Warsaw, 17 October 2022

With reference to the call for contributions from the Special Rapporteur on the rights of persons with disabilities, regarding the thematic report *Re-Imagining Services in the 21st Century to give effect to the right to live independently and be included in the community for persons with disabilities*, Poland would like to present its answers to selected questions from the questionnaire below.

The UN Convention on the Rights of Persons with Disabilities was ratified by the Polish government on the 25th of September 2012, to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to respect their inherent dignity.

Answering to the key questions, we assure that the service delivery paradigm is still transforming and strategies to re-imagine services in ways that empower persons with disabilities to make their own life choices and to live in communities on an equal basis with others are in progress.

**Questionnaire**

**A: Policy Goals and Principles**

1. Primary principles and goals that govern the provision of services to persons with disabilities in Poland are implemented by the Ministry of Family and Social Policy. The mission of the Ministry is to create foundations for improving the quality of life in matters of family, labor and social security: A strong family, stable work, active senior and decent retirement. The government also focuses on persons who need help and is working on ensuring equal opportunities for persons with disabilities. The government supports development of social and solidary economy as well as participates in developing a social dialogue. Persons with disabilities constitute 12.2% of our country's population. Providing support to that group is not limited to large-scale programmes. The support also involves a series of tasks carried out in the areas of vocational and social rehabilitation, employment of persons with disabilities and occupational therapy workshops. In order to meet the expectations of persons with disabilities, further solutions were introduced in the support system for persons with disabilities and their families. The support system will be based on Solidarity Fund for Persons with Disabilities and a social responsibility package. Persons with disabilities also receive support from the State Fund for Rehabilitation of Disabled People (or PFRON), which is supervised by the Minister of Family and Social Policy. In addition, the Office of the Government Plenipotentiary for the Disabled People operates under the Ministry. Since 2015, financial outlays from the state budget to support persons with disabilities and their carers have increased by as much as PLN 4 billion. In 2018, PLN 19.5 billion was allocated to provide assistance to persons with disabilities. The funds were allocated towards providing a specific and direct financial assistance in the form of e.g. pensions, benefits, allowances or social and health insurance contributions. The support - which is particularly important - is, however only a component of a complementary system of assistance provided to persons with disabilities and their families.

2.These principles and goals are still being modified to take explicit account of Article 19 of the CRPD on the right to live independently and be included in the community.

We offer other forms of support - non-financial - a support network spread throughout the country. The network consists of social welfare centres, social and professional activation processes, existing mechanisms as well as new formulas of providing care for persons with disabilities at home as well as away from home. The funds from the budget are directed to local governments or non-governmental organisations, which provide direct support to persons with disabilities and their families at the local level.

The Council of Ministers enacted on the 16th of February 2021 the National Strategy for Persons with Disabilities 2021-2030 (*Strategia 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.:

*Priority area 1: Niezależne życie* (*Independent living*)

According to it: persons with disabilities have the right to independent living (article 19 CRPD), to 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; to receive assistance to make decisions and exercise legal capacity, self advocacy support instead of incapacitation; to receive assistance to obtain and understand information; the prohibition of marriages by persons with intellectual disability was replaced by legal capacity to declaration of will.

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

* Increasing 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.

3. That is certainly what our country is trying to achieve.

**B: Service Delivery**

4. 5. 6. Services to persons with disabilities are being delivered by the various entities - government and non-governmental organizations and private providers. Services are usually financed by a mix of organizations (state, local government, private providers, religious organizations) through general grants or financed from the state budget.

7. 8. In response to the implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD), especially article 19, the government established, among others, the Solidarity Fund for Persons with Disabilities. 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 January 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 charge 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. 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.

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.

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 disability will have the opportunity to apply for 10 hours of household support services per week provided by the Municipal Social Welfare Centre.

9. Strategies and programmes related to individualized support for persons with disabilities in communication aspect. The Accessibility Plus programme (17th of July 2018) is the first in Poland to make public spaces and places accessible to persons with disabilities and older persons as well as members of 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. The Priority area 2 - *Accessibility –* of the National Strategy for Persons with Disabilities 2021-2030 main goal is to, according to the article 9 UNCRPD, 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.

10. National Strategy for Persons with Disabilities 2021-2030 supports implementation of a respite care as a system service which is dedicated for members of the families who have direct custody of a child with disability certificate or persons with disabilities with a certificate of severe degree of disability or equivalent.

**C: Monitoring and Oversight**

17. The types of data collected on persons with disabilitiesaccessing care and support systems:

Programme „Personal assistant for disabled person” 2021 implemented by a local government unit.

Total amount of persons with disabilities who were assisted by a 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- governmental organisations.

Total amount of persons with disabilities who were assisted by a 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 a personal assistant in the programmes:19 770

These data are gathered and reported in aggregate only.

**All relevant information for the topic can be accessed at the links below (in Polish language) :**

Legislations and policies regulating 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 April 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 July 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 disabled persons <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971230776/U/D19970776Lj.pdf>