

Dear Sir/Madam,

Referring to the letter of the Office of the High Commissioner for Human Rights (ref. POVERTY 2010 ER) dated 12 April 2010 I kindly inform you that the data on the situation of the social groups in Poland most vulnerable to poverty have been provided in the following reports submitted to the UN human rights treaty bodies:

1. **fifth periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights** of 5 September 2007 (providing information on policies and programs adopted or implemented between 1999 and 2006 and to be implemented by 2010) submitted to the Committee on Economic, Social and Cultural Rights and presented at its 43. session (2-20 November 2009)

It is available at:

<http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.POL.5.pdf>

(English ver.)

The paragraphs thereof referring to the social groups most vulnerable to poverty are in particular:

- 1) Unemployment benefits – par. 316-323,
- 2) Tax relief for the disabled – par. 396-399,
- 3) Right to an adequate standard of living – par. 505-582,
- 4) Equal access to education at various levels. Activities aimed at supporting education of persons in particularly unfavorable situation – par. 745-765
- 5) Activities aimed at solving problems encountered by the Roma population – par. 874 – 882,
- 6) Ensuring protection of the rights of migrant workers and members of their families – par. 883-884,
- 7) Adjustment of the minimum wage to the cost of living – par. 924-927,
- 8) Monitoring the level of poverty and national strategy for poverty reduction – par. 996 (505 – 523),
- 9) Results of the implementation of the Charter of Disabled Persons' Rights (1997) as well as of the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons – par. 1056-1065.

2. **seventeenth, eighteenth and nineteenth periodic reports** dated 19 Feb. 2008 on the implementation of the **International Convention on the Elimination of all Forms of Racial Discrimination** (covering the period of between January 2000 and July 2005), submitted to the Committee on the Elimination of Racial Discrimination and presented at its 75th Session (3 - 28 August 2009)

It is available at:

<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.POL.19EN.doc>

(English ver.)

The paragraphs thereof referring to the social groups most vulnerable to poverty are in particular:

- 1) Roma community:
 - a) education, the improvement of social and living conditions – par. 6-22 and 24,
 - b) medical care – par. 25,
 - c) education - par. 27-38
- 2) The right for protection against unemployment – par. 177-185,
- 3) Right to health care, right to social insurance and social benefits – par. 192-198
- 4) Education of children belonging to national minorities – par. 220 - 230

Please also find attached the latest information on the realization by Poland of the MDG's as regards to the **disabled persons**.

I am sorry for the delay in sending you this information.

Yours faithfully,

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**INFORMATION ON THE IMPLEMENTATION OF THE UNITED NATIONS
GENERAL ASSEMBLY RESOLUTIONS 63/150 OF 18 DECEMBER 2008
AND 64/131 OF 18 DECEMBER 2009
BY THE REPUBLIC OF POLAND**

I. Information concerning the status of signing, ratification, or implementation efforts with respect to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Regarding to the resolution GA 62/170, we would like to inform you that Poland signed the Convention on the Rights of Persons with Disabilities on 30 March 2007 and intends to become its party through ratification. The signing of the Convention was a declaration of Poland's support for obeying every human rights of persons with disabilities. It should contribute to:

- sensitising society to respecting the rights and needs of persons with disabilities,
- improving the already existing national legal provisions concerning persons with disabilities and implementation of this legislation, as well as creation of more comprehensive attitudes to disability issues,
- better implementation of the disability mainstreaming idea on every level of the public administration.

The preliminary analysis of the national legislation, carried out before the decision to sign the Convention in March 2007, showed that it already reflects the majority of the Convention provisions. But many legal changes need also to be made to guarantee full compliance with the Convention and ensure its implementation.

According to the Polish Constitution, the ratification of the Convention on the Rights of Persons with Disabilities may take place on the basis of a consent expressed by the Parliament in the act. The Ministry of Labour and Social Policy will be responsible for the possible preparation of the draft of the relevant legal act. But the cooperation of various competent ministries, as well as an adequate period of time, will be required for the ratification process.

It should be noted that Polish policy as concerns ratification of international agreements is that before opening the final stage of the ratification process (preparing the ratification act and submitting it to the Council of Ministers and the Parliament) amendments to the legal acts must be adopted (or at least well advanced), especially as concerns important ones or those with financial implications.

So, the decision on the ratification of the Convention have to be preceded by the performance of necessary actions, such as:

- carrying out the detailed review of national legislation in order to precisely determine changes necessary to achieve full consistency of national law with the Convention;
- drafting new legal acts introducing changes indispensable for adjustment and precisely defining their financial implications;
- adoption of necessary legal regulations.

A decision concerning the signing of the Optional Protocol has not been taken. To reconsider our position it would be essential to know the practice of the complaints procedure.

We can assure that in Poland enjoyment of all human rights by all persons with disabilities, including issues of accessibility and independent living, as well as vocational

activation of persons with disabilities and improvement of their opportunities for employment, especially on the open labour market, are still in the centre of attention and actions of the public authorities and administration as well as non-governmental organizations.

II. Data base on persons with disabilities

The Office of the Government Plenipotentiary for Disabled People has on its disposal statistical data concerning the number of people with disabilities, their employment status, the rate of unemployment among people with disabilities, their educational level, their socio-economic situation, including the sources of maintenance, their participation in cultural life and tourism.

The Office has on its disposal the most current data such as resultative data from the Labour Force Survey conducted by the Central Statistical Office, data of the registered unemployment (from the Ministry of Labour and Social Policy Report and the CSO), concerning people with disabilities who are unemployed or seeking for employment), the The State Fund for Rehabilitation of Persons with Disabilities (PFRON) data on employed people with disabilities whose employers apply for wage subsidies.

The Office uses the resultative data and the information from the Polish Census of Population and Housing, the Health Interview Survey, and other studies conducted by the Central Statistic Office, concerning living conditions, incomes, household budgets, education statistics.

The data concerning unemployed people with disabilities are contributing to the national database concerning the labour market and social protection called the National Labour Market Monitoring System.

The data regarding social welfare and benefits for persons with disabilities are collected by the Social Welfare and Integration Department of the Labour and Social Policy Ministry.

Other Ministries and Offices also collect data regarding disabled people in the scope of their activity.

According to the National Census of Population and Housing 2002, a number of all persons with disability biological and/or legally confirmed disability was about 5.5 mln, of which 4.5 mln persons had disability certificate.

According to the LFS 2009, the number of persons with disabilities in Poland who have a certificate confirmed their level of disability equals about 3.5 mln persons, of which 2.1 mln persons in work age.

According to LFS data activity rate of persons with disabilities aged 18-59/64 (working age in Poland, established by law) increased in the period 2006-2009 from 22,1 per cent to 24,6 per cent.

Employment rate increased in this period from 18,2 to 21,4 per cent.

Unemployment rate decreased in this period from 17,3 to 12,9 per cent.

Detailed information on sources of data concerning people with disabilities in Poland is available on the Office of the Government Plenipotentiary for Disabled People website: <http://www.niepelnosprawni.gov.pl/niepelnosprawnosc-w-liczbach/infostat/> (in Polish only)

There are also available basic information concerning the number of people with disabilities in Poland and their situation, particularly on the labour market. <http://www.niepelnosprawni.gov.pl/niepelnosprawnosc-w-liczbach/tablice/> (in Polish only)

Moreover, the National Study on the situation, needs and possibilities of persons with disabilities was committed by the State Fund for Rehabilitation of Disabled Persons (PFRON) and carried out by the Warsaw School of Social Sciences and Humanities (SWPS).

This is the first so large and deep national survey designed to collect information on persons who have a disability, that is, whose everyday activities are limited because of health problems. The survey provides essential information on the prevalence of various disabilities, especially rare and combined, also on the situation of people with disabilities who face specific barriers or experience two-fold discrimination - women and girls with disabilities, people with disabilities in need of a high level of support, children and young people with disabilities, ageing people with disabilities and people with disabilities from minorities and migrants.

This information will be also used by all levels of government, associations, researchers and non-government organizations to support the planning of services needed by persons with activity limitations in order to participate fully in society. A random sample of 100 000 disabled persons was interviewed. The survey took place between December 2008 to May 2010. (More information about the research : www.aktywizacja2.swps.pl) (in Polish)

III. Implementation of the World Programme of Action concerning Persons with Disabilities: realizing the Millennium Development Goals for persons with disabilities. The progress and obstacles encountered in implementing the Millennium Development Goals (MDGs).

Poland welcomes General Assembly interest in giving high priority to disability issues and problems of persons with disabilities. We appreciate the important role of the World Programme of Action concerning Disabled Persons in the achievement of the Millennium Development Goals.

In our country the specific needs of persons with disabilities have been addressed in legal acts pertaining to almost all aspects of organization and functioning of the society, among which are regulations on education, employment, health care, social assistance, construction, culture, transport, communication and physical culture.

1. Legislation

The legislation concerning people with disabilities is based on the principle of non-discrimination, integration and equal opportunities.

1) Constitution

The rights of persons with disabilities are guaranteed by the Constitution. It ensures the right to non-discrimination, providing that “no one shall be discriminated against in political, social or economic life for any reason whatsoever” (Article 32, para 2). The Constitution also provides for public authorities an obligation to ensure special health care to disabled persons (Article 68) and an obligation to provide aid to disabled persons to ensure their subsistence, adaptation to work and social communication (Article 69).

2) Labour Code

The anti-discrimination provisions are also contained (since 1996) in the Act of 1974 - the Labour Code.

An amendment of November 21, 2008 to the Labour Code has toughened the antidiscrimination regulations. Some definitions were extended (for instance the

definition of indirect discrimination) and a regulation concerning protection of an employee who helps/assists the discriminated employee was included.

3) Charter of the Rights of Persons with Disabilities

On 1 August 1997, the Parliament of the Republic of Poland passed the Resolution – the Charter of the Rights of Persons with Disabilities. This resolution is one of the most important documents regarding persons with disabilities in Poland, despite it is not legally binding. The Charter invokes rights guaranteed by the Constitution, the Universal Declaration on Human Rights, the Convention on Children's Rights and the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities.

Every year, according to the provisions of the Charter of the Rights of Persons with Disabilities, the Polish Government prepares information on the activities undertaken in order to implement the rights of persons with disabilities enumerated in the Charter. It is followed by the Parliamentary debate on developments in increasing the opportunities of persons with disabilities in the most important areas of life and on questions of avoiding and eliminating any kinds of discrimination due to disability. Information on this subject is available (in Polish) under the following link:

<http://www.niepelnosprawni.gov.pl/niepelnosprawosc-w-liczbach/sprawozdanie-z-realizacji-karty-/>.

4) Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities

The current system of vocational and social rehabilitation and employment of persons with disabilities was shaped in the early 1990s. The existing Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities allows for the continuation of the policy set by the Act of 9 May 1991 on Employment and Vocational Rehabilitation of Persons with Disabilities, by virtue of which the position of Plenipotentiary for Disabled Persons in the rank of the State Secretary in the Ministry of Labour and Social Policy was established, as well as the National Consultative Council for Persons with Disabilities – an advisory body of the Government Plenipotentiary for Disabled Persons.

Many amendments to the above mentioned Act of 27 August 1997 has been adopted since 1997 mainly to improve its implementation and increase the effectiveness of the instruments supporting the social and vocational rehabilitation and employment of persons with disabilities, financed with the resources of the State Fund for Rehabilitation of Disabled Persons (PFRON). Some of these changes were caused by the need for adjustment to the rules of competition established by the European Community and provisions of the legal regulations on State aid existing in the European Union.

The general aim of the Act is to support social and vocational rehabilitation, self-employment and employment of persons with disabilities. The Act enables aid for the employment of workers with disabilities in the form of wage subsidies and aid for compensating employers (with the exception of employers not fulfilling the statutory quota and obliged to make contributions to PFRON) the additional costs of employing workers with disabilities, including costs of adapting premises, costs of employing staff for time spent solely on the assistance of the disabled workers and costs of adjustment of workplaces by adapting or acquiring equipment facilitating functioning

of disabled workers in a work establishment, acquiring and validating software for use by disabled workers, including adapted or assistive technology facilities.

The amendments to the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities was aimed at increasing the efficiency of the instruments supporting the social and vocational rehabilitation of persons with disabilities.

It is also possible to reimburse the costs of equipping the workplace for a person with disability up to the amount of 15 average remunerations or to reimburse 60 per cent of the remuneration costs for a year in the case of the recruitment of a person with disability registered in the district labour office as unemployed or seeking work (and not being in employment). Moreover, the one-time loans for persons with disabilities for undertaking business activity has been replaced with a one-time granting of the funds for establishing their own business or for making contribution to social cooperative.

As concerns independent living and accessibility, the Act enables, for example, financial support for removing technical or in communication barriers, as well as architectural ones existing in the place of residence of a person with disability, on his/her request.

Participation of people with disabilities in public life is facilitated by implementation of new provisions on assistance dogs introduced since 19 June 2009 by virtue of the amendment of 21 November 2008 (Journal of Laws of 2008, No. 233, item 1463) to the *Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities*. These provisions *inter alia* confirm that a person with disability has a right to enter public use buildings, as well as means of public transport, together with his/her assistance dog of various type, for instance guide dog.

5) Statutes on participation in referenda and elections

A number of statutory provisions enable persons with disabilities to exercise their right to participate in national referendum and the right to vote in the presidential and parliamentary elections as well as local elections. Significant positive changes were introduced in 2009.

As concerns elections to the European Parliament, the institution of “an intermediary person” representing persons with severe or moderate degree of disability and persons aged 75 and over came into force on 16 December 2009, introduced by the Act of 12 February 2009 on amendments to the Act on election of the President of the Republic of Poland, the Act on national referendum and the Act on elections to the European Parliament (Journal of Laws, No. 202, item 1547).

The similar solution has been introduced to the act (of 27 September 1990) concerning presidential elections, the act (of 16 July 1998) concerning electoral law for elections to the bodies of self-government and the act (of 20 June 2002) concerning elections of persons acting as bodies of local executive power, by virtue of the Act of 19 November 2009 on amendment to the Act on election of the President of the Republic of Poland, the Act – Electoral Law for elections to gmina councils, powiat councils and voivodships sejmiks and the Act on elections of wójt, major and president of the town (Journal of Laws, No. 213, item 1651), which came into force since 24 December 2009.

Amendments introduced at the same time by virtue of the Act of 19 November 2009 on amendment to the Act on election of the President of the Republic of Poland and to some other acts (Journal of Laws of 2009, No. 213, item 1652) extended the

obligation concerning provision of adjustments to meet special needs of disabled voters in the polling stations used for presidential elections, as well as elections to the bodies of self-government (at least one polling station by gmina is to be made accessible).

2. Parking facilities

As concerns parking facilities for people with disabilities in Poland, since 22 September 2009 rules on issuing of Parking Card for Persons with Disabilities regards not only to adults (disabled drivers and/or passengers) but also to disabled children (passengers).

Moreover, by the motion of the Government Plenipotentiary for Disabled People the fine for illegal occupation of a parking place destined for the owner disabled persons on a public car parking areas was increased. It is now 10 times higher than in 2008.

3. Targeted programmes

It should be also mentioned, that there are implemented many targeted programmes financed from the resources of the State Fund for Rehabilitation of Persons with Disabilities to improve the situation of individual persons. The programmes concern facilitating access for persons with disabilities to education (on primary, secondary and high level), life-long learning, employment (including pilot programme for supported employment with the use of job coach services) and reducing and eliminating various barriers which restrict the independence of persons with disabilities in everyday life (for example the programme enabling universities the purchase and installation of electronic devices facilitating hearing of persons with hearing impairments and financing of the costs of a sign language interpreter services. Moreover, we are going to improve our system of support for persons with disabilities. The results of wide public debate already carried out on the most important for persons with disabilities issues, such as enabling their full enjoyment of human rights and fundamental freedoms, conditions for equal participation and active and independent life in full integration into society, will be used for the preparation of the assumptions for the new legal Act.

4. Daphne Programme

It should be also mentioned, that Poland is in the process of implementation of the Community Programme Daphne III (2007-2013). The Daphne Programme is a project supported by the European Commission to prevent and combat violence against children, young people and women and to protect victims and groups at risk – inter alia, people with disabilities .

5. Media campaigns

We implemented many various media campaigns promoting employment of disabled persons which were targeted at persons with disabilities and employers to change their negative attitudes, raise awareness on possibilities of support and strengthen positive picture of a disabled person as a capable and effective worker.

Thanks to these activities, inter alia, the number of disabled students is constantly increasing: from 19 923 persons in 2006 (and 22 988 in 2007) to 25 256 in 2008.

6. Seminars and conferences

In 2007 Ministry of Labour and Social Policy implemented the cycle of information and training seminars with the aim to promote employment of persons with disabilities in the public administration. In March 2008 we conducted the study on accessibility of

governmental administration buildings and services and published the report on the results of the study with the aim to encourage to action for improvement of the existing situation.

In 2009 the Office of the Government Plenipotentiary for Disabled People translated into Polish and published the Norwegian Ministry of Environment report “Clarification of the universal design concept”, which will be disseminated within the preparations for the thematic conference planned for autumn 2010.

7. Social consultations

The representatives of people with disabilities are consulted within the framework of decision-making processes conducted with the participation of:

- 1) the National Consultative Council for Disabled People (on the national level), which is an advisory body of the Government Plenipotentiary for Disabled People,
- 2) the voluntary voivodship councils for persons with disabilities (on the regional level), which are consultative and advisory bodies serving the marshals of voivodships,
- 3) the voluntary powiat councils for persons with disabilities (on the local level), which are consultative and advisory bodies serving the starostas of powiats.

As concerns the Polish preparation for ratification of the Convention on the rights of persons with disabilities, the Foundation “Regional Development Institute” and the Polish Disability Forum (that is an umbrella organisation in the field of disability) were involved in the assessment of compliance of the Polish legislation and the Convention provisions, which was carried out in 2008 as a part of a project co-financed by the State Fund for Rehabilitation of Persons with Disabilities. Their recommendations included in the report “Polish way to the Convention on the rights of persons with disabilities” are duly taken into consideration by governmental administration when considering necessity of and elaborating proposals for amendments to national legislation prior to a decision on the ratification of the Convention .

Concluding this report we would like to underline that our presented above efforts concerning persons with disabilities may be recognized as a contribution to achievement of the Millennium Development Goals, especially Goal 1 - Eradicate extreme poverty and hunger.