



## FLASH REPORT

**Update of flash report nr:** PL-6

**Date:** 29 January 2009

**Expert:** Łukasz Bojarski

**Title:** Settlement in the case of access of blind person with guide dog to services

**Country:** Poland

### Context

**Issue at stake:** Access of blind person with guide dog to services

**Ground of discrimination:** of disability

**Source:** national court decision

**Field:** access to goods and services

**Legislative provisions:** art.23,24 of the Civil Code – protection of personal values

### Content

**Case:** Jolanta K. v. Carrefour Polska Sp.z.o.o., Regional Court in Warsaw, case lodged on May 6<sup>th</sup>, 2008.

Jolanta K. is blind and was not let into the Carrefour Supermarket with her dog-guide, although the dog was adequately marked. Based on the civil law provisions of protection of personal values, she sued the defendant for damages, paid to given charity, and for taking adequate actions in order to remove the effects of the violation.

**Decision of the Court:** On January 28<sup>th</sup> the parties reached a settlement before the Regional Court in Warsaw. Carrefour expressed regret at the incident and undertook to pay ten thousand zlotys for the Foundation "Vis Maior" assisting persons with disabilities, whose President is Mrs. Jolanta K. (1 euro = 4.3 zloty)

**Short analysis:** It was the first case of this kind lodged in Polish courts. Due to the lack of direct law provisions prohibiting discrimination of persons with disabilities in access to services, the claimant based the claim on the general provisions of the Civil Code – so-called "protection of personal values". After reaching the settlement Jolanta K. expressed satisfaction with the completion of the case and said that the agreement is of great importance in protecting the rights of persons with disabilities. The lawyer

representing the Carrefour Poland pointed out that the company has changed its negative internal rules for people with disabilities.

The case has a precedent character, as it shows to all disabled people in Poland that they can effectively defend their rights using general Civil Code provisions.

**Internet link source and additional information:**

Press release of the Helsinki Foundation for Human Rights presenting the settlement (in Polish):

<http://www.hfhrpol.waw.pl/precedens/en/aktualnosci/ugoda-w-sprawie-jolanty-kramarz-przeciwko-carrefour-polska-sp.-z.html>