



Project ERASMUS+ Number: 2022-2-HU01-KA220-HED-000099410

Title: “The development of the innovative educational method of ACCESSIBLE tourism in Central Europe” – ACCESSIBLE.

Head of the Polish research group: prof. Alina Zajadacz

Team: dr Łukasz Halik, dr Matylda Siwek, mgr Paweł Sowa

Adam Mickiewicz University in Poznan, Poland

Alina Zajadacz

Analysis of national legislation concerning accessibility, people with disabilities and accessible tourism

In Poland, **the Charter of the Rights of Disabled Persons**¹ was adopted by the Resolution of the Sejm of the Republic of Poland of August 1, 1997. **The Convention on the Rights of Persons with Disabilities**, drawn up in New York on December 13, 2006, was ratified in 2012 (Journal of Laws of 2012, item 1169)².

The concept of disability is defined in Art. 2 point 11 of the Act of 27 August 1997 **on vocational and social rehabilitation and employment of disabled persons** (Journal of Laws of 2020, items 426, 568 and 875)³, chapter 1., art. 2, point 10: "disability - this means permanent or periodic inability to fulfill social roles due to permanent or long-term impairment of the body's fitness, in particular resulting in inability to work". The Act also includes rights for people with disabilities. For example, in ch. 4, "Art. 20a.

1. A disabled person with an assistance dog has the right to enter:

- 1) for public utility facilities, in particular: buildings and their surroundings intended for the needs of public administration, justice, culture, education, higher education, science, health care, social and social welfare, banking

¹ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19970500475/O/M19970475.pdf> (access: 11.10.2023)

² <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20120001169/O/D20121169.pdf> (access: 11.10.2023)

³ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971230776/U/D19970776Lj.pdf> (access: 11.10.2023)

services, trade, gastronomy, services, tourism , sports, passenger service in rail, road, air, sea or inland waterway transport, provision of postal or telecommunications services and other publicly accessible buildings intended to perform similar functions, including office and social buildings;

- 2) to national parks and nature reserves;
- 3) to beaches and swimming areas.

2. The right referred to in section 1, is also available in means of rail, road, air and water transport and in other means of public transport.

3. The right referred to in section 1 and 2, does not release a disabled person from liability for damage caused by an assistance dog.

4. The condition for exercising the right referred to in section 1 and 2, is to equip the assistance dog with a harness and for the disabled person to have a certificate confirming the status of the assistance dog and a certificate of completion of the required veterinary vaccinations.

Basic concepts such as accessibility and person with special needs have been defined in art. 2 of the Act of July 19, 2019 **on ensuring accessibility for people with special needs** (Journal of Laws of 2019, item 1696)⁴:

- "Accessibility - architectural, digital and information and communication accessibility, at least to the extent specified by the minimum requirements referred to in Art. 6, resulting from the consideration of universal design or rational application improvements."
- "Person with special needs – a person who, due to his or her external features or internal, or due to the circumstances in which he finds himself, he must take additional steps activities or take additional measures to overcome the barrier to participation in various spheres of life on the basis of equality with other people."

In art. 6 defines "minimum requirements to ensure accessibility for persons with special needs that include:

1) in terms of architectural accessibility:

- a) ensuring barrier-free horizontal and vertical communication spaces buildings,

⁴ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20190001696/U/D20191696Lj.pdf> (access: 11.10.2023)
Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

- b) installation of devices or use of technical measures and architectural solutions in the building that allow access to all rooms, excluding technical rooms,
- c) providing information on the layout of rooms in the building, at least in a visual and touch or voice way,
- d) providing access to the building to the person using the abovementioned assistance dog.”

In terms of digital accessibility - requirements are specified in the Act of April 4, 2019. **on the digital accessibility of websites and mobile applications of public entities** (Journal of Laws of 2019, item 848)⁵. The Act specifies:

- 1) digital accessibility requirements for websites and mobile applications of public entities;
- 2) requirements regarding the content, review and update of accessibility declarations of websites and mobile applications of public entities and their publication;
- 3) competences of the authority responsible for monitoring ensuring digital accessibility of websites and mobile applications of public entities and supervising the application of the provisions of the Act; 4) rules for monitoring the digital accessibility of websites or mobile applications and reporting on digital accessibility;
- 5) proceedings to ensure digital accessibility of the website, mobile application or their elements.

In Poland, sign language has been recognized as a separate language of the Deaf community. The legal act refers to this - **Act of 19 August 2011 on sign language and other means of communication** (Journal of Laws of 2017, item 1824)⁶. The Act sets out the rules:

- 1) authorized persons using the assistance of an adopted person in contacts with public administration bodies, system units and entities medical facilities, police units, the State Fire Service and municipal guards and voluntary units operating in these areas;
- 2) servicing authorized persons in contacts with public administration bodies;
- 3) co-financing the costs of education of eligible persons and their family members and other people who have permanent or direct contact with people authorized in the field

⁵ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20190000848/U/D20190848Lj.pdf> (access: 11.10.2023)

⁶ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20112091243/U/D20111243Lj.pdf> (access: 11.10.2023)
Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

of Polish sign language, the linguistic and - sign and methods of communication for deafblind people different levels;

4) monitoring solutions supporting communication and access to them. According to the act, "Polish Sign Language (PJM) is a natural visual and spatial language of communication for authorized persons."

Strona | 4

Announcement of the Minister of Sport and Tourism of October 26, 2017 on **the announcement of the uniform text of the regulation of the Minister of Economy and Labor on hotel facilities and other facilities in which hotel services are provided**, Annex No. 8 - Minimum requirements for adapting hotel facilities to the needs of people disabled (Journal of Laws of November 24, 2017, item 2166)⁷. The regulation specifies:

- 1) requirements for individual types and categories of hotel facilities regarding equipment and the scope of services provided, including catering services;
- 2) minimum requirements for the equipment of other facilities where hotel services are provided;
- 3) conditions for allowing derogations from the requirements referred to in point 1;
- 4) method of documenting compliance with construction, fire and sanitary requirements;
- 5) detailed rules and procedure for classifying hotel facilities into particular types and categories;
- 6) the procedure for exercising control over compliance with the requirements in individual facilities regarding equipment and the provision of services corresponding to the type and category of the facility;
- 7) method of keeping records of hotel facilities and other facilities where hotel services are provided.

The above-mentioned legal acts are among the basic rights of people with disabilities regarding architectural, digital, information and communication accessibility in Poland. They are supplemented by more detailed regulations in the field of tourism and recreation for older people and people with disabilities. Recommendations are also being made for the tourism services sector regarding their accessibility.

List of basic documents related to the development of accessible tourism

⁷ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170002166/O/D20172166.pdf> (access: 11.10.2023)

Act of July 19, 2019 on ensuring accessibility for people with special needs. Journal Laws of 2019, item 1696,

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20190001696/U/D20191696Lj.pdf>
(access: 11.10.2023)

Act of August 27, 1997 on vocational and social rehabilitation and employment of disabled people. Journal Laws of 1997 No. 123 item 776

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971230776/U/D19970776Lj.pdf>
(access: 11.10.2023)

Act of April 4, 2019 on the digital accessibility of websites and mobile applications of public entities. Journal Laws of 2019, item 848,

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20190000848/U/D20190848Lj.pdf>
(access: 11.10.2023)

Act of August 19, 2011 on sign language and other means of communication. OJ 2011 No. 209 item 1243.

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20112091243/U/D20111243Lj.pdf>
(access: 11.10.2023)

Announcement of the Minister of Sport and Tourism of October 26, 2017 on the announcement of the uniform text of the regulation of the Minister of Economy and Labor on hotel facilities and other facilities in which hotel services are provided, Annex No. 8 - Minimum requirements for adapting hotel facilities to the needs of people disabled (Journal of Laws of November 24, 2017, item 2166)

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170002166/O/D20172166.pdf> (access: 11.10.2023)

Convention on the Rights of Persons with Disabilities, drawn up in New York on December 13, 2006 (Journal of Laws of 2012, item 1169)

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20120001169/O/D20121169.pdf>
(access: 11.10.2023)

Resolution of the Sejm of the Republic of Poland of August 1, 1997, Charter of the Rights of Disabled Persons.

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19970500475/O/M19970475.pdf> (access: 11.10.2023)