental illness or mental handicap, is unable to meet his basic needs, is not provided with support of other people and requires constant care but, at the same time, does not require hospital treatment can be placed in a care home with his consent or with the consent of his statutory representative. If the placement of a person in a care home or another facility is requested by the statutory representative, the consent of a guardianship court is required. An incapacitated person shall have the right to express his opinion on the placement.

157. Anyone who, by reason of a mental illness or mental handicap, is unable to meet his basic needs, is not provided with support of other people and requires constant care but, at

the same time, does not require hospital treatment can be placed in a care home without his consent or the consent of his statutory representative if the lack of assistance would pose a danger to the life of the person. In such cases, a social assistance centre or the director of a psychiatric hospital petitions for the placement in a care home to a guardianship court.

158. A person placed in a care home upon the decision of a guardianship court as well as his statutory representative shall have the right to ask the court to reverse the decision.

159. The Regulation of the Minister of Justice on surveillance of admissions and hospitalization of persons with mental disorders in psychiatric hospitals and care homes and documenting such surveillance regulates matters such as admissions to psychiatric hospitals and care homes, staying in these facilities, observance of the patient's rights, conditions in the facilities.

160. Currently, (3rd quarter 2014) a draft amendment to the Act on Mental Health Protection is being worked upon. The amendment should increase legal protection of persons with mental disorders who are placed in care homes (according to the judgment of the European Court of Human Rights in the case of *Kędzior v. Poland* [Application No. 45026/07] and the decision of the Constitutional Tribunal of 24 July 2013, [Kp 1/13]).

161. Under the draft:

- The consent of a person who, by reason of a mental illness or mental handicap, is unable to meet his basic needs, is not provided with support of other people and requires constant care but, at the same time, does not require hospital treatment, is required to place him in a care home (as long as he is able to give consent).
- In the case of contradictory statements of an incapacitated person and his statutory representative, the decision on the placement shall be taken by a guardianship court.
- The assessment of the mental condition of a person placed in a care home without his consent shall be performed upon his request or the request of his statutory representative, no more than once in six months.
- If the mental condition of a person placed in a care home improves, the court can reverse the decision concerning the placement in a care home, *ex officio* or upon request.
- A person who is the subject of proceedings shall receive a court appointed attorney without there being a need to file a motion if, by reason of mental condition, he is unable to file a motion and the court considers that an attorney should take part in the proceedings.

162. Since 2008, on the grounds of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Human Rights Defender has been carrying out the tasks under the National Preventive Mechanism. Care homes and psychiatric hospitals are included in the definition of places of detention.

Executing the penalty of deprivation of liberty

163. Under the Kkw, to choose the appropriate system of penalty execution and the type of correction unit as well as to create conditions supporting treatment of the given convicted and to ensure personal safety, a classification of the convicted shall be conducted.

164. In the case of disabled people, the penalty of deprivation of liberty shall be executed based on general applicable principles, taking into account the limitations resulting from physical disability. No wards for disabled people shall be created as this would oppose the rules and standards concerning the integration of this group of people. The convicted with non-psychotic mental disorders, mental handicap and physical disability who require

specialist support, health care and rehabilitation, serve their sentence in the therapeutic system. According to the Regulation of the Minister of Justice on penitentiary treatment in prisons and custody suites, the convicted that have been qualified to serve their sentence in the therapeutic system shall be placed in specialist units, such as units for persons with mental disorders, mental handicap or physical disability. The correction unit in Bydgoszcz Fordon has a unit for the blind. They are placed in double cells together with a carefully chosen inmate who acts as a guide and carer.

165. Between 2008 and 2014, the Prison Service ran the project “Social and vocational activation of disabled sentenced persons and of persons deprived of liberty on the grounds of Article 207 §1 and Article 209 §1 of the Kk.” Support was provided for 372 disabled sentenced persons. They were offered vocational training and took part in activation courses. The third stage of the programme was job placement.

166. Training courses for the officers and employees of the Prison Service are devoted, among others, to the issue of disabled people who are deprived of liberty.

167. New correction units meet the accessibility requirements defined in the Building Law and the Regulation of the Minister of Infrastructure on technical conditions for buildings and their orientation. The Regulation exempts certain parts of correction units and pre-trial detention units from the requirement of being accessible, accordingly to the purpose of these buildings (prisoners cannot move around the premises freely so there is no need to make the premises fully accessible).

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

168. The Constitution states that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

169. Acts consisting in torture or cruel, inhuman or degrading treatment or punishment are penalised under the Kk.

170. Under the Kkw, penalties as well as punitive, protective and preventive measures shall be imposed in a humane manner, with respect for the dignity of the convicted.

171. The Constitution prohibits conducting scientific experimentation, including medical experimentation, without consent of the participant. The Act on Professions of Physician and Dentist lists the conditions for medical experimentation (research experimentation and therapeutic experimentation) on human beings.

172. A person who is to undergo a medical experiment shall be informed about the goals, methods and conditions of conducting the experiment, expected therapeutic benefits or benefits for research purposes, as well as the risk and the possibility to withdraw at any stage of the experiment. To conduct a medical experiment, a written consent of the participant is required. If the person cannot give consent in writing, oral consent may be given in the presence of two witnesses. If the person who is to undergo an experiment has full legal capacity but is unable to express an opinion, the consent of a guardianship court is required.

173. The consent for the participation of an incapacitated person in a therapeutic experiment is granted by his statutory representative. If the incapacitated person is able to express an opinion, his written consent is required. The consent of an incapacitated person or a person who is unable to express an opinion may also be granted by the court, upon the request of the entity conducting the experiment. In urgent cases and when there is a direct threat to life, the consent is not required.

174. Persons who are totally or partially incapacitated cannot take part in research experiments.

Article 16 – Freedom from exploitation, violence and abuse

Fundamental guarantees

175. The Kk penalises mental and physical mistreatment of a person close to the perpetrator, or another person being in a permanent or temporary state of dependence to the perpetrator, a minor or a person who is vulnerable because of his mental or physical condition. The penalty is more severe if the act is compounded with particular cruelty. Other acts penalised under the Kk include:

- Abandoning a person who is helpless by reason of his mental or physical condition.
- Striking or breaching personal inviolability in another manner.
- Causing disturbance to the functioning of a bodily organ or disturbance to health.

176. The perpetrator of violence within the family takes part in correction and educational activities, his consent is not required. The Kpk obliges the perpetrator to refrain from contacting the victim and other persons as well as to leave the accommodation he shared with the victim.

177. The Code of Petty Offences enhances the protection against violence by obliging anyone who has the obligation to care for and supervise persons unable to recognise and protect themselves from danger to prevent these persons from being exposed to violence.

178. The Krio prohibits corporal punishment.

179. The Act on Social Assistance guarantees protection against violence for persons staying in care homes.

180. The Regulation of the Minister of Labour and Social Policy on care homes guarantees the observance of rights of inhabitants and grants them access to information on their rights. The inhabitants shall be entitled to file complaints and motions to the manager of a care home or a member of the team of therapists and carers.

181. The supervision over the care homes and other facilities which provide 24/7 care for persons with disability or chronic illness and the elderly as well as over the services is exercised by the voivode. The Regulation of the Minister of Social Policy on supervision and control within the social assistance system determines how the control is exercised.

Support to victims of violence

182. The Act on Prevention of Violence within the Family lists complex solutions related to combating violence within the family.

183. A person affected by violence shall be provided with help in the form of:

- Medical, psychological, legal and social counselling.
- Crisis intervention and support.
- Protection against further harm through the prevention of the perpetrators of violence from living in a common flat with other family members, as well as through a ban on contacts between the perpetrator and the aggrieved person.
- Provision of safe shelter in a specialist centre for victims of violence within the family.

184. The Act on Social Assistance enumerates solutions which can be used to provide assistance for victims of violence:

- Specialist counselling – legal, psychological and family counselling.
- Crisis intervention.
- Support for families who have problems carrying out their tasks (family counselling, family therapy – psychological, pedagogical and sociological activities; social work; providing children with care and education outside the family).

185. The National Programme on Counteracting Violence within the Family 2006-2016 focused on five key areas:

- Diagnosing of violence within the family.
- Raising awareness and social sensitivity.
- Training the staff.
- Protecting and supporting victims.
- Influencing perpetrators by correction and educational programmes.

186. Under the programme, in 2009 a campaign against violence towards disabled people and the elderly was implemented. A study on violence against people with disabilities and the elderly was conducted. The findings of the study indicate that physical, psychological, economic and sexual abuse towards the elderly and the disabled is quite rare. The findings were published in two reports: “Violence within the Family towards Disabled People and the Elderly, Part 1, National Study Findings” and “Violence within the Family towards People with Disabilities and the Elderly, Part 2, Findings from the Study on Professionals”. The reports are available on the website of the MPiPS.

187. Implementation of the programme for 2006-2016 was completed in 2014. A new National Programme on Counteracting Violence within the Family is carried out between 2014 and 2020. It focuses on four key areas:

- Prevention and social education.
- Protection and support for victims of violence within the family.
- Influencing the abusers.
- Raising the competence of the staff.

188. The Human Rights Defender and the Commissioner for Children’s Rights have the right to control the entities which carry out the tasks related to counteracting violence within the family.

Article 17 – Protecting the integrity of the person

Expression of consent to medical services

189. According to the Act on Patients’ Rights and Commissioner for Patient’s Rights and the Act on Professions of Physician and Dentist, the patient has the right to:

- Receive full information on the health status.
- Express his opinion on these matters when contacting the medical doctor.
- Express his consent to receive health care services.

190. A statutory representative expresses consent on behalf of a patient who is fully incapacitated or who is unable to do it. If there is no statutory representative, the consent shall be expressed by the actual caregiver. An incapacitated person or a mentally ill patient or a patient with an intellectual disability who has a sufficient understanding of the situation is entitled to express his objection. In such cases the permission to provide a service is granted by the guardianship court. Consent and objection may be expressed orally or by such behaviour on the part of the person that indicates beyond any doubt the person's will. In the case of surgeries or application of treatment methods or diagnostic methods that pose an increased risk for the patient, the consent shall be expressed in the written form exclusively. In the case of the person's incapacity to express his consent in writing, the provisions of the Kc shall apply.

191. If the patient does not have a statutory representative or actual caregiver or communication with representative or caregiver is impossible, the medical doctor may perform the surgery or apply a treatment or a diagnostic method that poses an increased risk for the patient only upon permission of the guardianship court.

192. Medical examination or rendering of any other medical services without the patient's consent is only possible when the patient requires immediate medical assistance and, due to his state of health or age, he cannot express his consent and there is no possibility of communicating with the statutory representative or actual caregiver. The decision to undertake medical intervention in such circumstances shall be, if possible, consulted with another medical doctor. The circumstances of such intervention shall be recorded in the patient's medical file.

193. The conduct in the case of admissions to psychiatric hospitals without the patient's consent and the circumstances of the application of physical coercion are specified in the Act on Mental Health Protection.

194. A mentally ill person or a person with an intellectual disability who is unable to express consent or his opinion as to the hospitalization or treatment can be admitted to psychiatric hospital on basis of a decision of the guardianship court. In urgent cases, the person may also be hospitalised without prior court permission. If possible, the medical doctor responsible for the admission is obliged to acquire a written opinion from another medical doctor, preferably a psychiatrist, or a written opinion from a psychologist. The hospital is obliged to immediately notify the guardianship court to obtain the permission to hospitalise the person.

195. Admission to a psychiatric hospital of a minor or a fully incapacitated person takes place upon written consent of the person's statutory representative. If the admission pertains to a minor aged over 16 or a fully incapacitated person who is able to express consent, his consent is required prior to hospitalization. In the case of conflicting statements the permission shall be issued by the guardianship court. The consent of the guardian of a fully incapacitated person is expressed upon agreement of the guardianship court; in urgent cases it is not necessary to obtain the court's permission. The hospital shall immediately inform the guardianship court about admission to psychiatric hospital to initiate the proceedings regarding admission.

196. A mentally ill person may be admitted to a psychiatric hospital without the person's consent and without the consent of the person's statutory representative if the person's behaviour indicates that the illness poses a direct threat to the person's life or the lives of other people. The admission shall be decided upon by a medical doctor, if possible after consultation with another medical doctor. The admission shall require confirmation by the ward director within 48 hours. The hospital shall inform the guardianship court within 72 hours. The court initiates the proceedings regarding admission to a psychiatric hospital.

197. A person may be admitted to a psychiatric hospital without his consent or the consent of the guardianship court if the person's behaviour indicates that non-admission may lead to a significant deterioration of the person's mental health or if the person is unable to independently cater for his basic needs, and if there is a justified prediction that hospitalization and psychiatric treatment will improve the person's health. Hospitalization is decided by the guardianship court upon an application filed by the patient's spouse, direct relatives, siblings, statutory representative or the patient's actual caregiver.

Protection of patients' rights

198. The Kk stipulates that the person who performs medical intervention without the patient's consent is subject to the penalty of restriction of liberty or imprisonment.

199. The Act on Chambers of Physicians contains provisions on the responsibility of medical doctors for actions violating the ethics and deontology and for infringement of the provisions concerning the conduct of medical doctors.

200. Protection of patients' rights is ensured by the Commissioner for Patients' Rights.

201. The Act on Mental Health Protection appointed Commissioners for the Rights of Patients of Psychiatric Hospitals.

202. Control of admissions of persons with mental illnesses to psychiatric hospitals and control of their hospitalization – paragraph 159.

Article 18 – Liberty of movement and nationality

Citizenship, identification documents

203. The Constitution stipulates that Polish citizenship is acquired by being born to parents who are Polish citizens and that a Polish citizen shall not lose Polish citizenship except by renunciation thereof. These stipulations are generally applicable.

204. Issuance of identification documents is regulated by the Act on Registration of Population and Identity Cards as well as the Regulation of the Council of Ministers on specimen of the identity card and proceedings for identity card issuance, annulment, exchange, return or loss. These provisions specify the procedures adapted to the needs of disabled people.

205. The Decree of the President of the Republic of Poland on specimen of application form for granting Polish citizenship, requirements regarding photographs attached to the application form and specimens of the act of granting Polish citizenship and the notification of refusal to grant Polish citizenship does not provide for a procedure in the case of inability of handwritten filling of the application forms and establishment of other required documents, neither does it permit the possibility of filing photographs taken with sunglasses on. Problems occur extremely rarely and are resolved on an *ad hoc* basis, there is no need to introduce procedural provisions.

Children's rights

206. The provisions pertaining to reporting childbirth, naming, acquiring citizenship, and parental authority are contained in the Constitution as well as the Civil Status Acts Law and the Krio. These provisions are applied generally.

Freedom of movement

207. The Constitution stipulates the following:

- Everyone may freely leave the territory of Poland, with the exceptions defined in statutes.
- A Polish citizen may not be expelled from the country nor forbidden to return to it.
- Anyone whose Polish origin has been confirmed according to statute may settle permanently in Poland.

208. The Act on Passport Documents guarantees every citizen the right to receive his passport. The Kpa provides for procedural adaptations to different types of disabilities. The Regulation of the Minister of Interior and Administration on passport documents contains provisions on the exceptions to the requirements concerning biometric photographs.

209. According to the Act on Aliens¹, in residence legalisation proceedings concerning foreigners from beyond the EU the provisions of the Kpa shall apply unless the Act on Aliens provides otherwise. Through an empowered representative, a party may, *inter alia*, file an application to extend the visa, for the residential permit for a defined period of time, the settlement permit, the long-term EU residence permit, or file a complaint and deliver the required documentation. The Act stipulates that it is necessary for the foreign applicant to collect in person the residence card. Appearance in person is necessary to verify the applicant's personality.

210. The requirement of personal action of the applicant is also formulated in the Act on Entry Into the Territory of the Republic of Poland, Sojourn and Leaving this Territory by Citizens of the EU Member States and Their Family Members.

After initiation of the proceedings it is possible to act through a power of attorney.

211. Disability does not have any influence on the rights of foreigners to enter and stay in the territory of the Republic of Poland.

Article 19 – Living independently and being included in the community

212. The Constitution guarantees every person the right to decide on his personal life and the right to choose their place of residence and sojourn. Limitations may only be imposed by an Act.

213. There are no legal limitations whatsoever as to the access of disabled people to generally available services and devices. Actual hindrances may result from a person's disability. These are levelled off, to a possible extent, by universal design solutions or solutions facilitating accessibility for disabled people.

214. The Act on Social Assistance provides for care services in the place of residence, in support centres and family care homes as well as provides for specialist care services in the place of residence and support centres. Such services shall be available to persons who live alone and, due to their age, illness or for other reasons require assistance from others and are deprived of such assistance. Care services and specialist care can also be provided to persons who require assistance of others while their family is unable to provide such services.

¹ In 2014, the new Act on Aliens entered into force; the provisions described above have not been changed.

215. Care services include assistance in satisfying day-to-day needs, hygiene care, nursing and, to a possible extent, ensuring contacts with his environment. The scope of the services, their form and duration are decided upon individually.

216. The Regulation of Minister of Social Policy on specialist care indicates the types of services adapted to the person's needs resulting from an illness, condition or disability. The services are rendered by a social worker, a psychologist, a pedagogue, a speech therapist, an occupational therapist, a nurse, a disabled person's assistant, a community care worker, a specialist in medical rehabilitation, a physiotherapist or another professional, depending on the given person needs.

217. A support centre is a form of daily support for persons requiring partial support and assistance in satisfying their day-to-day basic needs. Within a support centre there may also be temporary 24/7 stay facilities.

218. If it is not possible to ensure care services in the place of the residence, the person may avail of care and support services offered by family care homes. The standard, type and scope of care and support services offered by family care homes, the fees and supervision are defined in the Regulation of the Minister of Labour and Social Policy on family care homes.

219. Care and support services are rendered 24/7 by natural persons or by charities for no fewer than three and no more than eight persons in one home who require support due to their age or disability.

220. According to the Regulation of the Minister of Labour and Social Policy on sheltered housing, the person who requires support in day-to-day life may avail of the sheltered housing. The objective is to prepare for independent living or to replace a stay in a centre or facility ensuring round-the-clock assistance.

221. The Act on Mental Health Protection contains provisions on support for persons who are mentally ill or have an intellectual disability. The support consists in the following:

- Maintenance and development of the skills necessary to live an independent and active life.
- Organization of support from the family, other people, civil society organizations and institutions.
- Provision of financial and material assistance as well as other types of assistance.

222. The support facilities for persons with mental illnesses and disorders are: the community self-help homes or self-help clubs. The Regulation of the Minister of Labour and Social Policy on community self-help homes regulates the functioning of such homes, qualifications of the personnel and the standard of the services rendered in such homes.

223. Organization and provision of care services and social support services is the task of gminas. This can be implemented by the personnel of a social assistance centre or contracted to an external entity. Service users reimburse the cost of services in part or in full if the income per person in the beneficiary's family exceeds the established income limits.

224. According to the Act on Social Assistance specialist counselling, in particular legal, psychological and family counselling, is provided to persons and their families who have difficulties or need support as regards their day-to-day problems, regardless of their income.

225. The aim of the disabled person's assistant work is to increase the quality of life of the person by facilitation of day-to-day activities, developing the person's independence and, in some cases, creating the conditions for the person's self-responsibility for

rehabilitation. The assistants may be employed by social assistance centres or by non-public entities that are contractors who provide social assistance services.

226. The aim of the “Regional differences levelling programme II” is to provide access to vocational and social rehabilitation for disabled people who live in economically and socially underdeveloped areas.

227. Funding from the programme may cover the following endeavours:

- Removal of barriers in medical institutions, official authorities buildings, educational facilities (architectural obstacles and in communication).
- Removal of transportation barriers – reimbursement of a proportion of costs of vehicle purchase or adaptation.
- Co-financing the own contribution necessary in activation and/or integration projects.
- Establishment of occupational therapy workshops (adaptation, modernisation or facility reconstruction, purchase of the necessary equipment).

228. Support in independent functioning is facilitated by aids and technical support. Polish Standards and Polish Standardisation Documents pertain to aids for personal mobility, aids for household assistance, equipment and adaptation of homes and other premises, aids for communication and information, aids for easier operation of devices and products, aids for improvement of the person’s environment, his tools and machinery, aids for leisure.

Article 20 – Personal mobility

229. Disabled people may receive contribution from PFRON for the following:

- Purchase of orthopaedic items and auxiliary appliances.
- Removal of transportation barriers (co-financed within PFRON’s programme “Active local government”).

230. Polish Standards and the Polish Standardisation Documents refer to:

- Wheelchairs.
- Elevators and platforms for transporting disabled people.
- Walking aids.

231. Assistance of an assisting dog is regulated by the Act on Vocational and Social Rehabilitation. An assisting dog must have the certificate issued according to the Regulation of the Minister of Labour and Social Policy on issuing certificates for assisting dogs.

232. A person with an assisting dog has the right to enter all public facilities. The person may travel with the dog using rail, road, airborne and water transportation as well as other public means of transport.

233. A disabled person who owns an assisting dog is exempt from the dog owner’s tax.

234. Specialist care services may include the following:

- Learning and development of independent day-to-day living skills.
- Physical rehabilitation and improvement of the impaired functions of the organism.

235. The Act on Vehicle Drivers and Regulation of the Minister of Transport, Construction and Maritime Economy on examination of persons applying for driving licenses, training, examination and conferring ratings to examiners as well as templates of documents facilitate the process of obtaining licenses to drive vehicles by disabled people.

236. The disabled person's parking card is issued on the basis of the person's disability certificate, the certificate of the degree of disability and the statement containing indications as to the person's reliefs and entitlements. The Road Traffic Law stipulates that a disabled person in possession of the disabled person's parking card may ignore some road signs. The provisions regarding this matter are contained in the Regulation of the Minister of Infrastructure and Minister of Interior and Administration on road signs and traffic signals. These provisions also apply to a driver transporting passenger who is in possession of the disabled person's parking card and to a driver of a car belonging to an institution, transporting a person with seriously reduced mobility and under care of this institution.

237. In the paid parking zones the traffic management authorities shall designate parking spaces for vehicles designed to transport disabled people as well as for vehicles marked with the disabled person's parking card.

238. Parking spaces for disabled people are also regulated by the Act on Public Roads and Regulation of the Minister of Transport and Maritime Economy on technical conditions for public roads and their orientation. According to these provisions, the authorities are to designate parking lots for vehicles marked with the disability parking card. Each services area adjacent to public roads shall have at least two parking spaces for vehicles of disabled people, specially marked and located close to entrances to public buildings.

239. The provisions protecting the parking spaces for disabled people are as follows:

- Road Traffic Law: the non-marked vehicle shall be removed.
- Regulation of the Prime Minister on amounts of fines imposed in the form of criminal tickets for selected types of petty offences: parking a non-marked car is fined with the maximum amount.
- Regulation of the Minister of Interior on proceedings involving drivers violating road traffic regulations: the drivers who park in the spaces designated for disabled people are penalised with 5 penal points.

240. The Police organised campaigns "Parking Spaces for Disabled People".

Article 21 – Freedom of expression and opinion, and access to information

241. The Constitution provides all persons with the right to express opinions and to acquire as well as disseminate information.

242. The Act on Access to Public Information guarantees the right to acquire public information, access to official documents, access to sessions of collective authorities that are elected in general elections.

243. The Act on Access to Public Information indicates the following forms of making information available: official documents, electronic Public Information Bulletin, oral, making available or hanging the printouts in publicly accessible places, access to sessions of authorities and making information materials available, including audio, video and IT/telecommunication material that documents the sessions.

244. Access to public information is free of charge but if the entity obliged to make information accessible were to bear additional costs associated with the form of information

provision indicated in the application, the entity may charge a fee corresponding to the actual cost incurred. The applicant must be notified about the fee in writing.

245. The MPiPS, in collaboration with the Polish Association for Persons with Mental Handicap, has translated and published a handbook on the European standards of preparation of easy-to-read text versions.

246. The Act on Sign Language and Other Means of Communication guarantees the right of persons experiencing communication problems (the “entitled persons”) to use their preferred form of communication and the right to be assisted when contacting public authorities, units of the State Medical Emergency system, health care units, Police units, National Fire Service, gminas fire units and voluntary fire service units.

247. Forms of communication include the Polish Sign Language, the Signed Polish, the forms of communication applied by the deaf-blind as well as communication aids (electronic mail, text messages including SMS and MMS messages, Internet communicators, audio-video communication, telefax, websites). The entitled persons have the right to use the support of an assisting person.

248. A public administration authority is obliged to provide access to services that facilitate communication. The service consists in using communication aids such as: electronic mail, text messages including SMS and MMS messages, Internet communicators, audio and video communication, telefax, and websites meeting accessibility standards. Public administration authorities ensure access to the services of interpreters of Polish Sign Language, the Signed Polish and communication of the deaf-blind. Interpretation services are free of charge for the entitled person who is a disabled person according to the Act on Vocational and Social Rehabilitation.

249. Other public entities are obliged to facilitate using the support of the assisting person and to ensure the possibility of using the services of a sign language interpreter. An entitled person may apply to PFRON for reimbursement of the cost of interpretation services.

250. The entitled person, members of the family and persons who have ongoing or direct contacts with the entitled person have the access to training in relevant forms of communication. The cost of training may be co-financed by PFRON (for the entitled person – up to 95% of the training cost, for family members and persons who have direct and ongoing contact with the persons – up to 90%).

251. According to the Act on Sign Language and Other Means of Communication, the entitled person has the right to use the services of interpreters of Polish Sign Language, the Signed Polish and communication of the deaf-blind free of charge when contacting the NFZ.

252. The ZUS has a website that facilitates contact, on-line filing of applications, and accessing user data recorded on personal accounts. ZUS has launched a call centre. In 158 branches access to the services is facilitated through the multi-functional self-service information devices. The devices are accessible 24/7. In each ZUS branch there is at least one employee who can use sign language

253. All ZUS branches are accessible.

254. The KRUS implements the provisions of the Act on Sign Language and Other Means of Communication according to the announcement of the President of KRUS on the modes of communication with the entitled persons who require the services of interpreters of Polish Sign Language, the Signed Polish and communication of the deaf-blind when handling the individual issues that require administrative decisions.

255. In Tax Offices and Tax Chambers, adaptations for disabled people have been introduced (special rules for serving customers with special needs, including disabled

customers, parking spaces, ramps, lifts and toilets). In Tax Offices and Tax Chambers there are employees trained in sign language. Information on services for disabled people is available on the websites.

256. Digital Agenda for Poland 2020 aims at improvement of accessibility of information for disabled people. This is achieved through, in particular, implementation of the accessibility principle for all information offered by the public administration through electronic media (aligned with the WCAG 2.0 standard).

257. According to the Regulation of the Council of Ministers on the national interoperability framework, minimal requirements for public registers and exchange of information electronic form, and minimum requirements for ICT systems, IT and telecommunication systems for public institutions must meet the criteria set out in the WCAG 2.0, taking into account level AA, as defined in the Regulation. Compliance must be ensured by 31 May 2015, provided that the existing IT and telecommunications systems must be aligned within the first significant modernisation before 31 May 2015.

258. On 5 February 2014, the Government Plenipotentiary for Disabled People appealed to all Ministers to monitor the accessibility of their ministries websites and informed that on the website of the BON there are two guidebooks on website accessibility, available for downloading.

259. Under the auspices of the President of the Office for Electronic Communications, “Best Practice Guideline – WCAG 2.0” developed by the Widzialni Foundation was published in 2012.

260. In June 2013, the Widzialni Foundation published its report from an audit of public institution websites, including the websites of both Chambers of the Parliament, President of the Republic of Poland, the Chancellery of the Prime Minister, the Supreme Court, the Constitutional Tribunal, ministries and their subordinate institutions. The audit was conducted with participation of people with various disabilities. The study is to be repeated on an annual basis.

261. Disabled people may receive funds from PFRON within the programme “Active local self-government” to cover a part of the costs of removal of the obstacles to participation in information society.

262. In 2012, the Friends of Integration Association, in collaboration with PFRON, implemented the project “Support for disabled people in free access to Internet-based information and services”.

263. The Radio and Television Act imposes an obligation on broadcasters to include a minimum 10% of broadcasts (excluding commercials and advertisements) with disability-friendly adaptations such as subtitles for the hearing-impaired and interpretation into sign language. The National Council of Radio and TV Broadcasting is entitled to apply lower proportions for broadcasts with adaptations taking into account different broadcast times, technical capabilities, needs of audience, the mode of dissemination and the specialist character of the given broadcast.

264. The Ministry of Culture and National Heritage is currently reviewing the Act on Radio and Television including the provisions concerning disabled people. A gradual increase of the share in the years 2017-2020 is being planned, leading to up to 50% of broadcasts with disability-friendly adaptations.

265. In 2012, an audit by the KRRiT of TV broadcasters to establish the share of broadcasts with adaptations and the share of particular types of adaptations showed a systematic increase in the number of broadcasts with adaptations.

266. To clarify all the doubts raised by the Act on Radio and Television regarding adapted broadcasts, a working group developed in 2013 a code of best practice, containing the quotas for audio description, subtitling for the hearing-impaired, and sign language. In mid-2014, the code of best practice will be reviewed.

267. Subtitles for the hearing-impaired have been broadcast by the TVP since 1994. In 2012, subtitles for 3,000 hours of broadcasts in TVP1 and TVP2 channels were broadcasted (on average, more than 8.5 hours of broadcasts per day, more than 430 programme items per month). In the case of the TVP's other channels, the quotas were exceeded, in some cases by a few hundred per cent.

268. The broadcasts with subtitles represent different genres. The majority are classic Polish feature films, screened on TVP Kultura and TVP Historia channels. All Monday TVP Theatre plays, including the live ones, can also be watched with subtitles. Every day, the main edition of the news broadcast, sports broadcast and weather forecast are subtitled.

269. The deaf-mute viewers can watch selected TVP broadcasts with interpretation into sign language. Apart from the regular broadcasts (popular TV series, religious programmes, TVP INFO afternoon news broadcasts), important events are covered with interpretation.

270. Since 2007, TVP has been making broadcasts with audio description available for blind persons and persons with sight impairments. In 2012, audio description was prepared for 11 films; in total, on TVP's website www.tvp.pl over 100 movie files with audio description are available.

271. The launch of TVP's terrestrial digital broadcast has created new opportunities for the viewers with hearing impairments. Thanks to DVB digital subtitles launched simultaneously with tele-text subtitling and thanks to technical amendments to the TV signal, people with hearing impairments are now able to record broadcasts with subtitles.

Information on goods and services

272. The general principles of product labelling are set out in the Act on Special Terms and Conditions of Consumer Sales and Amendment to the Civil Code.

273. Additional obligations may result from the acts specifying requirements for particular groups of products. For example, the Pharmaceutical Law imposes the obligation to place the name of the medical product in Braille's alphabet on the packaging and to ensure accessibility of the product's leaflet in the format suitable for blind persons and persons with sight impairments, through patients' organizations.

274. To ensure accessibility of websites of suppliers of generally available telephone services, the Regulation of the Minister of Administration and Digitization on requirements for provision of accommodations for disabled people by universal telephone services providers obliges to ensure compliance with the WCAG 2.0 standard.

Article 22 – Respect for privacy

275. The Constitution stipulates that every person has the right to personal inviolability and personal liberty. Deprivation or limitation of liberty may only occur according to principles and under procedure specified by statute. The Constitution also stipulates that:

- Everyone shall have the right to legal protection of his private and family life, of his honour and good reputation and to make decisions about his personal life.
- The freedom and privacy of communication shall be ensured; any limitations thereon may be imposed only in cases and in a manner specified by statute.

- The inviolability of the home shall be ensured; any search of a home, premises or vehicles may be made only in cases and in a manner specified by statute.

276. Ordinary legislation (Kk, Kc, Kpk, Code of Proceedings in Petty Offences, the Act on Police, the Act on Copyright and Related Rights) develops the guarantees contained in the Constitution.

277. The Constitution contains the following stipulations pertaining to the protection of personal data:

- No one may be obliged, except on the basis of statute, to disclose information concerning his person.
- Public authorities shall not acquire, collect nor make accessible information on citizens other than that which is necessary in a democratic state ruled by law.
- Everyone shall have a right of access to official documents and data collections concerning himself (limitations upon such rights may be established by statute).
- Everyone shall have the right to demand the correction or deletion of untrue or incomplete information, or information acquired by means contrary to statute.
- Principles and procedures for collection of and access to information shall be specified by statute.

278. These stipulations are developed in the Act on Protection of Personal Data.

279. The provisions concerning protection of personal data are contained in the Act on Health Care Services Financed from Public Funds. The Regulation of the Minister of Health on the types and scope of medical documentation and the mode of its processing defines the conditions of storing medical documentation, the responsibility for creating the conditions that ensure documentation confidentiality and its protection from damage or loss and that facilitate its use without undue delay.

Article 23 – Respect for home and the family

Marriage

280. The Krio stipulates that a marriage cannot be entered into by a fully incapacitated person. The prohibition of entering into a marriage for incapacitated persons takes into account the premises of incapacitation (qualified incapacity to manage one's actions, confirmed by the court in the incapacitation procedure) and the aim of incapacitation (protection of personal or material interest of the natural person and the person's environment).

281. Marriage cannot be entered into by a person affected by a mental illness or a mental deficiency. If, however, the state of physical or mental health of the person does not pose a threat to the marriage nor the health of prospective offspring and if the person has not been fully incapacitated, the court may permit entering into marriage.

282. If there are doubts as to the circumstances excluding the intended marriage, the head of the Civil Status Registry may apply to the court for a decision as to whether the marriage can be entered into.

283. If the Head of the Civil Status Registry refuses to accept declarations of entry into marriage or if he refuses to issue a certificate confirming the absence of circumstances excluding the possibility of marriage, the interested party has the right to apply to court for a decision.

284. The Kpc provides for the procedure of issuance of court permissions for persons with mental illnesses or a mental deficiency to enter into marriage. Prior to the ruling the court hears the applicant, the person to be married and, if necessary, the relatives and other persons close to the future spouses. The court also asks for the opinion of a medical doctor, preferably a psychiatrist.

285. Annulment of marriage is possible due to incapacitation, mental illness or a mental deficiency of one of the spouses.

286. The prohibition to enter into a marriage for persons with mental deficiency or mental illness does not permit full implementation of Article 23, paragraph 1, point 1 of the Convention. Consequently, Poland has filed a reservation.

287. Currently (3rd quarter of 2014), the draft framework for amendment to the Kc, the Kpc, the Krio, the Act on Family Support and Foster Care System and some other acts provides for removal of the full incapacitation from the list of obstacles to marriage. A person with a mental disorders prohibiting the person from managing the person's own actions and realising the importance and consequences of marriage will not be able to marry. The Head of the Civil Status Registry will not be allowed to refuse to accept the declarations of intention to marry because he learned about the premises that exclude the possibility of marriage or has doubts as to whether such premises may exist. In such situations, the Head of the Civil Status Registry will be obliged to turn to court for the decision.

Parental authority

288. Parental authority rests with both parents. Parental authority shall be exercised according to the best interest of the child and the society. Parents are obliged to care for their child's physical and spiritual development and properly prepare the child to work for the benefit of the society, according to the child's talents.

289. Abandoning a child is a crime. According to the Kk, persons who abandon minors aged under 15 or persons who require care due to their mental or physical condition are subject to imprisonment of up to 3 years. If the abandonment results in death, the perpetrator is punished with imprisonment ranging from 6 months to 8 years.

290. Keeping a child in hiding may be regarded as abuse of parental authority or blatant negligence of parental duties. The provisions of Krio stipulate that in such situations the court may take away parental authority from one of the parents or from both parents.

291. According to the Krio, a child may be adopted by a person with full capacity to perform legal actions if the person's personal characteristics guarantee that the person will duly fulfil the duties, if the person has a qualifying opinion and the certificate of completion of training organised by the adoption centre.

292. Adoption is decided upon by the guardianship court. The court investigates the personal qualifications of the adopting party. While deciding upon adoption, the court is guided by the supreme principle of the welfare and interest of the child.

Foster care

293. The Act on Family Support and Foster Care System stipulates that foster care shall be exercised if it is not possible to ensure care and upbringing by parents. The court's decision to place a child in a foster family, a foster family home or in an institutional form of foster care is applied as last resort, if there are no other ways to resolve the threat to the child's well-being.

294. Placing a child in a foster family is based on court ruling. In urgent cases, placing a child in foster care may be requested by the parents or with their consent.

295. Children holding certificates of disability or certificates of severe or moderate disability are placed in professional specialist foster families. Such families must attend specialist training courses in disability care and attend supplementary courses matching the child's type of disability.

296. Professional foster families receive remuneration. Foster families receive benefits for each child and the families who look after disabled children receive an additional disability benefit. Families may also receive funding for the child's leisure activities, the child's needs or associated with fortuitous events (accident, death in the family, etc.) as well as subsidies for the renovation of the home.

297. A child who is partially or fully deprived of parental care can be placed in a care and educational institution, a regional care and therapeutic institution or in a pre-adoption intervention centre (institutional foster care).

298. Children who, due to their health condition and the required specialist care and rehabilitation, cannot be placed in foster families or care and educational institution, are placed in regional care and therapy institution. Care of a child with a disability certificate is ensured by care and educational institution of the specialist-therapeutic type.

Support for families

299. The Act on Care of Children Aged Three and Under established the framework for the development of various forms of children care. If a nursery, a kids club or a day care centre provides care for disabled children, the number of children supervised by one carer is reduced.

300. The Act on Family Support and Foster Care System requires local self-government authorities and central government authorities to support the families experiencing problems in fulfilling their care and education function.

301. Cooperation with families includes:

- Consulting and specialist counselling.
- Therapy and mediation.
- Services for families with children, including care and specialist services.
- Legal assistance.
- Organisation of meetings for families to facilitate exchange of experience and prevent isolation.

302. Assistance in care and upbringing consists in provision of care in day care centres managed by the gminas or gminas' contractors.

303. Day care centres for children provide care and education, support in the learning process, organization of spare time, sports activities. Specialist centres organise socio-therapy, therapy, corrective activities, compensation and speech therapy; moreover, such centres implement personalised corrective programmes, psycho-corrective programmes or psycho-prophylactic programmes.

304. A family experiencing difficulties may also be assisted by a supporting family that provides assistance in the upbringing and care of the child, in handling the household, and fulfilment of the basic social roles.

305. The Act on Social Assistance provides for the solutions aimed at empowering the persons and their families to overcome the difficult life situations. Social assistance is granted to persons and families due to, among others, poverty, disability, long-term or severe diseases, helplessness in care and upbringing and household management. Depending on the situation, a financial benefit or benefit in kind may be granted to such families.

306. According to the Krio, the guardianship court is obliged to grant assistance to families if the assistance is necessary for the parents to exercise their parental authority.

307. The Regulation of the Minister of National Education on detailed operational guidelines for psychological and pedagogical counselling centres, including public specialist counselling centres, sets the tasks of counselling centres which include, among others:

- Therapy for children, youth and their families.
- Helping children and youth who require psychological and pedagogical assistance or helping them to plan education and professional career.
- Helping families in recognizing and developing children's personal developmental and educational needs as well as psychological and physical abilities.
- Supporting in resolving educational and upbringing related issues.

308. Support provided by the centres takes different forms:

- Individual or group therapy for children.
- Therapy for families.
- Support groups.
- Mediation.
- Crisis intervention.
- Consulting and specialist counselling.

309. The counselling centres employ psychologists, speech therapists, vocational counsellors. Depending on the needs, other specialists may also be employed.

310. According to the Act on Education System, every child, from the moment of diagnosis of disability (from birth until the start of school education) may benefit from early development support.

311. The Regulation of the Minister of National Education on provision of early development support for children stipulates that early development teams for children may be organised in kindergartens, primary schools including special primary schools, psychological and pedagogical counselling centres including specialist counselling centres. The tasks of such teams include:

- Definition of directions and schedule of early development support and support activities for the family of the child.
- Development and implementation of an early development support programme, jointly with the child and the child's family.
- Supporting the child's family in implementation of the programme, coordination of the activities of professionals.
- Cooperation with the medical entity or social assistance centre to ensure rehabilitation, therapy or other forms of support for the child.

312. The team cooperates with the child's family through:
- Provision of support in shaping the right behaviours and attitudes in contacts with the child: strengthening the emotional bond between the parents and the child, child's behaviours identification.
 - Instruction, counselling and consulting in how to work with the child.
 - Assistance in adaptation of the home to the needs of the child and in the acquisition of didactic aids and other equipment.
313. Early development support classes are offered in the scope ranging from 4 to 8 hours per month.
314. Till the end of 2012, PFRON implemented the project "Early support for disabled children" aimed at rehabilitation for children aged 0-7 with a certificate of disability. In 2013, support activities could be co-financed by PFRON within the pool of tasks contracted by PFRON or local self-governments or powiats to non-governmental organizations.

Access to methods and measures of conscious procreation, protection of reproductive health

315. The Act on Family Planning, Human Foetus Protection and Preconditions for the Admissibility of Abortion obliges central and local administration authorities to ensure free access to methods and measures for conscious procreation and to prenatal information and tests, particularly when there is an increased risk or a suspicion of a genetic or developmental defect of the foetus or an incurable disease threatening the life of the foetus.
316. Access to prenatal tests is guaranteed on the basis of the Regulation of the Minister of Health on guaranteed services in the scope of health programmes.
317. Information on the methods and measures of conscious procreation is passed on, when necessary, according to the Act on Sign Language and Other Means of Communication.
318. According to the Regulation of the Minister of National Education on way of teaching and teaching content about sex life, principles of conscious and responsible parenthood, value of family, life in its prenatal phase and methods and means of conscious procreation included in the core curriculum of general education, education in these fields is carried out within the Preparation for Family Life classes. The content and forms of teaching match the needs and abilities of children with various disabilities, both in mainstream schools and special schools at different levels of education.

Article 24 – Education

Core solutions

319. The Act on Education System guarantees the realisation of the right to education and the right of children and youth to education and care. Education of disabled children and youth takes place in mainstream preschools and schools, integrated preschools and schools or integrated classes, special preschools and schools or special classes and centres, according to a child's personal developmental and educational needs and abilities. Parents (legal caregivers) of a child are the ones to choose the type of education (mainstream, integrated or special).
320. Children and youth, whose health condition preclude or significantly hinder preschool or school attendance, are covered by either a one-year compulsory personalised preschool preparation programme, or a personalised education programme, based on the

evaluation of their educational needs. These issues are stipulated in the Regulation of the Minister of National Education on methods and ways of organising personalised one-year compulsory preschool preparation and one-to-one tuition for children and youth.

321. Disabled children and youth, who require particular educational arrangements and methods of work, have access to special education, based on the certificate recommending special education. Teachers and specialists, who run the classes, develop a personalised educational and therapeutic programme for each pupil. The programme is based on the recommendations included in the certificate and is adapted to a pupil's personal development and educational needs as well as their psychophysical abilities.

322. Certificates recommending special education are issued by evaluation boards which operate in public psychological and pedagogical counselling centres, including specialist centres, according to the Regulation of the Minister of National Education on certificates and opinions issued by evaluation boards in public psychological and pedagogical counselling centres.

323. According to the Regulation of the Minister of National Education on rules of providing and organisation of psychological and pedagogical assistance in state preschools, schools and institutions, psychological and pedagogical assistance in a preschool, school or institution consists in identifying and satisfying pupils' personal development and educational needs. Psychological and pedagogical counselling centres, including specialist centres, teacher in-service training institutions and pedagogical libraries, provide support to teachers, counsellors in education groups and specialists in psychological and pedagogical assistance.

324. Projects within the call for proposals "Development and pilot implementation of innovative education programmes for pupils with special educational needs, based on modern diagnostic methods and therapy for disabled pupils" have been carried out since 2009.

325. The Forum of Parents was established at the Ministry of National Education in 2012. The forum initiated a debate on how a disabled child fit into an education system. Proposals were made of how to change the system so that such pupils receive the best possible care and support. Following them the Centre for Education Development released a prospectus "Local self-governments and governmental administration for the disabled people" in 2013 which contains information on the rights of disabled children.

326. Since academic year 2012/2013 higher education institutions have been offering courses and postgraduate studies within modules defined in the Regulation of the Minister of Science and Higher Education on education standards in teachers' training. Each graduate must demonstrate at least basic preparation for teaching pupils with special educational needs.

327. The objective of activities within the project "Increasing effectiveness of teaching students with special educational needs" was to prepare teachers and specialists employed in preschools, schools and educational establishments to work with disabled pupils. The project was completed in 2011.

328. Training materials were developed, including the guide for directors of preschools, schools and facilities, containing the analysis of legal regulations and guidelines for those working with pupils. They are available on the websites of the Centre for Education Development and Scholaris.

Education in mainstream integrated schools settings

329. Inclusion of disabled pupils in education in all types of mainstream schools is guaranteed by both a flexible education system and a system of psychological and

pedagogical assistance. Changes have been introduced in law since 2008, which aim at tailoring the education of disabled pupils to their personal development and educational needs as well as psychophysical abilities.

330. According to the Regulation of the Minister of National Education on conditions of education, upbringing and care of disabled children and socially maladjusted children and youth in mainstream or integrated preschools, schools and classes, disabled children and youth shall be educated at each stage in integrated settings with non-disabled peers and in the proximity of their homes.

331. Preschools, schools and integrated classes guarantee disabled children and youth that, among others:

- Recommendations included in the certificate recommending special education are implemented.
- They are taught in an adequate learning environment, with access to specialist equipment and teaching aids.
- They have a personalised educational and therapeutic programme developed and implemented and adapted to a pupil's developmental and educational needs as well as their psychophysical abilities.
- They attend specialist classes where they receive psychological and pedagogical assistance and revalidation classes, if appropriate.

332. According to the Regulation of the Minister of National Education on core curriculum for state schools, school curriculum must include revalidation classes for disabled pupils. Guidelines concerning the classes may originate from the certificate recommending special education, assessment by teachers and specialists who work with a pupil and the team's opinion.

333. Tests and external exams are organised in compliance with the Regulation of the Minister of National Education on conditions and methods of evaluation, classification and promotion of pupils and course participants, and conducting exams and tests in state schools. Disabled pupils and graduates may request to have the examination conditions and forms adapted to their individual educational needs and psychophysical abilities. Information on available forms of adaptation can be found on the Central Examination Commission website. Disabled people taking external exams may also request to have the examination conditions and forms adapted to their needs.

334. Schools manage teaching and learning of Polish Sign Language according to the Regulation of the Minister of National Education on core curriculum for state schools. Parents of a deaf pupil decide whether their child is taught in Polish Sign Language.

335. Teachers may use:

- A guide for mainstream school teachers "My pupil cannot hear", (2001)
- A model of work with a deaf and hearing-impaired pupil (2011)

as well as publications and guides concerning education and support for disabled pupils, available on the websites of the Centre for Education Development and Scholaris.

336. Pupils with special educational needs were beneficiaries of the programme "Schools which are safe and friendly for children and youth with special educational needs – projects promoting and raising awareness of activities for safe and effective functioning of pupils with special educational needs in mainstream and integrated schools and supporting personalised approach to education as well as establishing a friendly and safe social atmosphere at school". The call for offers within this programme was announced in 2013.

337. The Regulation of the Minister of National Education and Sport on health and safety in state and non-state schools and institutions introduces an obligation to adapt workstations to pupils' anthropometrics. When organising classes, events and trips outside of the school or institution premises, the number of teachers that must accompany pupils is determined on the basis of, *inter alia*, pupils' disabilities as well as a specific character of the classes.

338. Mainstream preschools and schools with integrated classes, as well as integrated preschools and schools, additionally employ special education teachers. Such teachers may also be employed by mainstream preschools and schools.

Education in special schools

339. According to the Regulation of the Minister of National Education on conditions of education, upbringing and care for disabled children and socially maladjusted children and youth in special preschools, schools, classes and centres, special education of children, who require special teaching arrangements, methods of work and education, takes place in special schools or classes as well as special education and upbringing centres, special upbringing centres, revalidation and upbringing centres. Children and youth with a profound intellectual disability fulfil the obligation to complete compulsory education or fulfil the schooling duty by taking part in either one-to-one or group revalidation and upbringing classes, organised on the basis of the certificate of the need for revalidation and upbringing classes.

340. Regulation of the Minister of Education on the core curriculum for preschools and general education in individual types of schools defines, *inter alia*, core curricula for the education of pupils with an intellectual disability. Education of pupils with a mild intellectual disability is provided on the basis of the same core curriculum for general education as the education for non-disabled pupils. Education of pupils with a moderate and profound intellectual disability is provided on the basis of a separate core curriculum for general education.

341. Regulation of the Minister of Education on types of and detailed arrangements for public institutions, conditions to be provided for children and youth attending them, level of fees and rules for charging fees from parents defines the arrangements for institutions, which provide children with various types of disabilities and unable to attend a preschool or school in their place of residence with education and upbringing adapted to their needs.

342. Special education and upbringing centres are available to children and youth who:

- Are deaf and hearing-impaired.
- Are blind and visually impaired.
- Have physical disability, including aphasia.
- Have autism, including Asperger Syndrome,
- Have multiple disabilities.
- Have mild, moderate and severe intellectual disability.

343. Special education and upbringing centres cooperate with mainstream schools as regards diagnostics, as well as help them solve didactic problems and problems in upbringing disabled pupils who attend these schools.

344. The centre guarantees that, among others:

- Pupils fulfil the obligation of a compulsory education or schooling duty outside of the centre.

- Pupils participate in prevention and upbringing, revalidation and mobility enhancing classes, either in one-to-one or group settings, have access to psychological and pedagogical assistance, including specialist classes.
- Pupils participate in sports and games, trips, cultural and leisure activities.
- The centre works with a school where a pupil fulfils the obligation to complete compulsory education or fulfil schooling duty as concerns revalidation and upbringing activities.

345. Disabled children and youth, who require special upbringing activities, psychological and pedagogical assistance and revalidation classes, may attend revalidation and upbringing centres. Such centres:

- Enable pupils with a profound intellectual disability to participate in:
 - Revalidation and upbringing classes, either in one-to-one or group settings. The classes place focus on teaching pupils interpersonal and communication skills, enhancing motor and psychomotor skills, developing interest in and multi-sensory exploration of the individual's surroundings.
 - Therapy and recreation.
- Enable intellectually disabled pupils with multiple disabilities to complete a personalised educational and therapeutic programme.

The centre also provides support for parents in solving problems in upbringing and didactic problems.

346. Regulation of the Minister of National Education on organization of education and terms and forms of special care and upbringing activities in special schools established within hospitals and social assistance institutions sets out framework for fulfilment of compulsory education obligation by children and youth in healthcare entities and social assistance institutions.

347. Adaptation of conditions and forms of exams to pupils' individual educational needs and psychophysical abilities is defined in the Regulation of the Minister of National Education on conditions and methods of evaluation, classification and promotion of pupils and course participants, and conducting exams and tests in state schools – paragraph 333.

Psychological and pedagogical counselling centres

348. According to the Regulation of the Minister of National Education on detailed arrangements for public psychological and pedagogical counselling centres including public specialist counselling centres, the psychological and pedagogical counselling centres' responsibilities include, among others:

- Diagnosing disabled children.
- Providing psychological and pedagogical assistance to disabled children and their parents.
- Undertaking prevention measures and engaging in activities designed to reinforce role of a preschool, school and institution in upbringing and education, including support for teachers in solving didactic and in upbringing problems.
- Helping children to plan education and professional career, as well as supporting teachers in preschools, schools and institutions in their responsibilities concerning educational and vocational counselling.

More information on psychological and educational support centres – paragraphs 307-309.

349. Diagnosing a child results in:

- Issuing an opinion and certificate of educational needs.
- Providing psychological and pedagogical assistance to children and their parents.
- Helping teachers in their work with children and parents.

350. Operating within the structures of counselling centres, evaluation boards issue certificates recommending special education, personalised compulsory preschool preparatory year, one-to-one tuition, revalidation and upbringing classes, as well as opinions establishing the need for early development support for a child.

Material assistance

351. According to the Act on Education System, a pupil is entitled to assistance to reduce disparities and help overcome obstacles in access to education. Material assistance is also available to pupils in state and non-state institutions which enable children and youth with a severe intellectual disability as well as intellectually disabled children with multiple disabilities to complete compulsory education or fulfil schooling duty, respectively. Disabled children who live away from home to attend an elementary school, junior high school or secondary school are entitled to an accommodation benefit.

352. The gmina is obliged to:

- Provide disabled pupils in special education with free transport to the elementary and junior high schools. It must provide the same to the pupils with physical disability and pupils with moderate and severe intellectual disability until they turn 21.
- Provide children and youth with a severe disability as well as intellectually disabled children with multiple disability with free transport to the centre, where they can complete compulsory education or fulfil schooling duty, until they turn 25.
- Refund the cost of transport of children, youth and their caregivers to a preschool, school and centre, if parents organise the transport.

353. School course books and supplementary textbooks for special education of pupils with an intellectual disability, deaf, blind and visually impaired pupils are subsidised from the State budget. The State also co-funded printing of magazines for children and youth in Braille and large print in the years 2012-2013, as well as their conversion into audio files in 2013.

354. Commissioned by the Ministry of National Education, institutions of higher education run centres for didactic materials adaptation to the needs of blind and hearing impaired pupils. Electronic versions of textbooks in Braille are available for download on the website of the Centre for Education Development. In 2012 and 2013 the Ministry of National Education allocated additional resources for printing, purchase and/or adaptation of course books and supplementary textbooks in Braille to the pupils' needs.

355. Funding for textbooks for visually impaired and deaf pupils as well as pupils with mild intellectual disability and with multiple disabilities has been available since 2010 within the programme "School Starter Kit". In 2013, a group of pupils with a moderate or severe intellectual disability, and having certificate recommending special education and attending all types of schools, were entitled to additional funding for purchase of didactic materials.

356. Programmes of PFRON implemented in 2010-2011 provided pupils and students with visual, hearing impairment and reduced mobility with computers. Persons with dysfunction of both hands and visual impairment may receive this type of assistance within

the programme “Active local self-government”. They may also benefit from subsidies for the training in computer skills. Postsecondary school pupils and university students may purchase of computers with the cash allowance for education, available within the programme since 2013.

357. Bodies running educational institutions may apply for funding from PFRON for removal of the barriers to mobility and communication within the “Regional Differences Levelling Programme II”.

Higher education

358. According to the Law on Higher Education, results of baccalaureate exams constitute the basis for enrolment in the programme of first degree studies and uniform Master’s studies.

359. Higher education institution shall not conduct additional entry exams unless it is necessary to evaluate artistic talent, physical fitness and special aptitude for studying a given subject, which were not assessed at baccalaureate exams. In the case of additional entry exams, the conditions and mode of recruitment should take into account special needs of disabled candidates.

360. The Law on Higher Education obliges higher education institutions to:

- Enable disabled people to fully participate in the education process and research.
- Specify conditions of didactic process taking into account the needs of disabled students, including the obligation to adapt studying conditions to types of disability.

The Law ensures that there is a possibility to complete didactic goals by using methods and techniques of distant learning.

361. Following steps were taken to enforce the right of disabled people to participate in the education process and research:

- Higher education institutions set up offices for disabled students affairs.
- Rules of recruitment adapt recruitment procedure to the abilities of disabled people.
- disabled students may apply for personalised timetable of studies.

362. State and non-state higher education institutions receive subsidies from the State budget to set up the conditions for disabled students and PhD students to study. The funding may be spent on trainings (for disabled students and university employees), specialist equipment, teaching and learning materials adapted to the disabled students’ needs, remuneration for interpreters of sign language, remuneration for assistants for disabled students and PhD students, and transport to university facilities.

363. Large scale adaptation of facilities is in progress.

364. A disabled student may receive special scholarship for disabled people (provided that the disability is confirmed by a disability certificate issued by an authorised body). Disabled students are also entitled to other types of scholarships and grants under the same conditions as their non-disabled peers. Students are awarded special scholarship for disabled people regardless of their income.

365. Assistance in purchase of equipment designed to support learning – paragraph 356.

Vocational and continuous training

366. The Regulation of the Minister of National Education on classification of professions taught within the vocational education specifies the occupations, where the vocational training is reserved to disabled people:

- Acoustics technician, specialist in information technology for the blind and visually impaired, massage technician, qualified office worker – reserved to the blind and visually impaired.
- Auxiliary hotel staff – reserved to persons with a mild intellectual disability.

367. Training for other professions takes place according to general rules.

368. According to the Regulation of the Minister of National Education on continuous education in non-school settings, institutions providing such education must create adequate technical conditions and arrangements to enable disabled people to participate in the education process.

369. The Regulation of the Minister of National Education on external exams enables adult persons who are blind, visually impaired, deaf, hearing-impaired, have physical disability (including aphasia), mild intellectual disability and autism (including Asperger Syndrome) to sit external exams in conditions and form adapted to the type of a given person disability.

Article 25 – Health

Core solutions

370. The Constitution provides that everyone shall have the right to have his health protected. All Polish citizens are provided equal access to healthcare services, financed from public funds. Public authorities are also obliged to ensure special healthcare for disabled people.

371. Constitutional provisions are enforced by the Act on Health Care Services Financed from Public Funds. Health insurance is based on the following principles:

- Equal treatment and solidarity.
- Ensuring that insured people have equal access to healthcare services.

372. According to the rules specified in the Act, the state provides funding for:

- Diagnostic tests, including medical laboratory diagnostics.
- Healthcare services which aim at health protection, disease prevention and early detection, including obligatory vaccination.
- Primary healthcare.
- Specialist healthcare and hospitalization.
- Nursing and care for disabled people.
- Sanatorium and health resort treatment.
- Provision of medical products and medical devices, as well as auxiliary appliances.

373. The Regulations of the Minister of Health on:

- Guaranteed services in the scope of provision of medical devices which are orthopaedic items and auxiliary appliances.

- The list of medical devices subject to prescription.
- Regulate the provision of orthopaedic items and auxiliary appliances.

374. Polish standard PN-EN ISO 9999:2011 Auxiliary Products for Disabled People contains classification of such products, including, among others, assistive products for individual treatment, auxiliary products for exercising physical function, orthoses and prostheses, auxiliary products for personal hygiene and protection.

375. The Regulation of the Minister of Health on guaranteed services in the scope of dental treatment ensures that persons with a moderate and severe disability have access to a broader range of healthcare services than other service users, if it appears medically appropriate.

376. The Regulation of the Minister of Health on guaranteed services in the scope of primary healthcare stipulates that preventive care services provided to pupils with chronic illnesses and disabilities by a school nurse also include provision of active healthcare and administering prescribed treatments and medical procedures which have to be performed at school. In the case of disabled pupils attending a school, the number of pupils per school nurse's full-time equivalent shall be reduced.

Mental health

377. According to the Act on Mental Health Protection, mental health protection includes mental health promotion and prevention of mental disorders, provision of a comprehensive and generally available healthcare and other forms of care and support in social and family environment to persons with mental disorders.

378. According to the Regulation of the Minister of Health on guaranteed services in the scope of psychiatric care and drug abuse treatment, community therapist makes housecalls and offers counselling, as well as provides information at an initial stage of service user's contact with a health care institution.

379. The Regulation of the Minister of Health on rehabilitation in psychiatric hospitals specifies objectives, type and scope of rehabilitation, time frame, management and documentation of rehabilitation, as well as participant awarding systems.

Cell, tissue and organ recovery

380. The Act on Cell, Tissue and Organ Recovery, Storage and Transplantation provides that cell, tissue and organ recovery from living donors for transplantation purposes must meet precise requirements concerning a cell, tissue or organ recipient, scope of information provided to donors prior to giving consent to treatment, forms of expressing consent to treatment and advisability of a treatment.

381. According to the Act on Public Blood Service, blood donation is possible under the following conditions:

- Candidate for a blood donor is informed in a comprehensible manner of the nature and potential health consequences of the treatment.
- Candidate for a blood donor or a blood donor has a full legal capacity and expressed their consent to blood donation in a written form and in the presence of a medical doctor.

382. In the case of compelling physiological or medical grounds, a person without a full legal capacity may become a candidate for a blood donor for their ancestors, descendants and siblings, provided that he expresses consent to blood donation and his statutory representative gives a written consent to the treatment.

383. In 2011, the National Council for Blood Donation and Blood Therapy adopted a recommendation concerning the deaf and deaf-mute who are candidates for blood donors and blood donors. If there are grounds to assume that a candidate for a blood donor or blood donor can read and is able to understand questions, it is admissible to ask this person questions and elicit answers in writing. It is crucial that a medical doctor receives a written statement. Blood transfusion centres offer questionnaires converted to Braille.

384. Currently under development (3rd quarter of 2014), the bill on blood donation and chemotherapy (to replace the Act on Public Blood Service) will contain provisions concerning consent given by disabled candidates for blood donors and blood donors.

Health care accessibility

385. According to the Act on Health Care Services Financed from Public Funds, healthcare service providers whose facilities are accessible receive extra points in the healthcare bid evaluation.

386. Guarantees of accessibility of healthcare services for disabled people – residents of small localities and rural areas:

- In outpatient specialist care, consultations are available in a patient's place of residence if he is not able to make a visit to the clinic.
- Primary care doctors, nurses and midwives provide healthcare services in outpatient settings or at patient's home.

387. Each year NFZ publishes a handbook (Vademecum) with practical information on healthcare services financed from public funds and runs an online bulletin "Our Fund" which contains information on the rights of disabled people.

388. Persons who wish to enquire about the European Health Insurance Card and other documents granting access to healthcare in UE/EFTA countries, may communicate with NFZ via Skype and means of typed communication. Persons who have difficulty in communicating can receive information via text message (SMS). The website of the Polish liaison body for health benefits in kind is accessible for disabled people.

389. Since 2011 blind and visually impaired persons have been granted European Health Insurance Card featuring the caption "EKUZ" (*Eng. EHC*) in Braille.

Training of healthcare professionals

390. Disability-related content is part of undergraduate education for physicians. Education standards in rehabilitation include: notions of impairment, invalidity and disability, rehabilitation equipment, orthopaedic and technical aid to facilitate functioning of disabled people, rehabilitation as a comprehensive process, rehabilitation in diseases of cardiovascular, respiratory, nervous and motor systems, rehabilitation in geriatrics and some aspects of medical certification. Topics related to disability are studied further during specialty training in rehabilitation medicine. Such facets of disability as patient rights, human rights, respect for dignity and empowerment of disabled people are part of postgraduate education for nurses and midwives.

391. The project "NFZ Academy", to expire on 31 December 2014, aims at raising awareness of medical receptionists within healthcare providers of services financed from public funds, of procedures concerning provision of information on healthcare services and patient rights. All trainings can also be accessed via e-learning platform. A publication "Understanding Patient's Rights" was developed in 2013.

Article 26 – Habilitation and rehabilitation

Medical rehabilitation

392. The Regulation of the Minister of Health on guaranteed services in the scope of medical rehabilitation features a list of guaranteed healthcare services, as well as the rules of their provision. It also specifies the level of public funding for transport in medical vehicles, outside the cases specified in the Act on Health Care Services Financed from Public Funds.

393. Service users are entitled to:

- Outpatient rehabilitative care.
- Outpatient physiotherapy.
- Medical consultation at home.
- Physiotherapy at home.
- Rehabilitation.

394. Service providers are obliged to guarantee access to medical rehabilitation facilities for disabled persons (removal of architectural barriers).

395. Medical rehabilitation for disabled people, who reside in small localities and rural areas, is provided at home if these persons cannot reach service providers.

396. The Act on Social Insurance System stipulates that ZUS is responsible for activities aiming at prevention of insured persons' incapacity for work. Such activities include medical rehabilitation of the insured persons who are at risk of a total or partial incapacity for work, persons entitled to sickness or rehabilitation benefit after the cessation of the entitlement to sickness or accident insurance, as well as persons collecting temporary pension due to incapacity for work.

397. The Act on Farmers' Social Security obliges KRUS to provide support to insured persons and persons entitled to insurance-covered benefits who are totally unable to work on a farm, but have a chance to regain ability to work as result of treatment and rehabilitation, or who are at risk of total incapacity to work on a farm.

398. The Regulation of the Minister of Health and Social Welfare on organisation and scope of medical rehabilitation in care homes² ensured that such rehabilitation included:

- Medical examination and specialist diagnosis concerning rehabilitation.
- Therapy, particularly in the form of physiotherapy and mobility exercises.
- Psychological care services, including psychological therapy.
- Provision of medications to be for rehabilitation.
- Provision of orthopaedic items and rehabilitation equipment.

² In 2014, replaced by the regulation of the Minister of Labour and Social Policy on social rehabilitation in care homes for persons with mental disorders. The regulation specifies the following types of activities: therapy, meetings with a psychologist, mobility training, career preparation activities.

Vocational and social rehabilitation

399. The Act on Vocational and Social Rehabilitation stipulates that rehabilitation of disabled people includes administrative, medical, psychological, technical, training-related, educational and social activities.

400. Designed to facilitate social participation, social rehabilitation includes:

- Development of personal resourcefulness and stimulating social activity.
- Development of a skill of unassisted fulfilling of social roles.
- Removal of barriers in urban environment, in transport, technical and communication barriers, as well as obstacles to access to information.

401. Vocational rehabilitation is designed to help to get and maintain an adequate job and a job promotion by providing with access to counselling, training and job agencies.

402. Tasks, specified in the Act, are executed by governmental administration authorities, local self-government bodies and PFRON.

403. The Regulation of the Minister of Labour and Social Policy on types of tasks in the field of vocational and social rehabilitation of disabled people which may be delegated to foundations and non-governmental organisations stipulates that the latter entities may be commissioned to perform the following tasks:

- Rehabilitation.
- Trainings, courses, workshops, community support groups and social activity groups.
- Trainings, courses and workshops for disabled people's family members, carers, staff and volunteers engaged in the process of vocational and social rehabilitation of disabled people.
- Psychological and socio-legal counselling and information on rights, services, rehabilitation equipment and technical assistance.
- Running group and individual activities.

Measures are financed from PFRON's funds.

404. The activities which are organised on the largest scale include group and individual therapy, rehabilitation in various types of institutions, trainings, courses and workshops for disabled people's family members, as well as cultural events, sport, tourism and recreation, psychological and socio-legal counselling and provision of information on available assistance.

405. Funding from the "Regional Differences Levelling Programme II" may be used to provide rehabilitation facilities for disabled people with rehabilitation equipment. The funding may be allocated to the entities which run rehabilitation facilities, such as non-governmental organizations, local self-government bodies, schools of medicine and healthcare entities.

406. Rehabilitation may be provided in the form of a rehabilitation camp which combines active rehabilitation with leisure. The rehabilitation camp is designed to improve psychophysical abilities and develop social skills of the participants. Disabled people, who wish to go to the rehabilitation camp, may receive co-financing from PFRON. The Regulation of the Minister of Labour and Social Policy on rehabilitation camps specifies types of rehabilitation camps, rules of participation, as well as the mode of monitoring the entities.

407. The Act on Personal Income Tax stipulates that rehabilitation expenses and expenses associated with facilitation of performance of day-to-day activities, which were incurred by a disabled taxpayer or taxpayer who maintains disabled person(s), may be deducted from a taxable income.

408. According to the Regulation of the Minister of Labour and Social Policy on company fund for rehabilitation of disabled people, employees of sheltered work enterprises may receive funding to cover, *inter alia*, the costs of:

- Transport, stay and treatment in hospitals, health resorts, training and rehabilitation institutions, healthcare centres and care and nursing homes.
- Medications and other medical products.
- Purchase and repair of rehabilitation equipment, medical devices, as well as means of transport.
- Improvement of physical ability.
- Transport to and stay at rehabilitation camps with a caregiver, as well as the costs of vacation and leisure organised in other forms.
- Stay at summer/winter camps and rehabilitation camps for employees' disabled children, as well as children of disabled people.
- Home care provided to a disabled employee, who is unable to move around independently due to a chronic illness.
- Transport of a disabled person to facilities providing medical treatment and rehabilitation.
- Health care, counselling and rehabilitation.

409. Foundations and non-governmental organizations may receive support from PFRON for activities designed to:

- Help disabled people acquire, develop and maintain skills which are essential for independent day-to-day living.
- Develop communication skills of people with hearing and speech impairment, autism and intellectual disability.
- enhance and support functioning of people with autism and intellectual disability in various social roles and environments.

PFRON may also provide support for trainings of sign language interpreters and interpreters-guides.

Article 27 – Work and employment

Right to work, protection against discrimination

410. The Constitution provides that everyone shall be free to choose and pursue their occupation and place of work. Exceptions shall be specified by statute.

411. The Kp guarantees that each person has a right to choose the profession. No one can be forbidden to pursue their occupation, with the exception of cases specified by statute. Employees have the right to equal pay for equal work. The Kp guarantees that employees receive equal pay for equal work or work of equal value.

412. On the basis of the Kp, employees, including disabled people, are to be equally treated as concerns establishment and termination of employment, terms of employment,

promotion and access to the training. Unless an employer can prove that he took account of objective reasons, it is considered a breach of the principle of equal treatment when the employer differentiates the situation of an employee, and such differentiation has the following consequences:

- Refusal to conclude an employment relationship or termination of an employment relationship.
- Unfavourable terms of remuneration or other terms of employment, or overlooking an employee in promotion or granting other work-related benefits.
- Overlooking an employee in the selection of participants for training to improve professional qualifications.

413. Undesirable conduct with the purpose or effect of violating the dignity of an employee and creating an atmosphere which is frightening, hostile, degrading, humiliating or insulting for the employee (harassment) is considered to be an act of discrimination. The Kp also defines mobbing as actions or behaviour referring to an employee, or directed against an employee, comprising persistent and drawn-out bullying or intimidation of that employee. An employee – a victim of harassment, who became affected by chronic diseases and disturbances as a result of harassment, may claim financial compensation from an employer for suffered harm.

414. Employer is obliged to counteract discrimination and provide text of regulations on equal treatment at work or provide access to such regulations in another way.

415. A person whose right to equal treatment was violated by an employer, is entitled to a compensation. Prior to taking the matter to the court, the victim may request conciliatory proceedings.

416. An employee is not required to prove the claim of discrimination, he must demonstrate the differentiation of his situation. If an employer wants to exonerate himself, he has to prove that the differentiation is not of a discriminating nature (shifting the burden of proof).

417. The fact that an employee took advantage of his rights in connection with a breach of the equal treatment principle shall not constitute grounds for unfavourable treatment and it shall not cause any negative consequences for the employee. These guarantees shall also apply to employees providing support to an employee who is taking advantage of his rights due to a breach of equal treatment principle.

418. According to the Constitution, Polish citizens have equal access to civil service. The Act on Civil Service and the Act on Local Self-government Employees do not impose any requirements associated with health condition on candidates for civil service and members of civil service corps. The Act on Employees of Public Offices stipulates that a person, whose health condition allows for work on a given post, may be a civil servant. Since there are no provisions as regards establishing the health condition, generally applicable provisions of the Kp apply. The Act on Foreign Service provides that assignment of a diplomatic rank to a member of foreign service depends on their physical and mental health. Medical examinations are designed to detect some diseases and deficiencies. The Act on Road Transport specifies that the function of an inspector may be performed by a person of adequate health.

419. The Act on Civil Service and the Act on Local Self-government Employees provides that public offices with the employment rate of disabled people under 6% shall give priority to disabled people in the recruitment (with the exception of managerial positions in local self-government units). The Act on Employees of Public Offices also obliges public offices to give priority to disabled people in recruitment procedure.

420. The Head of the Civil Service undertakes measures addressed at disabled people, who are candidates for civil service positions, and persons in charge of recruitment process. These measures consist in dissemination of knowledge of rules of recruitment and employment in civil service.

421. Conferences, consultations for representatives of the government administration offices and workshops took place in 2012. The document “Disabled people as candidates for vacancies in civil service. Key findings of the conference and ideas for the future” was developed. In 2013, the issue of employment of disabled people in public administration was discussed at job fairs, conferences, consultations.

422. Funded by PFRON, the project “Internship in public administration as a method to support social and vocational development of disabled people and create a positive image of disabled people on labour market” has been implemented by the Foundation Regional Development Institute in the years 2013-2014. The project’s objective is to organise internships for 200 disabled university graduates, provide personalised support and promote employment of disabled people in public administration.

423. In 2012, the Head of the Civil Service conducted an audit which revealed that office headquarters accessibility improved significantly, recruitment announcements encouraged disabled people to apply for civil service posts and offices more often cooperated with entities which operate in the field of vocational activation of disabled people.

424. The Supreme Audit Office conducted an audit in 2013, “Employment of disabled people in selected ministries, government administration authorities and state organisational entities” which revealed that the recruitment procedures met the requirements concerning employment of disabled people.

425. The Constitution ensures the freedom to set up and operate trade unions. The Act on Implementation of Some Regulations of the European Union Regarding Equal Treatment forbids unequal treatment due to the disability as concerns right to organise. The Act on Trade Unions contains regulations on trade unions’ formation, operations and membership, as well as responsibility for the breach of trade union rights. The Act does not introduce any limits to freedom of association due to disability.

Support on labour market

426. The Act on Employment Promotion and Labour Market Institutions stipulates that job placement, vocational counselling and information for the unemployed, job seekers and employers must comply with the principles of accessibility, equality, freedom to choose a profession and place of employment, data protection and confidentiality. The Act forbids labour offices from accepting job offers featuring requirements which constitute a breach of equal treatment principle. Employers may include information that offer is addressed to disabled people, but it is inadmissible to specify the type or degree of disability. The ban on discriminating practices also applies to private labour market institutions (job agencies).

427. Refusal to employ an applicant for a vacancy and apprenticeship on the grounds of his disability is subject to a fine.

428. Additional measures, addressed to persons encountering difficulties on the labour market, including disabled people, include:

- Within six months since they lost the right to benefits, a labour office shall provide the unemployed who receive social assistance benefits with a job offer paid work, training, internship, vocational training for adults, employment associated with intervention works, public works or, upon request of a social assistance centre, it may refer them to join a social contract, personalised self-sustainment programme and local social assistance programme, which are specified in social assistance

regulations. The labour office may also enable them to take part in social employment programmes.

- An employer, who hired an unemployed person for intervention works for six months, is entitled to the partial refund of costs associated with remunerations, awards and social insurance fees.
- An employer, who hired an unemployed person for intervention works for at least six months, continued to employ this person for another six months and continues to employ him on a full time basis after the lapse of this period, may be entitled to a single refund of the cost of remuneration.
- The unemployed may be granted a six-month long internship (12 months for the unemployed under 27 who received their graduation diploma or another certificate of graduation from a higher education institution less than 12 months prior to the internship).

429. Published in 2011, the guide “Vocational counselling and job placement for disabled people. Guide for labour offices” presents career opportunities for disabled people and explains how to solve issues associated with the employment of disabled people. It also touches upon vocational counselling and job placement services for disabled people.

430. Wage subsidies encourage employers to hire disabled people. These subsidies are paid to employers, as specified in the Act on Vocational and Social Rehabilitation. Until the end of March 2014, the Act allowed to calculate monthly subsidy taking into account the degree of an employee’s disability and in relation to the minimum wage. These subsidy amounts were increased in the case of disabled employees with a mental disease, intellectual disability, general developmental disorders, epilepsy and blind employees. Subsidies for employers from an open labour market were slightly lower than subsidies for employers in sheltered work enterprises.

431. Provisions which entered into force on 1 April 2014, brought the amounts of subsidies to the same level for both groups of employers.

432. On 1 April 2014, an amount of the monthly subsidy was increased for disabled employees with a certificate of a mental disease, intellectual disability, general developmental disorders and epilepsy, as well as for blind employees. An amount of the monthly subsidy must not exceed 90% of the actual wage costs, or 75% in the case of employers conducting economic activity.

433. An employer, who hires a disabled employee, may receive from PFRON a refund of monthly costs of employment of staff that assist a disabled employee in communicating with other employees and help him with activities which he is unable of or has difficulty with performing.

434. A disabled person registered at the labour office as an unemployed person or a job seeker may receive funding from PFRON for setting up their own economic or agricultural activity, or as an initial capital contribution to a social cooperative.

435. A disabled person who conducts economic activity or runs their own or leased farm may receive subsidies to repay interest rates on a loan taken to continue this economic or agricultural activity.

436. Self-employed disabled people and disabled farmers may apply for a total or partial refund of social insurance fees.

437. The Act on Vocational and Social Rehabilitation contains solutions which are designed to support disabled people on an open labour market:

- Work time must not exceed 8 hours per day and 40 hours per week, or, in the case of persons with a severe or moderate degree of disability, 7 hours per day and 35 hours per week.
- Overtime or night work is forbidden (with some exceptions).
- An extra 15-minute long break at work for physical exercise or a comfort break, included in working hours.
- Reduced working time shall not translate into a reduction of a monthly remuneration paid out in a fixed amount; hourly rates get raised accordingly so that a monthly remuneration remains unchanged.
- A person with a severe or moderate degree of disability is entitled to an additional holiday leave (10 working days).
- A person with a severe or moderate degree of disability is entitled once in a year to a paid time off (up to 21 working days) to go to a rehabilitation camp.
- A person with a severe or moderate degree of disability may use time off to undergo specialist medical examinations, therapy and rehabilitation, acquire or repair orthopaedic equipment, provided that these assignments cannot be attended to outside of working hours.

438. The Law on Public Procurement provides that a procuring entity may specify requirements for contract implementation, such as employment of disabled people (social clauses). A procuring entity may also stipulate that the public procurement contract is reserved to contractors whose workforce is composed in over 50% of disabled people (reserved contracts).

439. The Public Procurement Office assesses the degree to which social clauses are incorporated in public procurement contracts, based on a sample of procurement announcements placed in the Public Procurement Bulletin and Official Journal of the European Union. Data on the reserved contracts are available.

440. Initiatives within the National Action Plan for Sustainable Public Procurement 2013-2016 (follow-up to the National Action Plan for Sustainable Public Procurement 2010-2012) include:

- Trainings for procuring entities.
- Conference on social aspects in public procurement.
- Management of the website section “Social Public Procurement” on the website of the Public Procurement Office.
- Development of a manual with best practices examples.
- Development of a survey designed to gauge the implementation of sustainable public procurement.

441. The Act on Vocational and Social Rehabilitation provides for creation of sheltered work enterprises and vocational activity establishments.

442. A status of a sheltered work enterprise may be given to an employer who conducted economic activity for at least 12 months and has the employment rate for disabled people, as specified in the Act, for at least 6 months. An employer must also adapt the company’s facilities and premises to the needs of disabled people, as well as ensure emergency medical aid and specialist health care, counselling and rehabilitation.

443. An employer who runs a sheltered work enterprise may receive the support from PFRON:

- Subsidies to repay interest rates on loans, provided that these loans were used to fund tasks associated with vocational and social rehabilitation of disabled people.
- Refund of additional costs associated with employment of disabled people.

444. An employer who runs a sheltered work enterprise set up a company fund for rehabilitation of disabled people. At least 15% of the fund's money must be allocated to personalised rehabilitation programmes, while at least 10% of funds are dedicated to individual support for disabled employees and former, currently unemployed, disabled employees.

445. Vocational activity establishments are designed to promote employment of disabled people and prepare them, as much as possible, for independent, self-sufficient and active living through vocational and social rehabilitation. The Regulation of the Minister of Labour and Social Policy on vocational activity establishments lays down the rules of setting up, financing and delivery of rehabilitation services for disabled people. Creation and operations of vocational activity establishments are co-funded by PFRON.

446. The following requirements apply to a vocational activity establishment:

- Persons with moderate and severe degree of disability, autism, intellectual disability and mental disease must account for at least 70% of the employees.
- Facilities and premises must meet health and safety requirements and meet the accessibility requirements.
- Health care, counselling and rehabilitation must be provided.
- Income generated must be paid into the company fund for activity.

447. The company fund for activity shall be set up by a vocational activity establishment to provide funding for the following:

- Upgrade and further equipping of workstations to support independent functioning of disabled employees.
- Improvement of working conditions.
- Purchase of equipment and accessories designed to facilitate independent day-to-day living and social integration.
- Support in preparation for work outside the establishment and providing equal opportunities in a new workplace.
- Further education, retraining and training.
- Support in preparation, construction, refurbishment and furnishing of individual and collective forms of sheltered housing for persons who do not have families or want to become independent.
- Leisure and participation in cultural life.
- Providing support to meet other vital needs and social rehabilitation needs.

448. Sheltered work enterprises, where blind persons, persons with mental disease, severe and moderate intellectual disability account for 30% of disabled employees, as well as vocational activity establishments are not subjects to taxes and levies, except for stamp duty and sanction charges, gambling tax, value added tax and excise duty, duty, income taxes and motor vehicles tax. Sheltered work enterprises must allocate money from tax exemptions to PFRON (10%) and company fund for rehabilitation (90%).

449. The Act on Personal Income Tax allows employers, who run sheltered work enterprises, to designate advance payments of personal income tax from salaries for PFRON and company fund for rehabilitation. The same provision applies to vocational activity establishments which may allocate advance personal income tax payments to company fund for activity.

450. Occupational therapy workshops are separate organisational entities with their own funding, designed to provide disabled people with social and vocational rehabilitation. Establishment and operations of occupational therapy workshops are co-funded by PFRON. The Regulation of the Minister of Economy, Labour and Social Policy on occupational therapy workshops sets out rules for occupational therapy workshops. Occupational therapy workshops operate on a non-profit basis. Any income is used to cover expenses associated with social integration of workshops' participants, on a basis of an agreement with them.

451. Activities take place in therapeutic workshops according to personalised plans. The key objective is to help disabled people become self-reliant by teaching them how to perform day-to-day activities, be resourceful, as well as develop psychophysical abilities and basic and specialised vocational skills which enable to participate in a vocational training or find employment in sheltered work enterprises.

452. The Act on Social Employment applies to persons with mental diseases disabled people and socially excluded persons. Social employment consists in attending workshops run by social integration centres, social integration and supported employment clubs.

453. Social integration centre enables service users to:

- Develop the skills necessary to fulfil social roles.
- Acquire or improve vocational skills.
- Learn how to plan their lives and satisfy their needs, particularly by finding employment or running their own economic activity.

The centre may run a manufacturing, trading or service activities, as well as manufacturing activities in agriculture.

454. The following activities may take place in social integration clubs:

- Activities designed to help service users find and train for a job.
- Community service or public work.
- Self-help activity in the scope of employment, housing and social issues.

455. According to the Act on Social Cooperatives, the aim of social cooperatives is to run a joint enterprise on the basis of labour of its members. The cooperative assists its members in vocational and social re-integration. A social cooperative may also run social, educational and cultural activity for its members and their local community, as well as a public benefit activity.

456. Programmes co-funded by PFRON include:

- "Computer for Homer 2010" (2010-2011) – purchase of electronic equipment and software, which facilitate vocational and social inclusion of blind and visually impaired persons.
- "Partner III" (2008-2010) – projects which are targeted at disabled people and implemented by non-governmental organizations.
- "Pegasus 2010" – activation of disabled people by removal of barriers in transport and communication.

- “Efficient Transport” (pilot programme, 2007-2008) – support to acquire a passenger car and a car driving license.
 - “Job Coach” (2007-2010) – supported employment on an open labour market.
 - “Telework and Other Flexible Forms of Employment for Disabled People” (2009-2013).
457. Programmes implemented in 2013 include:
- “Regional Differences Levelling Programme II”, designed to close the gap in access to vocational and social rehabilitation services for disabled people in underdeveloped regions.
 - “Active Local Self-government” – designed to remove or reduce barriers to participation in social life, vocational activity and access to education.
 - “Support for Initiatives” – designed to promote various activities for vocational and social development.
 - “Junior. Vocational Development Programme for Disabled Graduates”, designed to enable young disabled people to start a career.
458. PFRON implements six projects for persons with rare and multiple disabilities in 2012-2014:
- “Support for Persons with Physical Disability on Labour Market III”.
 - “Support for Persons with Selected Genetic Disorders”.
 - “Support for Disabled People to Ensure Free Access to Internet-based Information and Services II”.
 - “Support for Blind Persons on Labour Market III”.
 - “Support for Persons with Multiple Sclerosis, including Persons with Multiple Disabilities, on Labour Market”.
 - “Job Coach or How to Raise Employment Rate Among Disabled People”.
459. The following projects were launched in 2013:
- “Support for Rural and Small-town Communities of Disabled People”.
- “Support for Graduates to Enter Labour Market”.
 - “Support for Graduates to Enter Labour Market II”.
 - “Internship in Public Administration as a Method to Support Social and Vocational Development of Disabled People and Create a Positive Image of Disabled People on Labour Market”.
 - “Internship in Public Administration as a Method to Support Social and Vocational Development of Disabled People and Create a Positive Image of Disabled People on Labour Market”.
 - “Support for Persons Over 45 with Rare Disabilities and Some Multiple Disabilities on Labour Market”.
 - “Support for Persons Over 45 with Rare Disabilities and Some Multiple Disabilities on Labour Market II”.
460. The following Best Practice Handbooks were published in 2011 and 2012:
- “Four Steps. Support for Deaf Persons on Labour Market II”.

- “Support for Persons with Moderate and Severe Intellectual Disability, including Down Syndrome and/or Multiple Disabilities, and Profound Intellectual Disability II”.
 - “Support for Deaf-blind Persons on Labour Market II – Take Matters Into Your Own Hands”.
 - “Support for Blind Persons on Labour Market II”.
 - “Support for Persons with Physical Disability on Labour Market II”.
461. The following publications were scheduled for 2013:
- “Support for Persons with Mental Disorders on Labour Market II”.
 - “Support for Persons with Autism II”.
462. Campaigns for employment of disabled people include:
- Organised by PFRON within the project “Work for Each Disabled Person. Media Campaign”, a campaign “Disabled People – Fully Able on Labour Market”.
 - Addressed primarily at employers, a media campaign organised within the project “Employment Support for Disabled People on Open Labour Market” launched within the project “Employment Support for Disabled People on Open Labour Market II”, a media campaign (on TV, radio, Internet and in the press).

Reasonable accommodations in the workplace

463. The Kp holds employer responsible to protect health and safety at work. The Regulation of the Minister of Labour and Social Policy on general occupational health and safety rules lays an obligation on employers to adapt a workstation and sanitary facilities to the needs of a disabled person, as well as the access to them.

464. According to the Act on Vocational and Social Rehabilitation, essential reasonable accommodations include situation-specific changes and adaptations resulting from special needs of a disabled person, as communicated to an employer, provided that implementation of such changes and adaptations does not amount to a disproportionate burden on an employer. The burden shall not be deemed as disproportionate, should it be sufficiently reimbursed from public funding.

465. An employer must ensure essential reasonable accommodations for a disabled person who is their employee or participates in a recruitment process, training, internship, vocational training, on-the-job training or post-graduate internship.

466. Failure to implement reasonable accommodations shall be considered as a breach of equal treatment principle. The National Labour Inspectorate reviews the application of labour law provisions and provides counselling. Any differences in opinions concerning adaptation of workstations as regards type and scope of accommodations, are handled by a labour inspectors. Any disputes shall be settled by the court.

467. According to the Regulation of the Minister of Labour and Social Policy on refund of additional costs resulting from employment of disabled employees an employer may obtain from PFRON a refund equivalent of 20 times an average wage per each adapted workstation of a disabled unemployed person or a disabled job seeker referred to work by a labour office, or a disabled employee whose disability occurred during the employment.

468. PFRON reimburses the cost of equipment of a workstation in the amount of up to 15 times an average wage provided that:

- A disabled person, registered in a labour office as unemployed or job seeker, has been employed by an employer for at least 36 months.
- The National Labour Inspectorate approves of the adaptation of a workstation or declares that the workstation meets health and safety standards.

This issue is specified in the Regulation of the Minister of Labour and Social Policy on refund of cost of equipment for workstations for disabled people.

469. PFRON implements a project “Framework Guidelines on Facility and Premises Design, and Adaptation of Workstations to Special Needs of Disabled People” in 2013-2015.

Article 28 – Adequate standard of living and social protection

Core solutions

470. Regulations concerning the access to community amenities (water, gas, electricity, heating) do not provide separate rights for disabled people. Kc provisions on rental of living premises do not impose any limitations on a disabled person’s right to conclude a rent agreement. The Act on Protection of Tenants’ Rights, Gmina Housing Stock and Amendment to the Civil Code does not state that disability should in any way impact the possibility to conclude a rent agreement for residential premises which are part of housing resources belonging to gmina or other units of local self-government.

471. A court may order eviction if a tenant grossly or persistently transgresses house regulations. When issuing the possession order the court states whether evicted tenants are entitled to social housing. Disabled people are entitled to such housing.

Social benefits

472. The Act on Social Insurance System provides for equal treatment of all insured persons. The principle of equal treatment shall concern terms of social insurance coverage, obligation to pay and calculation of the social insurance contributions, calculation of the amount of benefits, period of payment and retention of a right to benefits.

473. The Act on Retirement, Disability and Other Pensions from the Social Insurance Fund lays down the conditions for acquiring the right to financial benefits from retirement and disability systems, as well as the rules of establishing the amount of benefits, terms and mode of granting and payment of benefits. A person, who is not able to work due to an impairment, is entitled to a disability pension, provided that this person meets the requirements concerning contributory and non-contributory periods and their incapacity for work occurred during the period specified in the Act.

474. The Act on Social Insurance for Accidents at Work and Occupational Diseases sets out the conditions for acquiring the right to benefits from work accidents insurance, such as incapacity for work benefit due to disability caused by an accident at work or an occupational disease, as well as single compensation for serious bodily harm caused by an accident at work or an occupational disease.

475. The Act on Farmers’ Social Security specifies the conditions for acquiring the right to benefits from retirement and disability insurance, as well as accident and sickness insurance. A person, who is incapable of continuing agricultural activity and work on a farm due to impairment, is entitled to an incapacity benefit, provided that he meets the requirements concerning the period of insurance and the incapacity for work occurred in the

period specified in the Act. The Act also sets out the conditions for acquiring the right to incapacity benefit due to disability caused by an accident at work or an occupational disease, as well as a single compensation for serious bodily harm caused by an accident at work or as result of an occupational disease.

476. The Act on Family Benefits provides that the following persons are entitled to a family allowance and supplement allowances:

- Both parents, one of parents or a legal caregiver of a child.
- Actual caregiver of a child.
- Person in education.

477. A person is entitled to a family allowance until a child:

- Turns 18.
- Graduates from school and is under 21.
- Turns 24, but has continued education at school or college, and has a certificate of a moderate or severe degree of disability.

The income which qualifies for the income-tested allowance shall be higher for families with a disabled child.

478. A person who is entitled to a family allowance may also collect supplementary allowances on account of:

- Birth of a child.
- Child care during child care leave; supplementary allowance payment period shall be extended, if a child is disabled.
- Single parenthood; child benefit shall be higher, if a child is disabled.
- Raising a child in a family with many children.
- Education and rehabilitation.
- Start of a new school year.
- A child living away from home on account of education (preferential solutions for disabled children).

479. The following persons are entitled to nursing allowance:

- Disabled child.
- Disabled person over 16, provided that he has a certificate of a severe degree of disability.
- Disabled person over 16 and with a certificate of a moderate degree of disability, provided that the disability occurred by the time this person turned 21.

480. Nursing benefit is granted to a mother, father or actual caregiver of a child, a child's relative or other persons who have maintenance obligations (except for persons with a severe degree of disability) if the person terminates employment or fails to start work or employment. Nursing benefit is not income tested and is paid out for an undetermined period of time. If the certificate of disability or a severe degree of disability was issued for a specified period of time, the benefit is paid out until the last day of the certificate expiration month. Starting from 1 January 2013, nursing benefit is granted when disability of a person in need of care occurred after this person turned 18 or during education at school or college, by no later than this person turned 25.

481. According to interim provisions, decisions on granting nursing benefits, based on provisions which were valid until 31 December 2012, expired on 30 June 2013. The Act on Establishment and Payment of Carer's Allowance which restored the right to a nursing benefit was passed on 4 April 2014.

482. Parents of disabled children, who collect a nursing benefit, may also receive a supplementary allowance.

483. Persons not entitled to nursing benefit and having maintenance obligations towards a disabled relative may collect a special care allowance provided that they quit their employment or another type of work in order to provide care to a relative with a certificate of a severe disability or a certificate of disability with recommendations concerning permanent or long-term care or support and the need of a day-to-day involvement in the process of the child's treatment, rehabilitation and education. A special care allowance is granted provided that a family income per person does not exceed the limit specified in the Act on Family Benefits.

484. According to the Act on Social Pension, the social pension may be collected by persons who are 18 and over and are totally incapable for work due an impairment which occurred:

- By the time they turned 18.
- During education at school or college and by the time they turned 25.
- During PhD studies or special doctoral programmes.

Other benefits

485. The Act on Housing Benefits provides that a statutory flat surface, which is one of housing benefit eligibility criteria, increases if one of tenants is disabled.

486. Fee exemption and discounts for disabled people are stipulated in the:

- Postal Law.
- Telecommunications Law.
- Act on Subscription Fee.
- Act on Public Transportation Fare Reduction Entitlements.

487. According to the Regulation of the Minister of Labour and Social Policy on company fund for rehabilitation, sheltered work enterprise employees may obtain funding to cover the costs of:

- Equipment and adaptation of flats, residential buildings and facilities occupied by or designed for disabled people.
- Keeping of an assisting dog for a blind person.
- Purchase of publications and teaching aids.
- Guides who assist blind people with a severe or moderate degree of disability and people with a severe degree of disability and physical impairment.
- Sign language interpreter.
- Motor vehicle insurance and lump-sum for costs of use of own motor vehicle for transport to and from work and to participate in rehabilitation in the case of people with a severe and moderate degree of disability and people with a mild degree of disability and physical impairment.

- Transport to work for disabled people who have a difficulty with using public transport.
- Education and trainings, including secondary schools and colleges.
- Trainings enabling disabled people to pursue their extraprofessional interests.

488. The Regulation of the Minister of Health on the list of medical devices subject to prescription lays down rules for provision of publicly funded medical devices. The Regulation contains a catalogue of medical devices subject to prescription, funding limits, amount of patient's contribution and eligibility criteria.

489. The Act on Vocational and Social Rehabilitation provides that disabled people shall receive co-funding for rehabilitation equipment, orthopaedic items and auxiliary appliances from PFRON, provided that a disabled person's income does not exceed specified income limit.

490. According to the Act on Tax on Civil Law Transactions, persons with moderate or severe degree of disability who purchase rehabilitation equipment, wheelchairs, mopeds, motorcycles and passenger cars are exempt from tax on civil law transactions. Persons with a mild degree of disability are exempt from the tax for the purchase of equipment associated with musculoskeletal diseases.

491. The Act on Personal Income Tax provides that expenses associated with support of day-to-day activities, incurred by a taxpayer who is a disabled person or who maintains disabled people, are income-tax deductible.

492. The following are exempt from personal income tax:

- Disability pensions granted on the basis of provisions for war and military invalids and their families.
- Disability pension received according to civil law provisions by a person who suffered bodily harm or health disturbance, and as a result, became partially or totally incapable for work, their primary needs increased or their prospects altered.
- Benefits received according to separate provisions on vocational, social and medical rehabilitation of disabled people from PFRON, company fund for rehabilitation and company fund for activity.

493. The Act on Health Care Services Financed from Public Funds lays down the following solutions designed to reduce disability-related expenditures:

- Beneficiaries are entitled to a free medical transport, if physical impairment makes them unable to use public transport to get to facilities where they receive treatment.
- Prescription medicines and medical devices for beneficiaries with an intellectual disability, as well as beneficiaries with some chronic, congenital or acquired diseases, shall be available free of charge, at flat fee or partially reimbursed.
- Military invalids and other persons specified in the Act on Support for War and Military Invalids and Their Families are entitled to free provision, of medicines included in the reimbursement list mentioned in the Act on Reimbursement of Medicines, Foodstuffs of Special Nutritional Purposes and Medical Products.
- War invalids, persecuted persons, their dependent spouses, widows and widowers of killed soldiers and late war invalids, as well as blind civilians who are war victims, are entitled to free selected medicines and foodstuffs of special nutritional purposes.
- Persons who are:

- War and military invalids, blind civilians who are war victims, and persecuted persons.
- Entitled soldiers or employees who undergo treatment of injury or diseases acquired during assignments abroad.
- Injured war veterans who undergo treatment of injury or diseases acquired during assignments abroad are entitled to free medical devices, within the limits of reimbursement levels.

Article 29 – Participation in political and public life

Fundamental guarantees

494. The Constitution:

- Prohibits discrimination in political, social and economic life,
- Guarantees freedom of creation and functioning of political parties, associations, civic movements and other voluntary assemblies and foundations.
- Ensures freedom of assembly and association.

495. Transmissions of plenary sessions of the Sejm and Senate are interpreted into Polish sign language.

496. Law on Associations stipulates that citizens have a right to associate in associations. Persons with full capacity to perform legal actions, who were not deprived of public rights, have a right to set up associations.

497. The Act on Political Parties stipulates that members of political parties must be citizens who are at least 18 years old. According to constitutions of political parties, incapacitated persons may not be members of political parties.

Voting rights

498. The Constitution guarantees the right of citizens to participate in a referendum and to elect the President of the Republic of Poland, deputies, senators and representatives to the local self-government bodies. Person incapacitated or deprived of public and voting rights by a decision of a court does not have the right to participate in referenda and to vote in elections.

499. The Electoral Code lays down the rules of conducting elections.

500. Upon a written request submitted at a gmina office a disabled voter is put on a list of voters in an electoral district with polling stations adjusted to disabled voter's needs, located in the disabled voter's gmina.

501. Voting takes place in electoral districts established on a permanent basis, and in separate electoral districts (where auxiliary ballot box can be used) in healthcare entities and social welfare centres.

502. The Regulation of the Minister of Infrastructure on polling stations in district electoral commissions adjusted to disabled voter's needs lays down technical requirements which must be met by a polling station to make it accessible.

503. The Electoral Code provides that voters with a severe or moderate degree of disability, as defined in the Act on Vocational and Social Rehabilitation, may vote by proxy.

504. To vote, disabled people may seek assistance of persons other than members of a district electoral commission and candidates trustees.

505. Voters with a significant or moderate degree of disability may resort to correspondence voting.

506. Other adjustments to the needs of disabled voters include:

- Access to information on organisation of elections, oral or printed, including e-mails.
- Provision of information on the rights of disabled voters on the website of the National Electoral Commission in accessible formats.
- Obligation to put up election notices and elections results in places in and outside polling stations accessible to people with reduced mobility.
- Voting by using Braille overlays to vote cards.

507. Any information concerning elections is available on the National Electoral Commission's website.

508. Persons with communication difficulties may contact the National Electoral Commission via e-mail and fax. They may also communicate via an electronic platform of public administration services.

509. Voting rights specified in the Electoral Code may be exercised by all disabled people, defined as persons with physical, mental, intellectual and sensory impairments which hinder participation in voting, except for these cases where the Code makes specific reference to the Act on Vocational and Social Rehabilitation.

510. The National Electoral Commission is responsible for supervision of election proceedings, including exercise of rights of disabled voters. According to the National Electoral Commission, current Electoral Code effectively ensures participation of disabled people in voting.

Article 30 – Participation in cultural life, recreation, leisure and sport

Fundamental guarantees

511. The Constitution stipulates that the freedom of artistic creation and scientific research as well as dissemination of the fruit of thereof, the freedom to teach and to enjoy the cultural objects, shall be ensured to everyone.

Culture

512. The Act on Organising and Pursuing Cultural Activity does not lay down special rights for disabled people. Disabled people have equal access to cultural activity and cultural objects. Separate solutions were designed to remove actual barriers to the access to culture.

513. The Act on Gambling established the Fund for Promotion of Culture. Part of the revenue from the surcharge on prices of lottery tickets and other forms of evidence of participation in numerical lotteries, VLT, cash lottery and TeleBingo, is allocated to the Fund for Promotion of Culture. The funding is spent, among others, on support of the access of disabled people to culture.

514. The following projects were implemented in 2012:

- “Sound and Touch of a Written Word. 60th Anniversary of Readership Promotion by the Library for Blind Persons” – a conference on the book market’s adaptation to the needs of blind readers.
- Publishing two multimedia books: “Real People” by Tadeusz Boy-Żeleński in a DAISY format (full-text full-audio) and “The Confession of a Child of the Century” by Alfred de Musset (audiobook and in a DAISY format).
- “I’ve Heard That the World Is Beautiful” – library therapy and art therapy for blind persons and persons with low vision (Public Library in Oświęcim).

515. The initiatives financed from the Fund in 2013, include: activities for disabled children and youth raising skills in the field of culture and art, establishment of rental of digital talking books players in public libraries, publishing multimedia books in a format adapted to the needs of blind and visually impaired persons, adaptation of cultural facilities, promotion of artistic achievements of disabled people, promotion of readership via mail order of books and conducting research on the culture of deaf persons in Poland.

516. Examples of projects:

- “Creative Therapy” – a series of workshops in various arts”.
- “Pomeranian Library for Disabled People. The Year Without Barriers” (Szczecin).
- “Do not turn a deaf ear to culture. Analysis of opportunities and barriers to participation of deaf persons in a cultural and artistic life” (Kraków) – research on the cultural life of deaf persons.

Other examples of projects co-financed from the Fund, paragraph 526.

517. The Act on Copyright and Related Rights stipulates that already published copyrighted material may be used to the benefit of disabled people, provided that it is related to their disability and of non-commercial nature, and to the extent required by the specific disability.

518. The Act on Copyright and Related Rights established the Fund for Promotion of Artistic Creation. One of the Fund’s objectives is to cover all or part of the costs of publications for blind persons.

519. Despite these efforts, only 5% of publications are printed in accessible formats. In 2012 the Minister of Culture and National Heritage appointed a Team with a task of setting the rules ensuring access of blind and visually impaired persons to printed materials.

520. In June 2014, Poland signed the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, adopted on 27 June 2013.

521. The Act on Libraries stipulates that libraries shall ensure general access to academic and cultural resources.

522. The Central Library of the Polish Association of the Blind resources are available to blind and visually impaired persons.

523. There are four ways of access to library resources: renting to visitors, via post, digital online resources and delivery of books to elderly and house-bound readers who live in Warsaw and neighbouring localities. The library serves over 15,000 readers both in Poland and abroad.

524. The Act on Vocational and Social Rehabilitation stipulates that powiats shall provide co-funding for cultural activities for disabled people. According to the Regulation

of the Minister of Labour and Social Policy on types of tasks of powiat that may be co-funded by the State Fund for Rehabilitation of Disabled People, legal persons and entities without legal personality may apply for funding for initiatives in the field of sports, culture, recreation and tourism which target disabled people.

525. The majority of cultural institutions under the authority of the Minister of Culture and National Heritage are adapted to the needs of disabled people. Complete removal of architectural barriers is difficult or impossible in some facilities due to conservation requirements or very high adaptation cost.

526. Programme “Cultural Education” is one of tools designed to increase the accessibility of culture. Some of the tasks within the programme:

<i>Applicant</i>	<i>Task</i>
	<i>2012</i>
Museum of Art in Łódź	Adaptation of exhibition in Edward Herbst Palace to the needs of blind persons
Książnica Podlaska – library in Białystok	Książnica Podlaska – Barrier-free library – building’s reconstruction
Teatr Dramatyczny – theatre in Warszawa	Reconstruction of passageways for audience to the Mała Scena
National Museum in Kraków	Adaptation of Szołayski House to a new cultural offer
Regional and Municipal Public Library in Łódź	Library that is easy to use for visually impaired persons
Museum of Archeology in Gdańsk	Furnishing the Centre of Archeological Education “Błękitny Lew” (“Blue Lion”) with equipment for cultural and educational activity for disabled people
	<i>2013</i>
Public Library in Chełm	Special workstation for visually impaired persons
Gmina of Wieliszew	Reconstruction and furnishing of an auditorium/conference hall in the Office of Gmina of Wieliszew
Association for Support for Disabled People “LARIX” named after Henryk Ruszczyc	Rental of DTB players
Teatr Dramatyczny in Warszawa	Adaptation of the area around the Mała Scena

527. The Access Point for Disabled People has been in place in the National Library since 2012. Library resources are available in accessible digital formats. Video magnifiers and communication-enhancing devices for people with hearing impairments are also available. The National Library launched trainings for employees of other libraries and cultural institutions in services for disabled people in 2013.

528. The Grand Theatre-National Opera in Warszawa and the National Old Theatre in Kraków continue their efforts to remove architectural barriers. National Art Gallery “Zachęta” finished this type of investments in 2012. The Centre for Contemporary Art Zamek Ujazdowski launched adaptation works in 2012, and the Centre for Polish Sculpture in Orońsko in 2013.

529. The programme “Cultural Education” promotes the use of audio description technique to increase the access of blind and visually impaired persons to cultural events.

530. Other initiatives include:

- Grand Theatre-National Opera redesigns its website to make it accessible to blind persons.
- National Theatre in Warszawa collaborates with the Foundation for Children “Help on time” on audio description of theatre plays. The Old Theatre in Kraków is involved in a similar initiative.
- National Art Gallery Zachęta in Warszawa runs audio described workshops. Zachęta develops audio descriptions for selected art pieces and films, and creates audio described sections on the gallery’s website.
- National Museum in Kraków uses audio description to present its collection and periodic exhibitions. Workshops and exhibitions were organised: “Art Odyssey”, “Barrier-free Royal Route in Kraków”, “Kraków within reach”.
- In 2013, the National Centre for Culture organised an audio described exhibition celebrating the 150th anniversary of the January Uprising.
- Fryderyk Chopin National Institute added a section with audio described files to its website.

531. The National Audiovisual Institute made its audiovisual homepage accessible in 2013. Over 100 materials, including films and video footage of theatre plays, were provided with transcription for deaf and hearing impaired persons. The website is equipped with Text-to-speech technology which gives voice to written content.

Sport

532. By-laws and rules and procedures of national and international organisations specify the principles of disabled people’ engagement in sports.

533. The Disability Sport Council was appointed by the Minister of Sport and Tourism in 2008. Its role is to:

- Propose further avenues for development of sports for disabled people.
- Initiate, support and promote activities.

534. The Act on Gambling established a Physical Culture Development Fund. 77% of the revenue from surcharge on prices of lottery tickets and other types of evidence of participation in state-controlled games is allocated to the Fund to provide funding for modernisation and renovation of sports facilities, as well as co-funding for investments in facilities. The funding is also allocated to activities designed to promote sport, including sports for disabled people.

535. Measures concerning general sports for disabled people are specified in the Regulation of the Minister of Sport and Tourism on financing tasks from the Physical Culture Development Fund.

536. The Fund provides co-funding for:

- Activities of sport clubs sections.
- Sport events.
- Sport classes within the programme “Sports coordinator for disabled people”.

- Training of instructors, coaches, physiotherapists, trainee classifiers and sports volunteers.
- Promotion of sport.
- Purchases of sports equipment.

537. Polish Paralympic Committee coordinates national paralympic movement of disabled people. The Committee is a member of the International Paralympic Committee and the European Paralympic Committee.

538. Organisations which operate in the field of competitive sports for disabled people may establish sports associations by virtue of the Act on Sport. Rules of funding of disabled people' sports are the same as the rules of funding of sports for non-disabled people.

539. Criteria for awarding athletic scholarships and scholarship amounts are the same for disabled and non-disabled athletes according to the Regulation of the Minister of Sport and Tourism on athletic scholarships for the members of Polish national team. The Regulation of the Minister of Sport and Tourism on types of distinctions and monetary award amounts for remarkable achievements in sport stipulates that non-disabled and disabled athletes receive monetary awards according to the same criteria and in the same amount.

540. Health care for members of the national team of disabled people and paralympic team is funded from the State budget. The Regulation of the Minister of Health on scope and means of provision of health care for members of the National Olympic and Paralympic Teams specifies the scope and means of providing health care.

541. Tasks within the competitive sports for disabled people are implemented according to the Act on Sport, the Act on Public Finance and the Regulation of the Minister of Sport and Tourism on financing tasks from the Physical Culture Development Fund. The Fund provides funding for:

- Preparation for Paralympics.
- Preparation for Olympics for deaf persons.
- Preparation for the World Cup and European Championship in sports which are not covered by the programmes for Paralympics and Olympics for deaf persons.

542. Funded from the State budget, the programme "Support for training of the national team for Paralympics, Olympics for deaf persons and World and European Championship in non-olympic sports" was implemented in 2012. Its objective was to prepare Polish team for successful competition on international arenas including Paralympics in London in 2012.

543. The programme of preparations for the World and European Championship in sports which are not covered by the programmes of preparations for Paralympics and Olympics for deaf persons, was aimed at disabled athletes members of:

- Polish Association for Disabled Sports "Start".
- Physical Culture Association "Olimp".
- Federation of Sport Associations "Sprawni-Razem".
- Association for Physical Culture, Sport and Tourism for Blind and Visually Impaired Persons "CROSS".
- Football Association for Disabled People "Amp-Futbol".

544. PFRON implemented "Support for international events for sport for disabled people in Poland" programme in 2012-2013.

545. Stadiums which hosted 2012 UEFA European Championship are adapted to the needs of disabled people (seats on bleachers, access to the seats, parking places, restrooms, services, signage in Braille). Audio description equipment was installed at all stadiums.

Recreation and tourism

546. The Regulation of the Minister of Economy and Labour on hotels and other facilities that provide hotel services specifies minimum requirements concerning adaptation to the needs of disabled people.

547. The Act on Tourist Services imposes the obligation to display information on a hotel building's adaptation to the needs of disabled people.

548. The Regulation of the Minister of National Education on requirements for organisers of leisure time for school-age children and youth and rules for organization and monitoring of leisure activities stipulates that organisers of leisure activities for children and youth are obliged to ensure safety and adequate care, as well as employ appropriately qualified pedagogical staff.

549. The Ministry of Sport and Tourism co-founded the project "World outside of silence and darkness" in 2012. The project was designed to provide training to 120 city and museum guides working for tourists with sensory impairments and to adapt selected elements of the city/museum tour to the needs of disabled people. Funding was also provided for the project "Senior assistant in tourism for blind persons".

Article 31 – Statistics and data collection

550. The Act on Public Statistics lays down the foundations for conduct of surveys.

551. Programmes of statistical surveys within public statistics for 2012 and 2013 include collection of the data further allowing development and implementation of the State's social policy, including the policy for disabled people.

552. Statistical surveys targeting persons or households are conducted, *inter alia*, by means of representative sampling.

553. Data on disabled people in the National Census of Population and Housing of 2011 were elicited by sampling (20% random housing sample) on the basis of voluntary answers. Information on (biological or legal) disability was based on a respondent's declarations.

554. Labour Force Survey is conducted on a quarterly basis. It includes detailed information concerning disabled people.

555. In 2011, GUS conducted survey "Disabled people on Labour Market in 2011".

556. In 2013, GUS released publication "Population. Socio-economic status and structure" with data on and characteristics of disabled people, disability categories, education level, marital status, sources of upkeep and economic activity.

557. Examples of other surveys designed to collect data on disabled people:

- Study on health care in households.
- Study on social assistance and system of foster care.
- Study on education.
- Study on participation in culture.
- Study on participation in sport and physical recreation.

- Study on household budgets.
558. All study findings are available on GUS website.
559. According to the Regulation of the Minister of Labour and Social Policy on terms, means and mode of data collection and removal within Electronic National System for Monitoring of Disability Assessment, the system enables:
- The Government Plenipotentiary for Disabled People to run registers of trainings and audits, generate reports, produce analyses, support monitoring of disability assessment and certification process at the level of powiats and voivodships, and manage the system.
 - Teams in voivodships to run registers of appeals, disability certificates, expenditures, trainings and audits as well generate documents required in the disability assessment and certification process.
 - Teams in powiats to run registers of applications, disability certificates, appeals, expenditures, identification cards of disabled people as well as generate documents required in the disability assessment and certification process.
560. The system is also used to store data on:
- Disability certificates for other than insurance purposes.
 - Persons in a disability assessment and certification teams.
 - Costs of operations of a disability assessment and certification team.
561. Data on disabled people are available in the system in the form of reports, which are generated for persons:
- Under 16 and include the symbol of the cause of disability, age category, sex and number of causes of disability.
 - Over 16 and include the symbol of the cause of disability, degree of disability, age category, sex, education, employed/unemployed and number of causes of disability.
562. Reports are available in different formats depending on territorial scope.
563. Data on disabled people are available on the website of the MPiPS.
564. PFRON has conducted surveys, such as a 2010 survey on the influence of education on vocational and social integration of disabled people, job satisfaction, effectiveness of non-governmental organizations in implementation of delegated assignments, outcomes of subsidies for education of disabled children in rural areas within the programme “Rural student”.

Article 32 – International cooperation

565. Poland implemented two large scale aid projects in 2012 and 2013 in Rwanda and Belarus. Poland also implemented or co-funded smaller projects in Armenia, Azerbaijan, Burundi, Montenegro, Ghana, Georgia, Kyrgyzstan, India, North Korea, Lebanon, Macedonia, Myanmar, Moldova, Mongolia. Earlier implemented projects included a construction of a centre in Nairobi (Kenya) for blind children and a project for disabled people in Belarus.
566. In 2012, the MPiPS, in cooperation with PFRON, started a project “Legal, financial and administrative foundations of support system for disabled people” as part of development assistance for Georgia. Polish experts supported introduction of disability

assessment system in Georgia and strengthening of support for disabled children and adults. The programme was implemented in 2013 and 2014.

Article 33 – National implementation and monitoring

567. As the Convention regulates issues in many different areas, its enforcement is a shared responsibility of a number of Ministries. The MPiPS acts as a focal point and coordinating mechanism.

568. Coordination of implementation of the Convention by the Minister of Labour and Social Policy consists in verifying whether the Convention's provisions are taken into account during the processes of law making, policy making and development of programmes as well as proposing to remedy any identified infringements.

The Minister of Labour and Social Policy is assisted in these duties by the Government Plenipotentiary for Disabled People.

569. The Minister of Labour and Social Policy appointed a Team for the Implementation of the Provisions of the Convention on the Rights of Persons with Disabilities in August 2013. The Team acts as a coordinating mechanism as defined in Article 33, paragraph 1 of the Convention. The Team is composed of representatives of the Ministries involved in the implementation of the Convention. The Team's meetings may also be attended by representatives of other institutions and non-governmental organizations.

570. The Team evaluates whether the Convention's provisions are taken into account in processes of law making, policy making and development of programmes as well as propose to remedy any incompatibilities. Information about the Team and its activities is available on the MPiPS website.

571. The Human Rights Defender is the independent monitoring mechanism. The Human Rights Defender operates in compliance with the Paris Principles. The International Coordinating Committee on NHRIs determined the accreditation status of the Human Rights Defender by awarding him an "A" status.

572. State budget for 2013 allocated adequate resources to address these measures.
