

## *Disabled person in general administrative proceeding. Procedural standards.*

### Summary

The topic of dissertation regards to the situation of disabled people and their status in administrative proceedings. In present times, disability is the occurrence of increasing importance. Due to many reasons (like civilizational sicknesses, accidents, ageing etc.) more and more people become incapable of some activities of everyday life. They need special treatment. It is not a privilege, it is a necessity to maintain the equality of chances in the society. This applies also to legal system, part of which is the administrative proceeding. The dissertation focuses on the application of this assumption. It is divided into five chapters.

Chapter one presents the social background of legal regulations. It contains the overview of disability definitions, models (especially sociological and medical) and types. Chapter one also focuses on factors which constitute present situation of disabled people (like barriers, stereotypes) and its on - going changes. It plays the role of introduction to the main topic. Although its content is mostly non – legal, it is essential for a better understanding of legal regulations described in next parts of dissertation.

Chapter two presents the legal situation of disabled people from systemic point of view. The starting point of the analysis is human rights protection system, because this set of regulations contains most standards and rules regarding the relations between a person and state. Next, the chapter presents the national and international sources of procedural standards, like Constitution of Poland, acts of Parliament, conventions, documents of European Union etc. The goal of this part of dissertation is to show the widespread of regulations concerning disabled people, included in many documents, of different legal implications.

Chapter three presents disabled people as subjects of general administrative proceeding. Every procedure has its own conditions, which determinate the course of action and legal status of subjects taking part in it. This is why the chapter starts with a short overview of features of administrative proceeding. Afterwards comes a short characteristic of different subjects (like party, witness, representative etc.) and conditions on which disabled person can act as this procedural role.

Chapter four present the procedural standards which are legally binding. The starting point is the meaning of standards, theirs classifications and functions in the proceeding. Afterwards comes the analysis of three groups of these rules: ones concerning the application of law, ones concerning the manners of proceeding, technical ones. This division helps to

present the procedure in comprehensive way, including all significant aspects. However, the goal of this chapter is not to make a complex description of every procedural standard. They apply to all subjects, disabled and not disabled. That is why most of their characteristics are the same. The chapter present only specific aspects of standards, in connection with special needs of disabled people.

Chapter five presents the idea of a new subject in administrative proceedings, which is called representative of disabled person. The reason to consider it comes from the fact that some procedures are complex and difficult. Currently there are representatives who can help disabled party during the proceeding. However, they often lack of knowledge (legal or non – legal). The proposed representative would combine legal qualifications with information about disabled people, their needs and skills in communication. The dedication to cases of disabled subjects would make him/her professional who not only knows regulations but also understands the situation and needs of his clients. The chapter presents a comprehensive proposal of new regulations, concerning: premises of being this representative, premises of taking part in procedure, legal status in proceeding, settlement of accounts etc.

The dissertation ends with final conclusions based on chapters one to five. They show that the situation of disabled people is improving. More and more regulations appear, there are also changes in social perceive of disabled people, thanks to the activities performed by governments and NGO's. There is still some work to be done, but huge evolution happened between the past (when disabled people were treated as worst and miserable) and the present (which emphasizes the equality and rights of this part of society).