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**Committee on the Rights of Persons with Disabilities****Concluding observations on the initial report of Poland\*****I. Introduction**

1. The Committee considered the initial report of Poland at its 409th and 410th meetings, held on 4th and 5th September 2018, respectively (CRPD/C/SR409 and CRPD/C/SR410), and adopted the following concluding observations at its 425th meeting, held on 18 September 2018.
2. The Committee welcomes the initial report of Poland, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for the written replies (CRPD/C/POL/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/POL/Q/1).
3. The Committee appreciates the constructive dialogue held with the large high-level delegation, which included delegates from various ministries, entities and institutions and provided further clarifications to the questions posed orally by the Committee.

**II. Positive aspects**

4. The Committee welcomes the progress achieved by the State Party in implementing the Convention. In particular, it appreciates the adoption of the following legislative and policy measures:
  - (a) The Friendly Poland – Accessibility Plus Program for 2008 – 2018;
  - (b) The Election Code of 2011, which enables and facilitates the voting procedures for persons with disabilities;
  - (c) The Amendments to Law on Higher Education of 2018, providing for support to persons with disabilities in the higher education system;
  - (d) The awareness-raising actions performed by mass media on the rights of persons with disabilities with their active participation.

**III. Principal areas of concern and recommendations****A. General principles and obligations (arts. 1-4)**

5. The Committee is concerned at the:
  - (a) Lack of a comprehensive strategy and action plan for the implementation of the Convention, as well as the lack of mainstreaming of its provisions into national,

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\* Adopted by the Committee at its twentieth session (27 August – 21 September 2018).

regional, local and sectoral policies, which still reflects a charity and social protection approach considering persons with disabilities as social care receivers rather than human rights holders;

(b) Variety of disability assessment mechanisms, including separate mechanisms for children until 16 years old, as well as the variety of definitions of disability, which are not consistent with the purpose (art. 1) of the Convention, and are all based on a medical-model disability, using derogatory terminology and vague concepts such as “mental retardation”, “incapacity to work”, “inability to perform social roles” or “dependent or lacking ability to be autonomous”;

(c) Lack of awareness of professionals and civil servants on the rights of persons with disabilities and the State Party’s obligations under the Convention;

(d) Selective and limited involvement and meaningful consultations with organizations of persons with disabilities in policy making;

(e) Legal provisions promoting prenatal genetic testing as primary prevention of future impairments of a foetus;

(f) Interpretative declaration made to article 12 as well as reservations made to articles 23(1)(a), 23(1)(b) and 25(a) of the Convention and the fact that the State Party has not yet ratify the Optional Protocol to the Convention.

**6. The Committee recommends that the State party:**

**(a) With the wide participation of organisations of persons with disabilities, develop a strategy and action plan for implementation of obligations under the Convention, ensuring the comprehensive paradigm shift from a charity model to the human-rights model of disability across its national, regional, local and sectoral policies, considering persons with disabilities as human rights holders;**

**(b) Ensure a disability assessment which fully incorporates a human rights model of disability and takes a human rights based approach by inter alia:**

- Involving Organisations of persons with disabilities in the design of disability assessment mechanisms;**
- Engaging persons with disabilities in generating the information on which disability assessments are made;**
- Eliminating multiple methods of assessment;**
- Making information on assessments requirements accessible and user-friendly.**

**(c) Eliminate all negative terminology across all existing and drafted regulations and replace it with a terminology which fully respects the dignity and autonomy of persons with disabilities;**

**(d) Ensure active and full-scale involvement and meaningful consultations with various organizations of persons with disabilities, including but not limited to women, children, refugees and asylum-seekers, LGBT+ persons, persons with psychosocial and/or intellectual disabilities, with hearing and visual impairments, persons living in rural areas and persons in need of high level of support, in designing of new laws and strategies to ensure that legislation complies with the Convention, as well as in the implementation, monitoring and reporting on the Sustainable Development Goals;**

**(e) Provide trainings to professionals, including judges and law enforcement officials, health care professionals, teachers as well as personnel working with persons with disabilities to raise their awareness of the rights under the Convention;**

**(f) Refrain from including information on primary disability prevention in future report, as primary prevention of impairment is not a measure contributing to the implementation of the Convention;**

**(g) Consider withdrawing its interpretative declaration and its reservations to the Convention and ratify the Optional Protocol to the Convention.**

## **B. Specific rights (arts. 5-30)**

### **Equality and non-discrimination (art. 5)**

7. The Committee is concerned at the absence of:

(a) A clear definition of reasonable accommodation and obligation to provide it to all persons with disabilities in all spheres of life, including the absence of recognition of denial of reasonable accommodation as a form of disability-based discrimination;

(b) Recognition of multiple and intersectional discrimination in the anti-discrimination legislation, and prohibition of discrimination against all persons with disabilities on grounds such as sex, age, ethnicity, sexual orientation and gender identity in all areas of life;

(c) Effective mechanisms to prevent and protect persons with disabilities against discrimination and violation of their right to equal treatment;

(d) Awareness of the State and public actors as well of persons with disabilities themselves about the right of persons with disabilities to equality and non-discrimination, including to accessible legal information and legal counselling.

**8. Recalling its general comment No. 6 (2017) on Equality and Non-Discrimination, the Committee recommends that the State party:**

**(a) Enact legislation that define and recognize reasonable accommodation across all areas of life, and that sanctions its denial as a form of disability-based discrimination;**

**(b) Explicitly recognize and prohibit multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity and sexual orientation and any other status in all areas of life within its anti-discrimination legislation, policies and strategies, including the Equality Act;**

**(c) Establish judicial and quasi-judicial mechanisms to ensure prevention and protection of persons with disabilities against discrimination, including comprehensive redress;**

**(d) Take effective measures to provide continuous training and awareness-raising for civil servants and non-state actors, including persons with disabilities themselves about the rights of persons with disabilities to equality and non-discrimination, including to accessible legal information and free legal counselling.**

### **Women with disabilities (art. 6)**

9. The Committee is concerned that women with disabilities:

(a) Despite being at highest risk of gender-based violence, including sexual violence, domestic and institutional violence, are inadequately protected from violence because of gaps in the legal framework on violence and disability;

(b) Lack effective system to fight violence, including ineffective investigations in cases of violence and lack of support when subjected to violence;

(c) Experience significant barriers to exercising their sexual and reproductive rights, including access to related education, contraception information and services, and to making decisions about their sexual and reproductive health;

(d) Remain invisible in gender and disability policies, in policy making, data collection and research, and generally in legislation and policies.

**10. Recalling its general comments No. 3 (2014) on Women and Girls with Disabilities, as well as the Istanbul Convention of the Council of Europe, the Committee urges the State party to:**

**(a) Recognize women and girls with disabilities as rights holders, adopt a comprehensive strategy to prevent and eliminate all forms of violence against women and girls with disabilities in all settings, including home and institutions, and enact a**

legislation that ensure their protection against violence, the prosecution of perpetrators and the provision of redress to victims;

(b) **Develop a strategy to prevent and combat violence against women and girls with disabilities in all settings, introduce disability specific indicators in the Blue Card procedure and ensure the development of accessible quality services for women and girls with disabilities victims of gender-based violence;**

(c) **Recognise sexual and reproductive health and rights of women and girls with disabilities, and provide them with inclusive services to help them caring for their children, support their decision-making on matters relating to their sexual and reproductive health, contraception as well as sexual education for women with disabilities according to the UNESCO international standards for comprehensive sexual education;**

(d) **Mainstream the rights of women and girls with disabilities in gender equality and disability agendas, collect disaggregated data and carry out participatory researches on the social condition of women and girls with disabilities across the State Party, systematically consult and include them into policy making through their representative organisations.**

#### **Children with disabilities (art. 7)**

11. The Committee is concerned about:

(a) The institutionalization of children with disabilities in social care homes, including together with adults;

(b) Attitudes towards children with disabilities as being reliant on others and their lack of opportunities to express their opinion on matters pertaining to them directly;

(c) Lack of disaggregated data on children with disabilities.

12. **The Committee recommends the State Party to:**

(a) **Expedite the deinstitutionalization of children with disabilities by providing them with safe alternative care in family settings and inclusive services in the community;**

(b) **Take effective measures to support the empowerment of children with disabilities and create platforms for them to express their own views on all matters that concern them;**

(c) **Collect disaggregated data and carry out participatory researches on the social condition of all children with disabilities.**

#### **Awareness-raising (art. 8)**

13. The Committee is concerned about :

(a) The negative perceptions of disability as being “undesirable condition” and of persons with disabilities as being “of less value” than others;

(b) Persons with disabilities not being recognised as rights holders in society;

(c) The lack of measures taken to raise awareness of the rights of persons with disabilities as contained in the Convention.

14. **The Committee recommends that the State party:**

(a) **Take specific measures to foster respect for the rights and dignity of persons with disabilities among the general public and parents, including the public and private media, medical personnel, education personnel, employers, and promote a positive image of persons with disabilities as human rights-holders;**

(b) **Involve the organizations of persons with disabilities when developing and delivering nationwide campaigns, awareness-raising programmes or training on the human rights model of disability and ensure systematic State-funded awareness-raising programmes.**

**Accessibility (art. 9)**

15. The Committee is concerned about insufficient:

(a) Accessibility to buildings and public services such as transportation, information and communication for all persons with disabilities, especially in smaller urban or rural municipalities;

(b) Regulations providing for standards and obligations to implement the principles of universal design to buildings and public services, including regulations covering municipal housing construction, accessibility of ATM's and other self-service devices; it is also concerned that the Construction Law of 1995 contains few obligations to ensure accessibility for all persons with disabilities;

(c) Mechanisms to monitor the implementation of accessibility regulations and standards, and sanctions for non-compliance with accessibility requirements;

(d) Trainings on accessibility and universal design in the curricula of architectural, design and computer studies, including for the staff of responsible institutions.

**16. With reference to the Committee's general comment No. 2 (2014) on Accessibility and Goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

**(a) Take all measures to ensure accessibility in all areas, including buildings and public services such as transportation, information and communication services across the State Party;**

**(b) Update and enact regulations providing for standards and obligations to implement standards of universal design to products, environment, transportation, information and communication services, ATM's and other self-service devices, municipal housing to be used by all persons with disabilities across all State Party, including buildings built before 1995;**

**(c) Include the requirement for accessibility through universal design in the Public Procurement Law;**

**(d) Establish monitoring mechanisms that involve organisations of persons with disabilities to ensure that accessibility standards are respected in all determined areas, including in public investment projects, as well as relevant sanctions for non-compliance with accessibility standards;**

**(e) Foster mandatory training courses on accessibility and universal design in the curricula of architectural, design and computer studies, including for the staff of responsible institutions, including capacity-building of the local authorities responsible for monitoring implementation of accessibility standards.**

**Situations of risk and humanitarian emergencies (art. 11)**

17. The Committee is concerned that legislation, protocols and plans relating to situations of risk and humanitarian emergencies do not sufficiently include specific requirements of persons with disabilities.

**18. The Committee recommends that the State party, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, through active consultations with representative organisations of persons with disabilities, design and adopt specific regulations, plans and measures for the protection and rescue of all persons with disabilities in situations of risk and humanitarian emergencies.**

**Equal recognition before the law (art. 12)**

19. The Committee is concerned about the State Party's interpretative declaration on article 12 and the Civil Code's provisions allowing for deprivation of legal capacity of persons with psychosocial and/or intellectual disability and assignment of guardian or "curator" to make decisions on their behalves, as well as about the large and growing number of persons with disabilities deprived of their legal capacity.

20. **The Committee calls the State Party to withdraw its interpretative declaration on article 12 of the Convention and, recalling its general comment No. 1 (2014) on Equal recognition before the law, to repeal all discriminatory provisions under the Civil Code and other legal acts, allowing for deprivation of legal capacity of persons with disabilities, considering that legal capacity includes the capacity to be both, a holder of rights and an actor under the law, and capacity to legal acts, as it is defined in legislation. It further recommends to establish a procedure aimed at restoring full legal capacity of all persons with disabilities, and to develop supported decision-making mechanisms that respect the autonomy, will and preferences of the person.**

**Access to justice (art. 13)**

21. The Committee is concerned that persons with psychosocial and/or intellectual disability deprived of their legal capacity are denied the right to take part in a litigation and to stand as witnesses in procedures before civil courts. Furthermore, it is also concerned about the barriers which persons with disabilities in general face in accessing justice due to lack of:

(a) Procedural accommodation, as well as the use of sign language, Braille, accessible digital formats, Easy Read and all other accessible means, modes and formats of communication in all legal proceedings;

(b) Accessibility to justice buildings, courts and tribunals and police stations, for persons with physical disabilities;

(c) Human rights based knowledge on disability of the justice system and law enforcement personnel on the rights of persons with disabilities;

(d) Mechanisms for persons with disabilities to report violence, including the lack of access to justice for children with intellectual disabilities, women with disabilities or those living in institutions;

(e) Legal assistance for persons with disabilities, including legal assistance and procedural accommodation for persons with psychosocial disabilities;

(f) Access to legal professions for persons with disabilities based on presumptions that they are “unfit” for the profession.

22. **The Committee recommends that the State party guarantee equal and supported access to all judicial processes for persons with intellectual and/or psychosocial disabilities deprived of their legal capacity. It further recommends to ensure that persons with disabilities have access to justice in practice, and in particular to:**

(a) **Ensure procedural accommodation, as well as the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication in all legal proceedings;**

(b) **Ensure that justice buildings, courts and tribunals, and police stations, are accessible for persons with physical disabilities;**

(c) **Provide regular training to law enforcement and judicial officers about the rights of all persons with disabilities and obligations of the State Party under the Convention;**

(d) **Ensure effective mechanisms for persons with disabilities to report violence, including crimes on the grounds of hatred, as well as access to justice for children with intellectual disabilities, women with disabilities or those living in institutions;**

(e) **Ensure universal and free legal assistance for persons with disabilities, having low income particularly, and legal assistance and procedural accommodation for persons with psychosocial disabilities;**

(f) **Support persons with disabilities to practice legal professions and ensure reasonable accommodation for this purpose;**

**(g) Be guided by article 13 of the Convention in the implementation of target 16.3 of the Sustainable Development Goals.**

**Liberty and security of the person (art. 14)**

23. The Committee is concerned about the:

(a) Mental Health Protection Act allowing for involuntary treatment of persons with disabilities and involuntary deprivation of liberty on the grounds of their psychosocial disability, including placement in institutions by their guardians as being considered voluntary;

(b) Limitations of personal liberty of persons with disabilities living in social care institutions;

(c) Lack of independent monitoring of public and private care and mental health facilities;

(d) Lack of reasonable accommodation and access to health care for persons with disabilities in penitentiary.

24. **The Committee recommends that the State party:**

**(a) Repeal all legal provisions allowing for involuntary treatment of persons with disabilities and their placement in institutions on the grounds of psychosocial disability;**

**(b) Abolish limitation of personal liberty of persons living in social care institutions;**

**(c) Develop recovery-oriented and community-based rehabilitation services for persons with psychosocial disabilities;**

**(d) Develop monitoring mechanisms for public and private care and mental health facilities;**

**(e) Ensure reasonable accommodation and access to quality health care for all persons with disabilities in penitentiary.**

25. **The Committee commends the State party for opposing the ratification of the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No 164) (Oviedo Convention), and encourages it to raise concerns and disapproval throughout the regional discussions concerning an Additional Protocol.**

**Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)**

26. The Committee is concerned about the lack of:

(a) Data on persons with disabilities in detention places and on their needs related to their disabilities;

(b) Legal obligations for reasonable accommodation, as well as therapeutic and rehabilitation support, necessary medical treatment and lack of capacity of personnel in places of detention, leading to the degrading treatment of persons with disabilities, including overcrowded wards, coercion and overmedication.

27. **The Committee recommends that the State party:**

(a) **Collect data on persons with disabilities in detention and perform research on their situation and needs;**

(b) **Enact legal obligations and allocate relevant funding for reasonable accommodation, as well as therapeutic and rehabilitation support, necessary medical treatment and mandatory capacity-building training of personnel in places of detention, explicitly defining and prohibiting the degrading treatment of persons with disabilities.**

**Freedom from exploitation, violence and abuse (art. 16)**

28. The Committee is concerned about:

(a) Accounts of violence against and abuse of persons with disabilities in care and psychiatric institutions, especially of women with intellectual disabilities;

(b) Underreporting of violence against persons with disabilities in all settings, and the lack of disaggregated statistics on violence against them;

(c) The lack of specific protection measures, including legal and psychosocial assistance for women with disabilities at risk of domestic, institutional violence and violence in public spaces and at work.

29. **The Committee recommends to:**

(a) **Implement legislative and practical measures, including independent human rights-based monitoring, to protect persons with disabilities who remain institutionalized and to eliminate any risk of violence or abuse;**

(b) **Develop mechanisms for reporting violence against persons with disabilities in all settings, as well as to ensure disaggregated data collection on this issue;**

(c) **Develop legal obligations and specific measures for protection of persons with disabilities victims of violence, including accessible communication hotlines as well as services for their psychological and physical recovery, especially for women with disabilities.**

**Protecting the integrity of the person (art. 17)**

30. The Committee is concerned about the reported forced sterilization of women and girls with disabilities, deprived of their legal capacity, placed under guardianship and living in institutions. It is also concerned by reports of so called “conversion therapy” being performed on LGBT+ persons without consent, by public and private health entities, and based upon the presumed or actual psychosocial disability of a person.

31. **The Committee recommends ensuring that women and girls with disabilities have access to support to make important life decisions for themselves and are not subjected to sterilization without their full, free and informed consent. It also urges to put an end to the use of conversion therapy and offer support for persons with psychosocial disability which respects the gender identity and sexual orientation of a person.**

**Living independently and being included in the community (art. 19)**

32. The Committee is concerned about:

(a) Critical stagnation and absence of determination in the process of deinstitutionalisation of persons with disabilities and their transition to independent living in community ensuring the right to choose where, with whom and how to live outside institutions and group homes , including the absence of a strategy and action plan and targeted funding for the deinstitutionalisation process after the termination of the European Union funds allocated for this purpose;

(b) Lack of access to community-based services, especially in villages, and the continuation of sheltered housing programmes, including the establishment of group

homes, that are inconsistent with article 19 of the Convention as elaborated in Committee's General Comment No.5;

(c) Personal assistance services that are project-based, non-systemic and limited in budget, duration and territorial availability;

(d) Spending of the European Union funds allocated for deinstitutionalisation on measures that are not consistent with the Convention as elaborated in Committee's General Comment no.5, and the lack of monitoring of how these funds were used;

(e) Incorrect translation of the term "community" by "society" in the Polish version of the Convention.

**33. With reference to the Committee's general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party:**

**(a) Design and adopt concrete action plans for deinstitutionalisation and a time bounded transition to independent living schemes for persons with disabilities within the community, and ensure that adequate funding is allocated to this process after termination of European Union funds allocated specifically for this purpose;**

**(b) Adopt legal frameworks and allocate sustainable budget aimed at providing personal assistance within individualized and inclusive support arrangements to persons with disabilities;**

**(c) Ensure spending of the European Union funds allocated for deinstitutionalisation on measures that is consistent with the Convention; as well as monitoring of spending of the European Union funds allocated for deinstitutionalisation, with the effective participation of persons with disabilities and/or their representative organisations, to ensure that spending is in line with requirements of persons with disabilities themselves.**

**(d) Ensure the correct translation of the term "community" in the Polish version of the Convention**

#### **Personal mobility (art. 20)**

34. The Committee is concerned about:

(a) Barriers that persons with disabilities face when applying for driving license because of lack of accommodation, including sign language interpretation, at the examination;

(b) The lack of support for persons with disabilities for purchasing adapted vehicles and means of transportation;

(c) Undue restrictions imposed on blind persons using a guide dog in accessing public buildings, transport and services for persons with disabilities;

**35. The Committee recommends that the State Party ensure:**

**(a) Full availability of accommodation measures for persons with disabilities at driving examination centers;**

**(b) Relevant support for persons with disabilities for purchasing adapted vehicles and means of transportation, or for adding adaptive equipment to a vehicle;**

**(c) Access to buildings, transport and services opened to the public for blind persons using a guide dog.**

#### **Freedom of expression and opinion, and access to information (art. 21)**

36. The Committee is concerned about the lack of:

(a) Promotion of Braille, augmentative and alternative modes of communication, including Easy Read;

(b) Accessibility of public e-services for persons with disabilities;

(c) Effective implementation of the Act on sign language due to its narrow scope, lack of clarity and obligations for public and private service providers to make sign language interpretation available, especially in health care services;

(d) Clear obligation within the Broadcasting Act for the use of sign language interpretation, subtitles and audio description at TV and radio programmes; it is further concerned by formal requirements in the Copyright Act that hinder the use of sign language.

**37. The Committee recommends that the State party:**

**(a) Develop the use of Braille, augmentative and alternative modes of communication and Easy Read across all sectors;**

**(b) Expedite the adaptation of websites of public institutions to the needs of all persons with disabilities and carry out regular monitoring;**

**(c) Update and give effect to the Act on sign language to ensure effective implementation of the rights of deaf persons, including access to sign language interpretation in all sectors at the expense of the State;**

**(d) Develop clear and progressive obligations for public and private broadcasters within the Broadcasting Act for the use of sign language interpretation, subtitles and audio description, and amend the Copyright Act to ensure unrestricted access to interpretation into sign language for all broadcasts.**

**Respect for home and the family (art. 23)**

38. The Committee is concerned about the reservation by the State Party to article 23(1)(a) of the Convention; it is further concerned by the:

(a) Practice to take children away from their parents with disabilities arguing that the family is incapable of providing care for them;

(b) Prohibition to marry for persons deprived of their legal capacity, as well as for persons with psychosocial and/or intellectual disabilities or with cerebral palsy, considering disability as an aggravating factor for a marriage and children; also the prohibition for deaf persons to obtain custody of children through adoption.

**39. The Committee recommends that the State party withdraw its reservation to Article 23(1)(a) and (b) of the Convention and abolish all legal provisions preventing persons with disabilities to marry and to found a family. The Committee also recommends to develop inclusive support systems to assist families with children with disabilities as well as parents with disabilities, in supporting their parenthood.**

**Education (art. 24)**

40. The Committee is concerned about the:

(a) Lack of specific provisions to support the implementation of inclusive education, and the confusion between the terms “integration” and “inclusion” ;

(b) Education of the majority of students with disabilities, particularly with moderate and severe disabilities, in segregated education settings;

(c) Lack of awareness about inclusive education among school masters and parents of non-disabled children, and lack of adequate training of teachers about inclusive education.

**41. Recalling its general comment No. 4 (2016) on the Right to inclusive education and the Sustainable Development Goal 4, targets 4.5 and 4(a), the Committee recommends that the State party:**

**(a) Enact specific provisions to support the implementation of reasonable accommodation, individualized learning curriculum and inclusive classroom teaching in accessible learning environments;**

**(b) Support measures for schools, including support for teachers, for advancing the inclusive education for students with moderate and severe disabilities;**

**(c) Raise awareness among parents of non-disabled children about the advantages of inclusive education for all, provide trainings to school masters and teachers on inclusive education methods and best practices.**

#### **Health (art. 25)**

41. The Committee is deeply concerned about the State Party's reservation to article 25(a) of the Convention and by:

(a) The lack of health services accessible to all persons with disabilities especially in rural areas, including the lack of sign language interpretation,

(b) The lack of health care information and services, tailored to the needs of women with disabilities, especially for blind women or women with psycho-social and/or intellectual disability, and of adapted health care equipment, adequate sexual and reproductive health services and gynaecological rooms equipped for them;

(c) Lack of affordable high quality healthcare products and the unequal access to such products among all persons with disabilities having similar needs;

(d) Lack of awareness and willingness of health-care personnel to provide health related services to women with disabilities;

(e) The barriers faced by women with disabilities in accessing services for safe abortion, owing to a lack of access to information on and services related to sexual and reproductive health rights;

(f) The implementation of the National Mental Health Programme resulting in neglect for the health needs of persons with psychosocial disabilities.

**42. The Committee recommends that the State party withdraw its reservation to Article 25 (a) of the Convention and:**

**(a) Ensure access to health services by all persons with disabilities and their availability, regardless of the types of impairment;**

**(b) Adopt measures to ensure universal coverage of health services for all women and girls with disabilities, including information in accessible formats on their sexual and reproductive health and rights, gynaecological services, perinatal care and adapted health care equipment, such as gynaecological rooms;**

**(c) Adopt measures to ensure that persons with disabilities can access high quality healthcare products at affordable price and eliminate difference in health care coverage between different groups of persons with disabilities;**

**(d) Conduct training to ensure that health-care practitioners are aware of the rights of persons with disabilities, particularly women with disabilities, under the Convention;**

**(e) Take the necessary measures to ensure that the autonomy and decisions of women with disabilities are respected, that women's rights in relation to reproductive health are secured, that access to safe abortion is provide; and that women with disabilities are protected from forced sterilization and forced abortion;**

**(f) Ensure that the implementation of the National Mental Health Programme results in increasing access to community-based health services for persons with psychosocial disabilities, and provide adequate resources to these services.**

#### **Habilitation and rehabilitation (art. 26)**

42. The Committee is concerned about the:

(a) Lack of accessibility of rehabilitation schemes for all persons with disabilities, especially for persons with psychosocial and/or intellectual disabilities, as well as the income criteria for eligibility to rehabilitation services, which puts undue financial burden on persons with disabilities;

- (b) Project and medical-based rehabilitation schemes, and their financial unsustainability;
- (c) Lack of monitoring of the administration of programmes of rehabilitation;
- (d) Incomplete official translation of the title of this article as ‘Rehabilitation’.

43. **Taking into account the links between article 26 of the Convention and target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) Ensure accessibility and continuity of the habilitation and rehabilitation programmes for all persons with disabilities, especially for persons with psychosocial and/or intellectual disabilities and eliminate financial criteria for eligibility to rehabilitation;**
- (b) Provide for inclusive and individualized needs-based rehabilitation schemes for persons with disabilities, within a wide range of community-based services;**
- (c) Develop a monitoring mechanism of the rehabilitation programmes;**
- (d) Rectify the title of this article as “Habilitation and Rehabilitation” in the Polish version of the Convention.**

#### **Work and employment (art. 27)**

44. The Committee is concerned about the:

- (a) Low rate of employment of persons with disabilities, as well as barriers faced by women with disabilities when accessing the open labour market and, as consequence, having lesser income than others, particularly in rural areas;
- (b) Promotion of sheltered workshops or offer of low status jobs for persons with disabilities, which hinders, especially for women, access to open labour market and lack of specific incentives for employers to hire persons with disabilities in the open labour market, especially persons with severe disabilities;
- (c) Lack of fulfilment of the 6% employment quota for persons with disabilities, especially in the public administration sector;
- (d) Low availability of labour market activation programmes, job offers for persons with disabilities.

45. **The Committee recommends that the State party develop legislation and measures for the employment of persons with disabilities in the open labour market and in particular:**

- (a) Promote work and employment of women with disabilities and ensure equal income, especially in rural areas;**
- (b) Promote decent work for persons with disabilities, especially women with disabilities, in public and private sectors and provide specific incentives and support for reasonable accommodation, including individual assistance for employing persons with a wide range of disabilities;**
- (c) Ensure the fulfilment of the 6% employment quota for persons with disabilities in all sectors, with specific emphasis on the public administration sector;**
- (d) Ensure that open labour market activation programmes effectively include all persons with disabilities.**

#### **Adequate standard of living and social protection (art. 28)**

46. The Committee is concerned about the:

- (a) High poverty rate among persons with disabilities, especially women with disabilities, and the growing inequality between households with and without persons with disabilities;

(b) Benefit dependency trap which forces persons with disabilities and their associates to choose between professional work and allowances, which consequently condemns persons with disabilities, especially women with disabilities, to poverty and social exclusion;

(c) Lack of disaggregated data on poverty of persons with disabilities and of monitoring of the effectiveness of social security mechanisms designed for combating poverty;

(d) Lack of specific measures taken to ensure accessibility of housing for persons with disabilities.

**47. Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

**(a) Mainstream and emphasize rights of persons with disabilities, particularly women with disabilities, within the national strategy for reducing poverty with concrete measures and budget;**

**(b) Ensure that the employment of persons with disabilities does not make them ineligible to disability related protection schemes, including disability allowances;**

**(c) Collect disaggregated data on poverty of persons with disabilities and monitor the effectiveness of social security mechanisms designed for combating poverty;**

**(d) Ensure specific measures to accommodate access to housing for persons with disabilities;**

**(e) Ensure correct translation of the term “public housing” in the Polish version of the Convention.**

#### **Participation in political and public life (art. 29)**

48. The Committee is concerned about:

(a) Article 62(2) of the Polish Constitution, which denies persons deprived of legal capacity the right to vote and participate in a referendum, as well as other legislation such as the Law of Associations which prevents persons deprived of legal capacity to found an association, to be a member of one, and to organise public assemblies;

(b) Amendment of the Election Code in 2018 which limit voting procedures by correspondence and therefore the accessibility of voting procedures for persons with disabilities;

(c) Remaining inaccessible polling stations, including lack of solution for enabling the independent and secret voting by persons with severe hands paresis, and lack of support to vote for deaf persons.

**49. The Committee recommends that the State party:**

**(a) Abolish all provisions which deny persons with psychosocial or intellectual disability and persons deprived of legal capacity their right to vote and all other political rights;**

**(b) Replace the amendment of 2018 to the Electoral Law and ensure accessibility of voting procedures for all persons with disabilities;**

**(c) Ensure accessibility of all polling stations and election procedures for all persons with disabilities, including measures to enable the independent and secret voting by person with severe hands paresis, and support for deaf persons to vote.**

### **C. Specific obligations (arts. 31-33)**

#### **Statistics and data collection (art. 31)**

50. The Committee is concerned about the lack of:

- (a) Data on persons with disabilities, including at local level;
- (b) National database on persons with disabilities and therefore absence of information to implement the Convention.

51. **Bearing in mind target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party develop systematic data collection and reporting procedures, that are in line with the Convention and take into account the Washington Group Short Set of Questions on Disability; collect, analyse and disseminate disaggregated data in line with art. 31 of the Convention; it further recommends to ensure involvement of organisations of person with disabilities in data collection, including in the development of the methodologies of data collection and in the data analysis process.**

**National implementation and monitoring (art. 33)**

52. The Committee is concerned about the lack of:

- (a) Capacity of the focal points that focuses predominantly on the social protection issues currently designated for matters relating to the implementation of the Convention and its coordination within Government;
- (b) Legal basis and decrease in funding for the Human Rights Defender, designated as independent authority to promote, protect and monitor the implementation of the provisions of the Convention;
- (c) Meaningful involvement of representative organizations of persons with disabilities in the monitoring on the implementation of the Convention.

53. **The Committee recommends that the State party:**

- (a) Designate a cross-sectorial authority to coordinate and lead the mainstreaming and implementation of the rights of persons with disabilities across all sectors at all levels in all areas of life;**
- (b) Strengthen the capacity of the Commissioner for Human Rights as independent authority to promote, protect and monitor the implementation of the Convention, in providing it with adequate legal bases and allocating it sufficient resources and funding to be able to effectively and independently discharge its mandate;**
- (c) Ensure the comprehensive and effective involvement of organizations of persons with disabilities in the monitoring tasks under the Convention and provide them with the funding necessary for this purpose.**

## **IV. Follow-up**

### **Dissemination of information**

54. **The Committee emphasizes the importance of all the recommendations contained in the present concluding recommendations and would like to draw the attention of the State party to the recommendation contained in article 6 (Women with disabilities) and article 19 (Independent living), on which urgent measures must be taken.**

55. **The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

56. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

57. The Committee requests that the State party disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats including Easy Read, and to make them available on the government website on human rights.

**Next periodic report**

58. The Committee requests the State party to submit its combined second to fourth periodic reports by 25 September 2026 and to include therein information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.

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