



**NATIONAL GUIDANCE ON
RESPECTING HUMAN RIGHTS
IN EU-FUNDED PROJECTS**

POLAND

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FRONT COVER IMAGE

Picture shows the construction of Noursing Home Care in Daszyna through an EU funded project.

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Introduction

Sunny Hill Senior Home + seniors.pl

European funds have profoundly transformed Poland over the last two decades. They have helped build infrastructure, modernise schools, create jobs and improve access to services. Yet, research conducted within the FURI Project revealed a troubling paradox: some EU-funded projects that were meant to promote inclusion and equality have, in practice, reinforced segregation and exclusion.

People with disabilities continue to live in institutional settings; some housing projects unintentionally isolate marginalised communities; and awareness of the EU Charter of Fundamental Rights remains limited among managing authorities and beneficiaries. Complaints mechanisms often fail, and participation of rights holders in decision-making processes is minimal.

Expert insight:

“Projects that are supposed to promote inclusion often achieve the opposite.”

This insight is grounded in several findings from the Polish FURI research report, which documented that EU-funded interventions labelled as “inclusive” frequently produced effects that were the opposite of inclusion.

According to the report, many projects continued to prioritise institutional or segregated solutions – for example, the development or modernisation of residential institutions, segregated forms of education, or stand-alone services for specific groups such as migrants or persons with disabilities. Experts noted that such projects often ignored individual needs and reinforced dependency, isolation or spatial segregation. The report highlights that these outcomes stem from systemic problems: a limited understanding of fundamental rights obligations among managing authorities, weak enforcement of enabling conditions, and the lack of mechanisms ensuring meaningful participation of rights holders in project design. The quote therefore reflects a recurrent conclusion of the Polish research: despite good intentions, “inclusive” projects often entrench existing structures of exclusion when they are not grounded in a rights-based and person-centred approach.

This guidance was created to ensure that, in the new programming period (2028–2034), EU funds in Poland truly advance human rights, equality, and inclusion. It provides practical directions for institutions, policymakers, and project implementers on how to design, deliver, and monitor projects in line with the EU Charter of Fundamental Rights, the UN Convention on the Rights of Persons with Disabilities (CRPD), and other international

Objective and Scope

OBJECTIVE

To guide national and regional authorities, equality bodies, local governments, and civil society in aligning EU-funded investments with fundamental rights obligations and preventing violations such as segregation, discrimination, or institutionalisation.

SCOPE

- Target group: Managing Authorities, Intermediate Bodies, Ministries, Ombudsman, Equality Bodies, NGOs.
- Timeframe: 2028-2034 programming period.
- Funds covered: ESF+, ERDF, Cohesion Fund, CAP, AMIF, ISF.

Example of EU-funded institutional infrastructure — investments of this type are now excluded under the updated fundamental-rights approach.



Legal and policy framework

At the EU level, this guidance is grounded in:

- The Charter of Fundamental Rights of the European Union;
- The UN Convention on the Rights of Persons with Disabilities (CRPD), especially Article 19 on the right to live independently and be included in the community;
- The Istanbul Convention and the Victims' Rights Directive;
- The Racial Equality Directive 2000/43/EC;
- The Common European Asylum System and the Pact on Migration and Asylum.

In addition to the current acquis, it is important to note the direction of the proposed regulatory framework for the 2028–2034 programming period. Although negotiations are ongoing, the European Commission has signalled a stronger emphasis on fundamental rights in cohesion policy, including:

- reinforcing the applicability of the Charter throughout all stages of EU fund management;
- expanding and clarifying fundamental-rights-related enabling conditions, particularly in areas such as deinstitutionalisation, inclusive education, non-discrimination and migration;
- introducing more robust monitoring and reporting obligations linked to rights compliance; and
- simplifying governance structures to ensure transparent oversight and meaningful participation of equality bodies, Ombudsperson institutions and civil society.

At the national level, the framework is supported by:

- The Polish Constitution (Articles 32, 68, 69);
- The Act on Equal Treatment (2010);
- The Act on Ensuring Accessibility for Persons with Special Needs (2019) and the Act on Digital Accessibility of Public Sector Websites and Mobile Applications (2019);
- The Act on the Polish Sign Language (2011);
- The Strategy for Persons with Disabilities 2021-2030;
- The Strategy for the Development of Social Services (2021-2030);
- The Partnership Agreement 2021-2027, concluded between the Government of Poland and the European Union, and its forthcoming revision.

However, as highlighted in the FURI Polish Report, there is currently no integrated national mechanism ensuring that EU funds are implemented in full alignment with these human rights obligations. Systemic gaps – such as the weak enforcement of enabling conditions, limited knowledge of the Charter among managing authorities, and insufficient monitoring of rights risks – contribute to recurring violations. This guidance aims to bridge that gap and operationalise these commitments in the next programming period.

Guiding Principles and Safeguards

Human rights are not abstract ideals – they are everyday decisions that define who benefits from public investment and who is left behind.

Every EU-funded intervention must actively promote dignity, equality, and participation, not merely avoid harm. Projects should be built around individuals' rights, choices and inclusion in the community.

* Dignity and Equality

All projects must respect human dignity and equality. This means designing actions that empower rather than control, and that remove barriers rather than reinforce dependency.

Equality must be understood in an intersectional way – addressing multiple, overlapping forms of discrimination such as gender, disability, age, ethnicity or migration status.

Example: A training programme should not only be formally “open to everyone” but should include targeted support (e.g. accessible materials, interpreters, reasonable accommodation) so that everyone can actually participate.

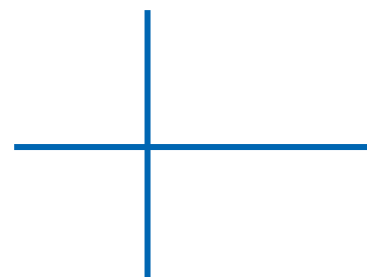
* Independent Living and Inclusion

Funding must not reinforce institutional care or segregation. Projects should enable people to live, learn and work within their communities, with access to personalised support.

Real deinstitutionalisation is about freedom, choice and belonging – not simply moving people from large institutions to smaller ones.

Expert insight: “If we continue to design projects for groups rather than individuals, we will spend millions and nothing will change.”

Example: Instead of financing collective housing for dozens of people, funds should prioritise personal assistance, supported housing and inclusive local services.



* Accessibility

Accessibility is a precondition for participation. It must be ensured in all dimensions – physical, digital, and communication – and from the very start of project planning.

All EU-funded infrastructure, platforms, and services must comply with universal design and accessibility standards (such as WCAG 2.1).

Example: An employment project should include accessible recruitment tools and workplaces designed to accommodate different abilities.

* Operational Safeguards

To put these principles into practice, Managing Authorities and beneficiaries should:

1. Conduct human rights impact assessments at project design and approval stages;
2. Apply exclusion lists banning institutional, segregated or discriminatory projects;
3. Integrate accessibility and equality clauses in procurement and grant agreements;
4. Provide training on the Charter and CRPD to programme staff and evaluators;
5. Establish corrective mechanisms – where violations trigger investigation or suspension of funding.

* Participation and Empowerment

“Nothing about us without us.” People whose lives are affected by a project must be meaningfully involved in its design, delivery and evaluation.

Participation should be continuous – not one-time consultation. Involving representative organisations (of persons with disabilities, migrants, Roma, youth, etc.) ensures that interventions reflect real needs and avoid stereotypes.

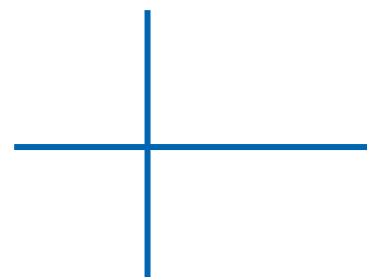
Example: Calls for proposals should require evidence that project beneficiaries were involved in co-design or decision-making processes.

* Sustainability and Systemic Change

Projects must deliver lasting improvements, not short-term outputs. Sustainability in human rights means strengthening systems and capacities that remain once funding ends.

Investments should create long-term community-based solutions, inclusive services and rights-based policies rather than temporary facilities.

Example: Training for local social workers or accessible municipal planning systems brings more sustainable change than modernising institutional buildings.



Key message:

Projects that truly respect human rights are not only compliant with EU law – they are more effective, sustainable and trusted by citizens. They build communities where equality, dignity and inclusion are the foundation of public investment.

Expert reflection: “Real change starts when we stop thinking in categories like ‘the disabled’ or ‘the refugees’ – and start designing systems that see individuals, not groups.”

Recommendations

1.

At least 70% of social inclusion and care-related EU investments should be allocated to community-based services that promote independent living, personal autonomy, and inclusion.

3.

EU-funded projects must not create, expand, modernise, or stabilise any residential institutional settings, regardless of size or naming (e.g. “Dom Seniora”, DPS, “rehabilitation centres”, grouped supported housing).

5.

Personal assistance should be developed as a legal right, universally accessible, user-led and available beyond project-based or temporary mechanisms.

2.

No more than 10% of social infrastructure investment may be used for transitional, time-bound measures linked to the phase-out of institutional facilities.

4.

Supported housing should follow CRPD standards: small-scale, scattered in the community, based on tenancy rights and accompanied by flexible individual support. Clustered or collective models are not considered community-based.

6.

Monitoring mechanisms should meaningfully involve persons with disabilities and their representative organisations, with access to programme documents, monitoring committees, and complaint systems.

Programming of Fundamental Rights Requirements

The 2028–2034 programming period offers Poland a critical opportunity to integrate fundamental rights as a core organising principle of EU-funded actions, moving from formal compliance to genuine systemic transformation.

COUNTRY-SPECIFIC CONSIDERATIONS

As highlighted in the FURI Polish Report, several structural challenges require explicit attention in programming:

- apparent instead of genuine deinstitutionalisation, with EU funds still supporting institutional or collective settings;
- persistent segregation in education, housing and migrant services;
- weak enforcement of enabling conditions and limited awareness of Charter obligations among Managing Authorities;
- fragmented governance and insufficient participation of rights holders;
- absence of robust national mechanisms linking EU funds to fundamental rights compliance.

REFLECTIONS ON THE DRAFT 2028–2034 REGULATORY FRAMEWORK

The ongoing negotiations for the next programming period introduce several important developments:

- National Reform and Partnership Plans (NRPPs) will require clearer links between EU funds, reforms and fundamental rights obligations;
- horizontal principles (non-discrimination, accessibility, gender equality, Charter compliance) will gain stronger operational and monitoring requirements;
- enhanced enabling conditions, especially on deinstitutionalisation, inclusive education, anti-discrimination and accessibility, will determine access to funding;
- partnership obligations will be reinforced, requiring meaningful participation of equality bodies, the Ombudsman and civil society;
- stronger monitoring and reporting, including shared EU–national rights indicators.

These changes align closely with identified Polish gaps and should shape the structure of partnership plans and regional programmes.

KEY ACTIONS FOR PROGRAMMING

Poland should introduce human rights risk assessments in all national and regional partnership plans to identify and exclude investments that could lead to segregation, institutionalisation, or discrimination.

Participation and oversight must be strengthened. The Ombudsman, equality bodies, and civil society organisations representing rights holders should play a formal role in programming and monitoring committees, supported by dedicated technical assistance funding (at least 1% of the TA budget).

Funding priorities and targets should clearly reflect rights-based objectives:

- At least 70% of social inclusion and care-related investments should go to community-based services, not institutions.
- No more than 10% of social infrastructure funds should support institutional or collective facilities.

- At least 30% of ESF+ allocations under social inclusion should directly target groups most at risk of discrimination (e.g. persons with disabilities, Roma, migrants).
- By 2034, a minimum of 10,000 people should move from institutions to community living.

Each programme should include measurable indicators such as the percentage of funds supporting independent living, or the number of accessible schools and housing units created. Finally, explicit exclusion rules must be applied. EU funds should never finance the construction or renovation of large residential institutions, segregated schools, or facilities restricting liberty or access to mainstream services.

GUIDANCE FROM CIVIL SOCIETY AND EXPERT NETWORKS

In addition to the regulatory framework, Poland can benefit from practical tools developed by civil society and thematic expert groups, such as Bridge EU, ENIL, and the European Expert Group on the Transition from Institutional to Community-based Care (EEG). These documents do not constitute official European Commission guidance, but they offer widely recognised methodologies -

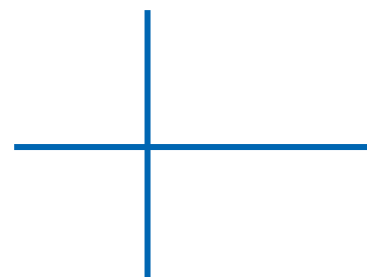
such as the “No Public Money for Segregation” principle - that support Member States in translating rights obligations into operational requirements.

Together, the EU regulatory proposals and expert guidance provide a coherent foundation for embedding fundamental rights into Poland’s programming for 2028-2034.

Exclusion List

The following interventions must not be financed under EU Funds:

- * Construction, expansion or renovation of residential institutional facilities of any size (e.g. DPS, “Dom Seniora”, care homes, rehabilitation centres)
- * Long-stay accommodation operating as a primary place of residence for segregated groups (e.g. shelters, hostels functioning as permanent placements)
- * Development of grouped or clustered “supported housing” that reproduces institutional characteristics (shared staff, collective routines, lack of tenancy rights)
- * Services delivered through collective routines, institutional staffing models, or non-individualised support
- * Infrastructure that segregates persons with disabilities from the general population (care campuses, care villages, protected estates)



Targets for 2028–2034

* INDEPENDENT LIVING

- 10 000 persons transitioned from institutions to community-based living
- 20 000 persons receiving personal assistance as a right
- 30% reduction in the number of persons in residential institutions

* HOUSING

- 5 000 new accessible supported housing units created
- 100% of new social housing meeting accessibility standards

* EDUCATION

- 30% reduction in segregated school enrolments

* ACCESSIBILITY

- 100% accessibility compliance for all EU-funded projects by 2034
- 10% annual increase in accessible mainstream public services



Figure 3. Which targeted group do you consider to be most affected in terms of fundamental rights violations in EU funding? (n=35, possibility of choosing no more than 3 answers)

Implementation Mechanisms

MEASURES TO ENSURE THE ENFORCEMENT OF FUNDAMENTAL RIGHTS IN PRACTICE

To ensure that EU Funds uphold the Charter and the CRPD, investments must systematically prioritise measures that advance equality, inclusion and independent living.

Key areas include:

- **Inclusive education:** development of mainstream education, teacher training, universal design, and phasing out segregated pathways.
- **Community-based services:** personal assistance, supported decision-making, crisis and outreach services, day support and peer support enabling full participation in community life.

EXCLUDED INVESTMENTS

This section elaborates further on the Exclusion List presented in Section 6, providing additional detail for implementation.

To safeguard fundamental rights, certain types of interventions are incompatible with EU funding and must be systematically excluded across all programmes.

Excluded are:

- **Construction, expansion or renovation of institutional residential facilities,** or any settings that restrict autonomy, privacy, choice or community inclusion — regardless of size or name.
- **Segregated forms of schooling, housing or care** that separate individuals or groups from mainstream environments.

- **Non-segregated, accessible housing:** small-scale, scattered, with tenancy rights and individualised support.
- **Employment and participation:** inclusive workplaces, reasonable accommodation, and user-led service design across sectors.

These measures must be embedded in programming, calls and project approval processes to ensure that public funds do not contribute to segregation or institutionalisation.

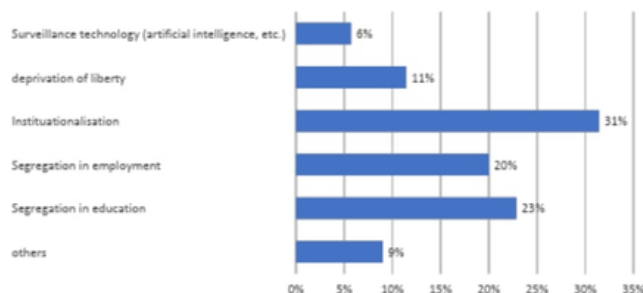


Figure 1. What violations of fundamental rights in EU funding do you consider to be the most significant?

- **Reception or detention-like centres** that restrict liberty or limit access to standard services, legal assistance or community-based support.
- **Measures involving discriminatory practices,** including racial profiling, restrictive selection criteria or practices such as pushbacks.
- **Projects that replicate institutional features** such as collective routines, staff-centred organisation of daily life, limited choice, shared dependency, lack of tenancy rights, or physical separation from the community.

Determining factors are not the number of residents but the institutional character of the setting. Evidence from Polish case studies documented in the FURI Report shows recurring risks, including EU-funded projects labelled as “community-based” that function as mini-institutions, segregated education financed through regional programmes, and RPO clauses enabling investments in collective facilities under “social infrastructure”.

These examples underline the need for clear exclusion rules and rigorous human rights risk assessments at programming and approval stages.

MONITORING MECHANISMS

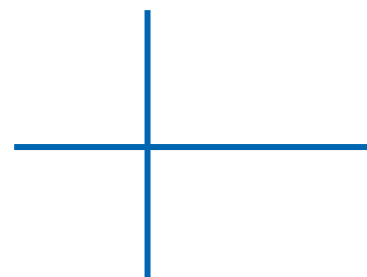
Monitoring mechanisms should ensure continuous assessment of whether EU Funds effectively support the transition from institutional to community-based services and comply with the Charter and the CRPD. Monitoring must focus on quality, rights compliance and long-term impact rather than on outputs alone.

Monitoring systems should examine:

- **Allocation of funding:** whether investments prioritise community-based support and avoid institutional or segregated settings.
- **Development of services:** whether personal assistance, supported housing and community-based social services are expanding in practice.
- **Accessibility:** whether EU-funded infrastructure, digital tools and services comply with accessibility requirements throughout all project stages.

- **Participation:** whether persons with disabilities and their representative organisations are meaningfully involved in monitoring committees, evaluations and decision-making processes.
- **Compliance and complaints:** whether complaint mechanisms are accessible, used, and lead to corrective actions when rights violations or institutional risks are identified.

Monitoring should be regular, transparent and participatory, enabling early identification of risks of segregation or institutionalisation. Indicators supporting monitoring are listed in Section 10.



ROLE OF COMPLAINTS MECHANISMS

An effective, accessible and independent complaints system is essential for enforcing rights in EU-funded programmes.

Key elements include:

- A single, accessible national complaints platform (with offline alternatives) enabling individuals and organisations to submit concerns related to rights violations, segregation risks or non-compliance.
- Routing complaints to Managing Authorities, equality bodies or the Ombudsman, depending on the issue.
- Public access to anonymised outcomes, timelines and corrective actions.

- Clear consequences for confirmed breaches, including payment suspension, project withdrawal or exclusion from future calls.
- A national complaints database linked to EU-level systems to support monitoring, transparency and the identification of systemic risks.

These measures address weaknesses documented in FURI case studies, including fragmented complaint pathways, lack of follow-up, and risks faced by whistleblowers.

DESIGNING CALLS FOR PROPOSALS

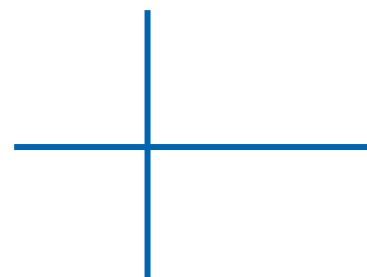
Calls for proposals must integrate fundamental rights from the earliest stages.

This requires:

- Objectives based on needs assessments, research and human rights analysis.
- Eligibility rules tied to compliance with the Charter and the CRPD.
- Explicit reference to excluded investments (see Section 6).
- Participation of civil society, equality bodies and independent experts in drafting calls and evaluating proposals.

- Use of rights-based indicators such as: people supported in the community, share of budget directed to inclusive measures, accessibility compliance, and participation of rights-holder groups.

These requirements address gaps identified in the FURI project, where unclear call criteria enabled segregated or institutional practices.



SELECTION OF OPERATIONS

All proposals must undergo human rights screening before approval and throughout implementation.

Key elements:

- Pre-selection assessment of compliance with the Charter, the CRPD and exclusion rules.
- Return or rejection of proposals that risk perpetuating segregation, institutionalisation or discrimination.
- Suspension or restructuring of calls that enable discriminatory or institutional practices.
- Cancellation of funding and exclusion from future calls in cases of persistent, serious or uncorrected non-compliance.

These safeguards ensure that EU Funds contribute to genuine deinstitutionalisation and equal participation in line with fundamental rights obligations.

Indicators

* ACCESSIBILITY

- Percentage of EU-funded projects compliant with accessibility requirements
- Number of accessibility audits performed
- Number of accessibility-related complaints submitted

* HOUSING

- Number of accessible housing units created
- Percentage of new housing meeting accessibility standards
- Number of municipalities implementing scattered supported housing

* EDUCATION

- Number of accessible schools
- Number of teachers trained in inclusive education
- Number of students with disabilities enrolled in mainstream education

* INDEPENDENT LIVING

- Number of persons transitioning from institutions to community each year
- Number of community-based services available in municipalities
- Number of persons receiving personal assistance
- Hours of PA delivered per person per month

Measures to Ensure Structural Reforms Across Thematic Areas

Structural reform means moving from short-term projects to long-term systemic change that makes inclusion and equality a lived reality. Each investment should reflect the legal obligations stemming from the EU Charter of Fundamental Rights - in particular, Article 1 (Human Dignity), Article 21 (Non-discrimination), and Article 26 (Integration of Persons with Disabilities) - as well as the UN CRPD, especially Articles 9 (Accessibility) and 19 (Living independently and being included in the community).



EDUCATION

(Linked to Article 14 CFR – Right to Education; Article 24 CRPD – Education)

EU funds should promote inclusive, mainstream schooling for all learners. Projects must strengthen teacher training, ensure accessible facilities, and progressively phase out segregated education.



HOUSING AND INDEPENDENT LIVING

(Linked to Article 19 CRPD – Independent Living; Article 34 CFR – Social Security and Assistance)

Investments must prioritise community-based housing and personalised assistance over institutions, ensuring that people can choose where and with whom they live. Municipalities should adopt transition plans to close large residential homes.



ACCESSIBILITY

(Linked to Article 9 CRPD – Accessibility; Article 26 CFR – Integration of Persons with Disabilities)

Accessibility is a precondition for participation. All EU-funded infrastructure, services, and digital tools must apply universal design and ensure equal access to information and communication.



SOCIAL SERVICES AND PERSONAL SUPPORT

(Linked to Article 19 CRPD; Article 25 CFR – Health Care; Article 34 CFR – Social Assistance)

EU funds should expand personal assistance, peer support, and supported decision-making, enabling genuine choice and control over one's life.

* MIGRATION AND INTEGRATION

(Linked to Article 18 CFR – Right to Asylum; Article 19 CFR – Protection in the Event of Removal, Expulsion or Extradition)

Integration measures should replace detention and collective reception centres with community-based schemes that promote education, employment, and social participation.

Conclusions

Respecting fundamental rights is not a bureaucratic formality but a condition of legitimacy for EU spending. For the 2028–2034 period, Polish authorities should:

1.

Integrate human rights impact assessments across all programmes.

2.

Ensure independent oversight by equality bodies and CSOs.

3.

Apply binding exclusion criteria for institutional models.

4.

Build capacity and knowledge within managing authorities.

5.

Guarantee transparency and accountability at every stage.

As highlighted by representatives of Polish NGOs:

“Until projects respond to individual needs, we can pour millions into the system, and nothing will truly change.”

