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## **Protection of the rights of persons with disabilities**

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## Protection of the rights of persons with disabilities

### Abstract

This article describes the issues of the rights of persons with disabilities. It raises a subject of most important documents that regulate this issue. It provides the analysis of law in the international legislation acts, such as Declaration on the Rights of Disabled Persons, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities also the Convention on the Rights of the Child and others etc. It refers not only to fundamental rights of persons, but also to protection of health, medical services, rehabilitation, employment and education.

Keywords: people with disability, rights, protection, discrimination, equality of rights.

## Ochrona praw osób z niepełnosprawnością

### Abstrakt

W artykule poruszone problemy związane z ochroną praw osób niepełnosprawnych. Ich analiza oparta jest w odniesieniu do najważniejszych dokumentów regulujących niniejszą kwestię w prawodawstwie międzynarodowym, takich jak: Deklaracja praw osób niepełnosprawnych, Standardowe Zasady Wyrównywania Szans Osób Niepełnosprawnych oraz Konwencja o prawach dziecka itp. Dotyczy ona nie tylko podstawowych praw osób niepełnosprawnych, ale także praw do ochrony zdrowia, opieki medycznej, rehabilitacji, zatrudnienia i edukacji.

Słowa kluczowe: niepełnosprawni, prawo, ochrona, dyskryminacja.

“The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities.” – Article 30 of the Constitution of the Republic of Poland.

Human rights are closely related to the natural law and result from the order of human existence. They are characterised by three essential features, that is universality, inalienability and inviolability (T. Sienkiewicz, 2007, p. 20)<sup>1</sup>.

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly on 10<sup>th</sup> December 1948 in Paris, is fundamental to the protection of human rights and constitutes a directive concerning law-making activity of individual states. As a result of universal acceptance of the Declaration and the implementation of UDHR norms into the domain of internal law and the binding international law, the Declaration became a norm of international law (S. Jarosz-Żukowska, A. Wojtatówicz, & Ł. Żukowski, 2002, p. 11). The Declaration recognises human dignity as the foundation of human rights by referring to the notion five times, using the following terms interchangeably: "inherent dignity", "dignity and worth of the human person" and "human dignity". Dignity is inherent in every person and expresses human nature. It is not gradable and it is equivalent to humanity (M.A. Krapiec, 1993, p. 140). The legislator recognised the significance of human dignity by elevating it to the rank of a constitutional norm. The preamble of the Constitution declares that those who will apply the Constitution for the good of the Polish Third Republic should do so "paying respect to the inherent dignity of the person" (The Constitution of the Republic of Poland of 2<sup>nd</sup> April 1997, *Journal of Laws*, No. 78, item 483).

Respect for human dignity manifests, most notably, in observance of laws and fundamental freedoms, including particularly the right to life and integrity, the right to equal and fair treatment, the freedom to work, the right to the minimum subsistence level, the right to safe and hygienic work conditions, the right to rest etc. Human dignity, the source of all rights and freedoms, constitutes, however, an independent constitutional value and it is an autonomous and independent foundation of the rights of the individual person (M. Safjan, 1999, pp. C1-C2).

The purpose of human rights is to protect a person from public authorities, provide political participation and social benefits or even access to cultural activities to him/her (O. Höffe, 1992, p. 22). The rights of persons with disabilities are universal, that is, they apply to every citizen (M. Piechowiak, 1999, p. 110). The universality of the rights of the person with disability may give rise to groundless suspicions that they infringe the rights of the non-disabled members of the society by burdening, e.g. the budget of the country with supporting weaker individuals. Placing particular emphasis on the rights of people

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<sup>1</sup> Human rights are not acquired by means of any actions, they arise from human dignity. Inviolability is expressed by the fact that nobody can deprive another person of the fundamental rights nor can those rights be relinquished.

with disabilities does not constitute a special preference for this particular group of the society. These rights do not discriminate non-disabled persons. Practicing unfounded preference acts against the group supported by the state. Opponents of the preference refer to the stigmatisation of the privileged persons which means that they are exposed to the negative attitude from the rest of the community. Favouring specific groups leads to conflicts, intensification of social divisions, mutual prejudice and aversion (W. Sadurski, 1988, p. 119).

No one is completely safe from disability that can be related to age and not necessarily to a disease or culpable behaviour of the person. Consequently, the implementation of the rights of persons with disabilities frequently preconditions the implementation of the right to life as such (T. Sienkiewicz, 2007, p. 38). Disability is a feature that may occur to anyone at any time. Thus, universality of the rights of people with disabilities also secures the interests of currently non-disabled members of the society and does not result in discrimination towards them (*Ibidem*, p. 48). The rights of persons with disabilities are defined in the acts of international law that are dedicated to the issues of protection and provision of assistance to people with disabilities. International law determines the universal standard of human rights protection that is common to culturally diverse countries. International legal acts concerning human rights and freedom emphasise inherent dignity, equality and indispensable rights of “each human being” and “all members of the human family”.

Separate principles of equality before the law, legal protection and non-discrimination are established, wherein, at the same time, attention is paid to various traits, features, conditions, circumstances and situations that might differentiate the legal position of each individual. These include race, skin colour, gender, language, religion, political views, national or social origin, property or birth. In general, physical or mental disability is not listed among those factors, but it is reasonable to assume that also the above characteristics cannot influence legal inequality of persons with disabilities. The following are listed: features, characteristics and circumstances thereby allowing for physical and mental disability. These disabilities cannot determine legal inequality nor can they justify or substantiate discrimination against the person (T. Bulenda & J. Zabłocki, 1994, p. 141; see also A. Nowak, 1999, pp. 21–22).

The issues of persons with disabilities are addressed in acts of international law on social matters, e.g. the European Social Charter (The European Social Charter *Journal of Laws* of 1999, No. 8; see also A. Nowak, 2005) of 1961 that aims at providing the citizens of the states being signatories of the Charter with the possibility of enjoying their social rights without any discrimination. The Community Charter of Fundamental Social Rights of Workers of 1989 declares that the person with disability, regardless of the origin and nature of disability, should be provided with additional measures facilitating professional and social integration (A. Nowak, 1999, p. 22).

The United Nations General Assembly adopted two declarations on the rights of persons with disabilities. The first document, the Declaration on the Rights of Mentally Retarded Persons of 20<sup>th</sup> December 1971 (E. Tomasik 1997, pp. 113–114), calls for national and international action to guarantee the rights of persons with mental disabilities thus promoting their social integration. The Declaration states that the person with mental disability has the same rights as other human beings<sup>2</sup>. The latter document is the Declaration on the Rights of Disabled Persons adopted on 7<sup>th</sup> December 1975 which applies to all disabled persons. Pursuant to the accepted regulations, people with disabilities have the same rights as other, non-disabled citizens of the same age (including civil and political rights) and, in particular, an inherent human right to dignity and respect. They are entitled to measures allowing them to become independent. They are entitled to medical, psychological and rehabilitation care, education, vocational training, other forms of professional development, counselling, placement services, other services which will enable them to develop their capabilities and skills to the maximum and will accelerate the processes of their social integration or rehabilitation. Persons with disabilities have the right to economic and social security as well as to a decent standard of living. The document also states that persons with disabilities have the right to participate in all forms of social activities and to live with their families or carers. The person with disability is to be protected against all forms of exploitation (see also A. Nowak 1999, p. 25; E. Wapiennik, R. Piotrowicz 2002, p. 29).

A particularly important role in establishing the system of legal protection for persons with disabilities was played by the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (M. Góral, 1995, pp. 195–198) adopted by the United Nations General Assembly on 20<sup>th</sup> December 1993, which implements the policy of “disability mainstreaming”. The document ensures the right of persons with disabilities to adequate medical

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<sup>2</sup> The mentally retarded person, in particular, has the right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance that will enable him/her to develop his/her ability and maximum potential. The mentally retarded person has the right to economic security and to a decent standard of living. He/she has the right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his/her capabilities. The mentally retarded person has the right to live with his/her own family or with foster parents and participate in different forms of community life. The family he/she lives with should receive assistance. If care in an institution becomes necessary, it should be provided in the surroundings and other circumstances as close as possible to those of normal life. The mentally disabled person has the right to a qualified guardian, the right to protection from exploitation, abuse and degrading treatment. Persons with intellectual disability brought before the court of law shall be protected by the procedural guarantees. If mentally retarded persons are unable, due to the severity of their handicap, to exercise all their rights or it should become necessary to restrict some of these rights, the procedure used for that restriction of rights must contain proper legal safeguards against every form of abuse.

care, access to relevant treatment methods, technologies and rehabilitation. It guarantees equal access to education at all levels, information and means of interpersonal communication, social security, income maintenance, participation in family life, and ensures the supply of a full range of support services (as cited in: A. Nowicka-Chachaj, G. Rdzanek-Piwowar, 2005, pp. 22–23).

It is impossible to discuss international standards related to protection of the rights of disabled persons without mentioning the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20<sup>th</sup> December 1989 (The Convention on the Rights of the Child: *Journal of Laws of 1991*, No. 120). Article 23 of the Convention is a complex regulation that guarantees the child with disability legal protection. In relation to children's rights, standards of protection for children with disabilities were distinguished, namely particular regulations in which the states (signatories of the Convention) undertake special responsibilities. These complex regulations combine all types of children's rights and assume the need to "create" the meaning of those rights by consistent and repeatedly enhanced effort in each individual case. The situation of children is special, therefore their rights require increased protection not consisting in preventing discrimination but consisting in the implementation of the principle of equal opportunities (A. Nowicka-Chachaj, G. Rdzanek-Piwowar, 2005, p. 21; see also W. Dykciak, 2005, p. 204; A. Nowak, 2013). The Convention ensures that children with disabilities can enjoy a full and decent life with respect to their dignity. They are enabled to achieve independence as well as active participation in the life of the community. States (parties) recognise the right of children with disabilities to special care, and provide assistance that is appropriate to the available resources and educational conditions. The assistance should be provided free of charge whenever possible, considering the financial resources of the parents or others involved in taking care of the child. The child with disability should be provided with an effective access to education, learning, health care and rehabilitation services, employment preparation and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development (Article 23 of the Convention on the Rights of the Child: *Journal of Laws of 1991*, No. 120). Article 23 of the Convention is a comprehensive regulation that constitutes an argument against segregationist treatment of children with disabilities, and the basis for facilitating their achieving full development and social integration.

Recommendations regarding vocational rehabilitation and employment of persons with disabilities have been specified in documents issued by the United Nations and the International Labour Organisation (ILO). ILO adopted the Vocational Rehabilitation (Disabled) Recommendation (No. 99) in 1955.

The document emphasises employment opportunities for disabled persons, vocational rehabilitation for young persons with disabilities, and cooperation in this field between the authorities responsible for education and vocational rehabilitation (T. Majewski, 1999, p. 21). In 1983, ILO adopted Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168). Both documents complemented the previously accepted principles, stressing the need to provide equal opportunities for persons with disabilities in vocational training and employment. Also, the documents emphasised that the member states should adopt a policy in the field of vocational rehabilitation and employment for persons with disabilities. Such a policy should provide access to vocational rehabilitation services to people with all types of disabilities, promote their employment on the open labour market, train personnel for the vocational rehabilitation purposes, as well as involve employers' and employees' organisations along with persons with disabilities in the development of vocational rehabilitation (T. Majewski, 1997). ILO prepared also the document known as Managing Disability in the Workplace, which provides employers with guidelines helpful in the recruitment of disabled people and their retention ([www.niepełnosprawni.gov.pl](http://www.niepełnosprawni.gov.pl), retrieved on 21<sup>st</sup> May 2015)<sup>3</sup>.

In 1996 the Commission of the European Communities issued a statement on the equality of opportunities for disabled persons. The aim of the statement was to accelerate the process of addressing the issue of disability by legally ensuring equal opportunities (L.P. Waddington, 1997, p. 23). The issue of disability is also addressed in Article 13 of the Treaty of Amsterdam signed in 1997. "Without prejudice to the other provisions of this Treaty, and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission, and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" (E. Wapiennik, R. Piotrowicz, 2002, p. 42).

The strategy adopted by the European Union emphasised the need for a new approach to the matter of disability which would focus on identification and removal of various barriers hindering or even preventing persons with disabilities from enjoying equal opportunities and participation in all areas of life. Among the most significant issues, the following were addressed: fighting discrimination, building open society, improving access to the environment in its broad sense, and counteracting social marginalisation (*ibidem*, p. 43 and p. 45).

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<sup>3</sup> As cited in Biuro Pełnomocnika Rządu ds. Osób Niepełnosprawnych w Ministerstwie Pracy i Polityki Społecznej (The Office of the Government Plenipotentiary for Disabled Persons' Affairs in the Ministry of Labour and Social Policy), Warszawa 2013.

At a special meeting in Luxemburg in November 1997, the Council of Europe outlined a strategy of employment. It stressed the importance of actions aimed at increasing chances of employment, promoting enterprise, stimulating and supporting adaptability as well as creating equal job opportunities (including elimination of inequality related to employment opportunities and conditions depending on sex, providing opportunities and adequate working conditions for persons with disabilities). Thus, the Council of Europe, previously focused on outlining strategies, began recommending specific actions (S. Golinowska, 1999, pp. 21–22).

At the European Union Summit Meeting in March 2000 in Lisbon, the so-called Lisbon Strategy was adopted. Consequently, the European Union aims at providing every person an opportunity to gain skills essential for living and functioning in the information society. This goal is to be achieved by fighting social alienation, part of the programme (eAccessibility) is addressed to persons with disabilities (G. Michałowska, 2007). It was stated in Lisbon that the social policy would be conducted by means of open coordination, which is a decentralised method of political coordination of all the member states, and constitutes a tool used to achieve the goals established in Nice in December 2000. The European Social Agenda was adopted by the European Council which plays a crucial role in creating economic growth through the development of social policy, the priority of which is fighting poverty, all forms of exclusion and discrimination in order to promote social integration.

In 2000 the European Commission presented the Communication “Towards a barrier-free Europe for people with disabilities” (E. Wapiennik, R. Piotrowicz, 2002, p. 56), which formulated a strategy aiming at eliminating all barriers, e.g. social or architectural, which constitute an obstacle in the life of persons with disabilities thus limiting their participation in social life and enjoying their rights.

The European Union has been gradually adopting documents shaping the employment policy for people with disabilities. Next to the Amsterdam Treaty and The New European Employment Strategy, the most significant documents include:

- European Council Directive 2000/78/EC of 2000 establishing general framework for equal treatment in employment and occupation.
- European Commission Regulation (EC) No. 2204/2002 of 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment.
- European Commission Communication (Com/2003) of 2003. Equal opportunities for people with disabilities.
- European Action Plan.

These documents contain basic rules shaping the European Union's employment policy for people with disabilities (T. Majewski, 2006, p. 52)<sup>4</sup>. The adopted documents cover the right of all persons with disabilities to work (including persons with a significant degree of disability), the principle of equal employment opportunities based on eliminating all barriers hindering and limiting occupational functioning of persons with disabilities. Additionally, the adopted documents cover non-discrimination of people with disabilities related to employment and job performance, preference for employment on the open labour market, subsidising employment of people with disabilities in order to offset the related costs imposed on the employers, involving social partners (employers' organisations, trade unions, organisations of persons with disabilities) into solving problems of disabled persons (T. Majewski, 2002).

The Constitutional Treaty is an important document, establishing the Constitution for Europe, which includes the Charter of Fundamental Rights of the European Union (2004). The first chapter covers the following: human dignity, the right to life, the right to the integrity of the person, prohibition of torture and inhumane or degrading treatment or punishment, prohibition of slavery and forced labour. The third chapter includes equality before the law, non-discrimination, equality between men and women in all matters, the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration as well as participation in the life of the community. It is worth mentioning that Article 21 introduces prohibition of discrimination on grounds of various features, including disability.

The key objectives of the European Union's Strategy towards disability include creating society that is open and accessible to everyone, combating discrimination of persons with disabilities, eliminating all barriers that hinder people with disabilities from full participation in social life. To achieve it, it is necessary to provide access to means of communication and to facilities, prevent social exclusion and marginalisation of people with disabilities, ensure financial safety, and promote the idea of "autonomous life". The beneficiaries of the undertaken activities are persons with disabilities.

In 2003 the Council of Europe published a report (*Discrimination against Women with Disabilities*, Council of Europe, 2003, as cited in: T. Majewski, 2006, pp. 5–7) on Discrimination against Women with Disabilities prepared by the team of women with disabilities under the guidance of Maria Leonor Beleza from Portugal. The member states should address the issue of gender

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<sup>4</sup> It is worth mentioning previous documents: Recommendation (86/379 EEC) of 1986 on the employment of disabled people in the Community, Council Resolution of 1996 on equality of opportunity for people with disabilities, Council Resolution (1999/C 186/02) of 1999 on equal employment opportunities for people with disabilities.

equality of persons with disabilities in all policies. Information programmes on the problems of girls and women with disabilities should be undertaken and targeted at the general public. These programmes should be prepared with the participation of women with disabilities. In individual member states, institutions related to health, education, vocational training, employment and social services should be given recommendations to enable girls and women with disabilities to benefit from all systems and forms designed for general public in the first place. Special systems and forms should be used only in the circumstances when it is not possible to make use of the aforementioned procedures (Ibidem, p. 7).

On 26<sup>th</sup> April 2007, the European Parliament adopted the resolution on the situation of women with disabilities in the European Union – 2006/2277(INI) ([www.niepelnosprawni.gov.pl/dokumenty-unii-europejskiej/sytuacja-kobiet-nie](http://www.niepelnosprawni.gov.pl/dokumenty-unii-europejskiej/sytuacja-kobiet-nie); access 5<sup>th</sup> May 2009). The European Parliament recognised that women with disabilities suffer from multiple discrimination (on grounds of sex, gender, race, impairment and disability) and are at a greater risk of poverty and social exclusion. The European Parliament called on the Commission and the member states to ensure the removal of existing barriers and obstacles, including architectural barriers, with a view to creating equal rights and opportunities for women and girls with disabilities to play a part in family, political, cultural, social and professional aspects of life. It should be achieved particularly through better implementation of the common anti-discrimination legislation in the field of gender equality. The European Parliament also called on the member states to take full account of the needs of women with disabilities at national, regional and local levels, particularly in the field of urban development, education, employment, housing policy, transport, health and social services.

On 11<sup>th</sup> December 2013, the European Parliament adopted the Resolution on Women with Disabilities (2013/2065(INI)), which stressed the importance of social inclusion of women in various spheres of life regardless of the type of disability. The European Parliament insisted on considering gender issue in the strategies related to disability, calling on the member states to take appropriate steps (legislative, organisational financial and others) to ensure that women with disabilities are equally treated ([www.niepelnosprawni.gov.pl/dokumenty-miedzynarodowe](http://www.niepelnosprawni.gov.pl/dokumenty-miedzynarodowe), retrieved on 21<sup>st</sup> May 2015).

In 2006, the Council of Europe adopted the Recommendation Rec(2006)5 on the “Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006–2015” ([www.niepelnosprawni.gov.pl/dokumenty-rady-europy/zalecenie-nr rec-2006-5/](http://www.niepelnosprawni.gov.pl/dokumenty-rady-europy/zalecenie-nr rec-2006-5/), access 5th May 2009).

The Action Plan aimed to provide a comprehensive framework that is both flexible and adaptable to meet country-specific conditions. The Disability Ac-

tion Plan acknowledges the basic principle that a society has a duty towards all its citizens to ensure that the effects of disability are minimised through actively supporting healthy lifestyles, safer environments, adequate healthcare, rehabilitation and local communities. The key objective of the Disability Action Plan was to provide practical tools for developing and implementation of viable strategies for complete participation of persons with disabilities in social life, and ultimately for introducing the issues of disability in all the areas of the policy of the member states. The Council of Europe Disability Action Plan encompasses all key areas of the life of people with disabilities (political, cultural and public life, education, employment, communication and information, transport, local community living, health care, legal protection and protection against violence and abuse). Such activities should be replaced with accessible and objective information on the consequences of impairment and disabilities in order to promote a better understanding of the needs and rights of people with disabilities in society. Action should be aimed at changing negative attitudes towards persons with disabilities and promoting the inclusion of disability issues in all government publications as well as the publications of the media. The Action Plan is focused on the following principles: non-discrimination, equality of opportunities, full participation of people with disabilities in society. Also, the Action Plan focuses on respect for difference and acceptance of disability as part of human diversity, dignity and individual autonomy including the freedom to make one's own choices, equality between women and men, participation of people with disabilities in taking decisions that affect their lives through their representative organisations.

The key role in the system of protecting the rights of people with disabilities is played by the United Nations Convention on the Rights of Persons with Disabilities adopted on 13<sup>th</sup> December 2006, established pursuant to the Resolution 61(106) ([www.niepelnosprawni.gov.pl/dokumenty-organizacji-narodow-zj/](http://www.niepelnosprawni.gov.pl/dokumenty-organizacji-narodow-zj/) access 5<sup>th</sup> May 2009). Poland signed the Convention on 30<sup>th</sup> March 2007. The Convention contains 47 articles. The objective of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Article 3 defines the general principles on which the Convention is based. These cover respect for inherent dignity, individual autonomy, including the freedom to make choices, respect for independence of persons, non-discrimination, full and effective participation and inclusion in society. The principles also draw attention to respect for difference and acceptance of persons with disabilities perceived as those who contribute to the diversity of human family and are part of humanity. Focus is also placed on equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children with disabilities and respect for the right of people with disabilities to preserve their identi-

ties. The State Parties of the Convention are to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on grounds of disability. The Convention emphasises the need to ensure equality and non-discrimination of people with disabilities. Due to their difficult situation and a risk of social exclusion, women and children with disabilities require special protection. Therefore, it is important to take all requisite measures to provide them with enjoyment of human rights and fundamental freedoms for their best interest. Article 9 draws attention to accessibility (on an equal basis with others) to the physical environment, to means of transportation, to information and communication, including information and communication technologies and systems, and to other facilities and services both in urban and in rural areas. The Convention reaffirms that persons with disabilities have the right to recognition everywhere as persons before the law, and emphasises the need to provide measures essential for exercising legal capacity. Disabled persons are guaranteed effective access to justice through the provision of procedural accommodation. The Convention ensures that persons with disabilities deprived of their liberty will be treated properly and, on an equal basis with others, protected from inhumane and degrading treatment or punishment. The Convention takes appropriate measures (i.e. social, administrative and legislative) to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects. Article 16(5) ensures establishing effective legislation and promoting women- and child-focused policies to guarantee that the instances of exploitation, violence and abuse towards disabled persons will be identified, investigated and prosecuted. States Parties also recognise the following rights of persons with disabilities: the right to respect for his or her physical and mental integrity, the right to liberty of movement, to freedom to choose residence and to a nationality, the right to live in the community, the right to personal mobility. Also, the right to freedom of expression and opinion is also recognised as well as the right to legal protection in different areas of life, the right to marriage and family, the right to education, the right to the enjoyment of the highest attainable standard of health, the right to rehabilitation, the right to work, the right to adequate living conditions for themselves and their families. The States Parties also recognise the right to social protection, the right to participation in political and public life, the right to participation in cultural life as well as recreational, leisure and sporting activities. The Convention on the Rights of Persons with Disabilities complements the previously adopted UN convention on human rights. The Convention obliges the States Parties to undertake effective actions with a view to improving the quality of life of people with disabilities through appropriate legislative, administrative and social measures.

On 17<sup>th</sup> March 2008, the Council of the European Union adopted Resolution (2008/C75/01) on the situation of persons with disabilities in the European Union<sup>5</sup>. The document recognises that persons with disabilities often remain disadvantaged and marginalised, especially in the field of work. It is also noted that women with disabilities (as implied by the cumulative effect of gender and disability) often face multiple forms of discrimination, have less independence, less access to education, training, employment, and health services, and therefore often face a greater risk of exclusion, poverty and abuse. The Council of the European Union addresses the Commission to provide people with disabilities with the following: complete enjoyment of their human rights, access to all spheres of life, goods, services and infrastructure. It also addresses the Commission to begin work on a European disability strategy (which will replace the current European Action Plan). The Council of the European Union addresses disabled persons and organisations that include disabled persons to continue coordination, conveying information on their needs to the bodies responsible for the policy, to analyse actions and to participate in the preparation and implementation of the European Disability Action Plan and the United Nations Convention. The Council of the European Union addresses all the concerned people with disabilities and their organisations, public authorities, and the social partners to maintain a dialogue in order to understand the needs of disabled persons and to generate solutions based on the consensus.

On 25<sup>th</sup> October 2011, the European Parliament in Strasburg adopted Resolution on mobility and inclusion of persons with disabilities and the European Disability Strategy 2010–2020 ([www.niepelnosprawni.gov.pl/dokumenty\\_miedzynarodowe](http://www.niepelnosprawni.gov.pl/dokumenty_miedzynarodowe), retrieved on 22<sup>nd</sup> May 2015). The European Parliament emphasised that “the Europe 2020 Strategy” aimed at 75% of the professionally active population aged 20–64 cannot be achieved unless this includes a population with some form of disability in this age group. It was also stressed that financial expenditures and economic investments for the benefit of people with disabilities result in positive long-term effects. Measures should be individualised and adjusted to the needs and a situation of persons with disabilities. The European Parliament stresses the importance of the objectives of the new European Disability Strategy 2010–2020 and calls for framing more detailed actions at all levels of governance based on reliable data as well as with active participation of persons with disabilities. The document renews the commitment to build a barrier-free Europe.

On 16<sup>th</sup> November 2011, the Committee of Ministers of the Council of Europe adopted the Recommendations Rec(2011)14 on the participation of persons with disabilities in political and public life. These recommendations suggested that the member states should adopt appropriate legislative and

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<sup>5</sup> BON@mp.ps.gov.pl, The Official Journal of the European Union.

other measures. They should also create an environment which would encourage disabled persons to participate in political and public life while enjoying equal rights and opportunities on equal terms with non-disabled persons. The objective of these actions is to engage people with disabilities in participatory democracy at various levels (Ibidem).

In conclusion, it can be said that international documents focus, in particular, on protection of health, medical services, rehabilitation, employment and education. In these areas the needs of persons with disabilities are ensured so that they can fit in and actively function in society. The documents emphasise the need to identify and remove the barriers limiting people with disabilities, and the need to avoid creating new barriers. Legal norms included in those documents apply to all people with disabilities, while taking into consideration gender, age and the type of disability. The international documents define the rights of persons with disabilities with relative precision, with the emphasis put on the need to respect the dignity of disabled persons, and provision of equal rights.

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