**Human Rights Council resolution 49/12**

**Thematic study on the rights of persons with disabilities**

**Office of the Government Plenipotentiary for Disabled People of the Republic of Poland** provides relevant information for the preparation of the annual thematic study on the rights of persons with disabilities, in relation to the following questions raised by the Office of the United Nations High Commissioner for Human Rights (OHCHR):

**1(a) i**

**Laws regulating on individualized support for persons with disabilities related to communication aspect:**

* The Act on polish sign language and alternative communication (19th of Aug 2011) (*Ustawa o języku migowym i innych środkach komunikowania się 19.08.2011*)- establishes definition of polish sign language (PJM), provides PJM interpreters for persons with disabilities in all public institutions.
* The Act on digital accessibility of websites and mobile applications of public entities introduced a systemic obligation for public entities to ensure accessibility in terms of architecture, information, communication and digitalization. The aim of the act is to guarantee that persons with disabilities are able to access all information they require in accessible format. (4th of Apr 2019) (*Ustawa o dostępności cyfrowej stron internetowych i aplikacji mobilnych podmiotów publicznych 4.04.2019*)
* The Act of July 19, 2019 on ensuring accessibility for persons with specific needs (*Ustawa o dostępności osobom ze szczególnymi potrzebami 19.07.2019r.*). The purpose of the act is to improve living conditions and functioning of persons with specific needs (including persons with disabilities) who are at risk of marginalization or discrimination, e.g. due to disability or reduced level of functional abilities due to age or disease. Public sector is required to ensure at least the minimum level of architectural, digital or informational and communicational improvements that will guarantee the accessibility of public entity. Information should be accessible, in particular by using simple and understandable language.
* The Act of August 27, 1997 on vocational, social rehabilitation and employment of persons with disabilities (*Ustawa o rehabilitacji zawodowej i społecznej oraz zatrudnianiu osób niepełnosprawnych 27.08.1997*) take into account possibility for persons with disabilities to receive financial support from the State Fund for Rehabilitation of Disable People (*Państwowy Fundusz Rehabilitacji Osób Niepełnosprawnych*) for PJM interpreter.

**Strategies and programmes related to individualized support for persons with disabilities – communication aspect**

* The Accessibility Plus programme (17th of Jul 2018) is the first in Poland to make public spaces and places accessible to persons with disabilities and older persons as well as other groups. Public sector is obligated to ensure accessibility in terms of architecture, information, communication and digitalization. Ministry of Development Funds and Regional Policy is responsible for implementation of the programme.
* National Strategy for Persons with Disabilities 2021-2030 (*Strategia na rzecz Osób z Niepełnosprawnościami 2021-2030*) Priority area 2 Accessibility – according to the article 9 United Nations’ Convention on the rights of persons with disabilities, main goal is to provide persons with disabilities full participation in all aspects of life, on an equal basis with others to the physical environment, to transportation, to information and communications including information and communications technologies and systems and to other facilities and services open or provided to the public, both in urban or in rural areas.

Moreover, actions planned in this area are bound with implementation of the UNCRPD (articles 20,21,30):

* architectural, digital or informational and communicational accessibility that will guarantee the accessibility of public entity;
* affordable and available quality of mobility assistance; development of „door to door” transport; accessibility of public transport; reduction of the time a request for assistance in rail transport;
* improvement of access for persons with disabilities to new information, communications technologies and systems; regulations of alternative and augmentative communication (AAC) and audiovisual media services; and
* increase participation of persons with disabilities in cultural life, recreation, leisure and sport.

Accessibility is recognized as one of the fundamental condition of full and effective participation and social and vocational inclusion of persons with disabilities.

**1(a) ii Strategies related to individualized support for persons with disabilities in decision-making aspect:**

The Council of Ministers enacted on the of 16th of Feb 2021 National Strategy for Persons with Disabilities 2021-2030 (*Strategię na rzecz Osób z Niepełnosprawnościami 2021- 2030*). Development and adoption of the strategy is one of the fundamental conditions of the EU cohesion policy, implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD) in accordance with Council Decision. National Strategy for Persons with Disabilities 2021-2030 emphasizes 8 priority areas e.g.:

* *Obszar priorytetowy 1: Niezależne życie* (Independent living)

Persons with disabilities have right to independent living (article19 CRPD), have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community; assistance to make decisions and exercise legal capacity, self-advocacy support instead of incapacitation; assistance to obtain and understand information; prohibition of marriages by persons with intellectual disability replaced by legal capacity to declaration of will.

Main purposes of these actions planned in the area of independent living are:

* Increase of individual autonomy, independence and self-determination of persons with disabilities including the freedom to make their own choices and right to freedom of speech;
* Enhanced participation of persons with disabilities in public, political and social life;
* System solutions for social services supporting persons with disabilities including deinstitutionalization;
* Establishing monitoring framework enabling implementation of the rights of persons with disabilities

**1(a) iii Laws and strategies related to individualized support for persons with disabilities in mobility aspect:**

The Act of August 27, 1997 on vocational, social rehabilitation and employment of persons with disabilities (*Ustawa o rehabilitacji zawodowej i społecznej oraz zatrudnianiu osób niepełnosprawnych 27.08.1997*) as well as in other specific provisions and programs take into account the principles of social inclusion and equalization of opportunities for persons with disabilities and create conditions for solving their problems, increasing their activity (social and professional) and independence as well for meeting special needs resulting from disability.

Wherever possible non-discriminatory access for persons with disabilities should be provided under the same terms and conditions as for persons without disabilities. The use of assistive devices by persons with disabilities should be facilitated, including aids to mobility and access, such as recognised guide dogs and other assistance dogs where necessary.

**1(a) iv Strategies and programmes related to individualized support for persons with disabilities in mobility assistance with daily living activities:**

Polish legislation does not provide regulations on personal assistance. However according to the Act establishing the Solidarity Fund for Persons with Disabilities, entered into force on the 1st of Jan 2019, the new special purpose state fund administered by the Minister in charge of social security, is aimed at social, professional or health support for persons with disabilities. The Solidarity Fund is a pillar of the support system for persons with disabilities. Minister in chargé of social security develops an annual action plan of support for persons with disabilities. In announcement of an action plan of support for persons with disabilities certain programmes where included e.g. personal assistant for persons with disabilities, respite care, housing care centres.

Programme „Personal assistant for persons with disabilities” financed by the Solidarity Fund provides professional services and assistance with daily living activities. Service is free of charge and available for persons with disabilities who have moderate or severe disability certificate.

National Strategy for Persons with Disabilities 2021-2030 priority area 1: Independent living (*Niezależne życie*):

* Persons with disabilities have right to independent living (article 19 CRPD), have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community;
* Persons with disabilities have access to personal assistance necessary to support living and inclusion in the community.

**1(a) v Strategies and programmes related to individualized support for persons with disabilities in housing and accommodation aspect:**

National Strategy for Persons with Disabilities 2021-2030, priority area 1: Independent living (*Niezależne życie*), Implementation of assisted housing services for persons with disabilities

* Assisted housing service implement the idea of deinstitutionalisation and enables independent living in the community
* There will be unified form of assisted housing services divided into 2 types: training apartment (short- term residence) and supported housing (residence for an indefinite period)
* Persons with disabilities will have the opportunity to choose their place of residence and with whom they will live;
* Access to a range of in-home, residential and other community support services including personal assistance
* Development of rental apartments market including reasonable accommodation and universal design.

**1(a) vi Strategies and programmes related to individualized support for persons with disabilities in family and household support aspect:**

National Strategy for Persons with Disabilities 2021-2030 priority area 1: Independent living (*Niezależne życie*):

* Implementation of a respite care as a system service which is dedicated for members of the families who have direct custody of the child with disability certificate or persons with disabilities with a certificate of severe degree of disability or equivalent;
* Circles of support were developed to assist individuals to become active in the community, and to make friendships and relationships accordingly to their needs. There are 2 kinds of support: formal (personal assistant, social worker, therapist, lawyer) and informal (family, friends, neighbors).

The "For Life" (“*Za życiem*”) Programme, launched on 20 December 2016, supports households with family members with disabilities, in particular children with disabilities. Family taking care of a child with disabilities will have the opportunity to apply for 10 hours of household support services per week provided by the Municipal Social Welfare Centre.

**1(a) vii Strategies and programmes related to individualized support in disability – related extra costs:**

National Strategy for Persons with Disabilities 2021-2030 priority area 5: Living conditions and social protection (*Warunki życia i ochrona socjalna*):

* Modification of financial support system adequate to the needs of persons with disabilities, which leads to poverty reduction and allow to maintain a decent living conditions.
* Modification of the financial benefits system through the actions (e.g. gainful employment) to combat social exclusion of caretakers of persons with disabilities – currently the care benefit is available to people who are not in paid employment due to taking care of a person with disabilities;
* Development of financials wellbeing safety for persons with disabilities

**1(b)**

Ministry of Family and Social Policy is a polish government institution in charge of budgeting, financing and implementing programmes and strategies mentioned above. Ministry of Development Funds and Regional Policy is responsible for implementation of the programme Accessibility Plus.

**1(c) –**

**1 (d)**

There were conducted public consultations of the National Strategy for Persons with Disabilities 2021-2030 document with the community of persons with disabilities and between the ministries. There is a reference to the National Strategy for Persons with Disabilities 2021-2030 in The Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030) – SRD –adopted by the Council of Ministers on 14th February 2017. SRD is a key document the Polish State in the field of the medium- and long-term economic policy. The SRD defines a new model of development – responsible development as well as development socially and territorially sustainable. Due to its complex nature, actions included in National Strategy for Persons with Disabilities 2021-2030 contribute to achieving the objectives concluded in SRD.

**2 (a) Legislations and policies regulating a care and support system:**

* The National Strategy for Persons with Disabilities 2021-2030

<https://niepelnosprawni.gov.pl/download/SON-RCL-Monitor-Polski-1639387201.pdf>

* The Solidarity Fund for Persons with Disabilities (The Act on establishing the Solidarity Fund for Persons with Disabilities entered into force on 1 January 2019)

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180002192/U/D20182192Lj.pdf>

* The Act on polish sign language and alternative communication (19th of Aug 2011)
* <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20112091243/U/D20111243Lj.pdf>
* The Act on digital accessibility of websites and mobile applications of public entities (4th of Apr 2019)
* <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20190000848/U/D20190848Lj.pdf>
* The Act on ensuring accessibility for persons with specific needs (19th of Jul 2019)
* https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20190001696/U/D20191696Lj.pdf
* The Act of August 27, 1997 on vocational and social rehabilitation and employment of persons with disabilites
* <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971230776/U/D19970776Lj.pdf>

**2 (b)**

Funding Sources of care and support system for persons with disabilities:

* In the first year of its operation, the Solidarity Fund is financed from a portion of Labour Fund contributions paid by the employers and the employees. The employer's contribution amounts to 2.45%. After the change, the contribution will be collected in the same amount, however 0.15% will directly finance the Solidarity Fund. Because of that, the total amount of assistance for persons with disabilities increased by approximately 650 million PLN per year. The main source of funding for the Solidarity Fund for Persons with Disabilities will come from the solidarity tax. The tax will be paid annually by the persons whose income exceeds PLN 1 million in a given tax year. The solidarity tax will amount to 4% of that amount. The government will allocate approximately PLN 1.8 billion as part of the fund for persons with disabilities.
* The State Fund for Rehabilitation of Disabled People is the state earmarked fund in the understanding of the law on public finance. The supervision over the Fund shall be exercised by the minister competent for social security issues, who on request of the President of the Managing Board of the Fund, after having received a positive opinion of the Plenipotentiary, shall approve the statute determining the organization, the detailed principles and procedure of the Fund, also of its bodies.

The following shall be the incomes of the Fund:

1) payments of employers referred to in art. 21 paragraph 1, art. 23, art. 24 paragraph 2 and art. 31 paragraph 3 item 1,

2) subsidies from the state budget and other subsidies and subventions,

3) inheritance, legacies and donations,

4) voluntary payments by employers,

5) incomes from interest on loans, discount on purchased treasury bonds, interest on bonds issued or guaranteed by the State Treasury or the National Bank of Poland and fixed deposits,

6) incomes from economic activity,

7) payments referred to in art. 12a paragraph 2 and in art. 26 paragraph 7, art.26e paragraph 6, art.26g paragraphs 2 and 3, as well as re-payment of loans with interest,

8) dividends,

9) interest on resources referred to in art. 48 paragraph 1,

10) other payments.

PFRON’s financing mechanisms are based mainly on contributions made by employers who fail to hire the required number of employees with disabilities. Funds allocated for PFRON’s projects come from obligatory monthly contributions made by employers who hire at least 25 full-time employees (considering their working hours) yet the percentage of persons with disabilities among their staff is lower than 6%. Our Fund’s beneficiaries include employers, individuals and non-governmental organizations and foundations. The largest part of funds is granted by PFRON directly to employers as remuneration funding. PFRON’s funds are also granted to individuals with disabilities, non-governmental organizations supporting persons with disabilities and specialized entities such as occupational therapy workshops or social economy undertakings such as vocational development centers. A part of funds which goes mainly to individuals with disabilities is distributed through district self-governments. Units subordinate to them collect applications for funding and, after considering them, transfer the respective funds.

* Programmes approved by the Supervisory Board, serving the social and vocational rehabilitation needs, in particular addressed to persons with disabilities, including children with disabilities.
* The S-A-M! (*Samodzielność – Aktywność – Mobilność!;* Independence – Activity – Mobility!) package of additional aid instruments is being implemented in relation to the amendment to the Act of Application of the 2021 Budget. It directs additional funds for social, vocational and medical rehabilitation of people with disability-related needs in 2022, and is aimed at people with a severe degree of disability.

The S-A-M! package consists of:

1. Housing for People with Disabilities Program – ensuring independent living. Module A: rent subsidies for university/secondary/post-secondary school graduates during job seeking. Module B: subsidies for replacing housing with architectonic barriers for people with impairment of the motor organ. Module C: support for NGOs in creating assisted living housing and cooperatives.
2. Automotive Program – supplying those who require specialized transportation with vehicles. Module A: subsidizing/refunding purchases of accessible automobiles. Module B: supplying transportation to inhabitants of rural areas. Module C: subsidizing/refunding additional driving lessons and license examinations.
3. Funding the creation of new occupational therapy workshops and vocational activity establishments. It is supposed to increase the number of vocational activity facilities for people with the most severe disabilities by taking over local governments’ financial participation for 3 years.
4. Rentals of rehabilitation equipment, medical products and assistive technology. Its aim is to supply people with disabilities with required products at no cost and enabling the same product to serve multiple users through a rental system.

The projected total cost over 3 years is 1 billion PLN, with the first three elements receiving funding through the State Fund for Rehabilitation of Persons with Disabilities (PFRON) and the fourth one being funded through the Government Agency of Strategic Reserves (RARS).

We do not have available data on what is the percentage of the eligible covered.

**3**

The National Strategy for Persons with Disabilities 2021-2030

<https://niepelnosprawni.gov.pl/download/SON-RCL-Monitor-Polski-1639387201.pdf>

**4**

**Data on persons with disabilities accessing care and support systems:**

Programme „Personal assistant for person with disabilities” 2021 implemented by local government unit:

Total amount of persons with disabilities who were assisted by personal assistant **14 056**

* Children aged under 16 with a disability certificate assisted by personal assistant 1 087
* Persons with disabilities who have a moderate degree of disability certificate 10 042
* Persons with disabilities who have a severe degree of disability certificate 2 927

Programme „Personal assistant for persons with disabilities” 2020-2021 in 2021 implemented by non-government organisations:

Total amount of persons with disabilities who were assisted by personal assistant **5 714**

* Children aged under 16 with a disability certificate assisted by personal assistant 770
* Persons with disabilities who were assisted by personal assistant 4 944

In total, persons with disabilities (adults and children) assisted by personal assistant in the programmes **19 770**

**5**

We do not have available data on what is the impact of the COVID 19 pandemic on persons with disabilities and families and households with members with disabilities disaggregated by disability status, death rates in institutions compared to those living in the community.