

Country session: Poland CRC

Date of session: 13th and 14th September (88th session)

Context

The State delegation participated remotely in the dialogue with the Committee.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Updated document	19 September 2014

CRC	
No. of report	5th & 6th
Due date	6 January 2020
Submission	9 April 2020
Annexes	9 April 2020

Public reports from children’s rights defenders

<u>Written inputs</u>	
NGOs	<ul style="list-style-type: none"> • Client Earth • Federation for Women and Family Planning, Poland • Justicia Juvenil International • StopIGM.org / Zwischengeschlecht.org • The Ordo Iuris Institute for Legal Culture • National Coalition: Association for Legal Intervention, ATD Czwarty Świat, Comenius Foundation for Child Development Towards Dialogue Foundation, Empowering Children Foundation, The Integration Foundation, Helsinki Foundation for Human Rights, La Strada Foundation against Trafficking in Persons and Slavery, Polish Committee of EAPN, Polish Foster Care Coalition, School with Class Foundation, SOS Children’s Villages Poland, UNICEF Poland. • National Secular Society
NHRIs	<ul style="list-style-type: none"> • Polish Ombudsman

State delegation

The [delegation of Poland](#) was large and multisectoral. The members of the delegation were mainly from the Ministry of Family, Labour and Social Policy, but also from the Permanent Mission of the Republic of Poland to the United Nations Office in Geneva, the Ministry of Justice, the Ministry of the Interior and Administration, the Ministry of Education and Science, and the Ministry of Health. The presence of the Chair of the National Commission for the investigation of case of activities against sexual liberty and decency against minors under the age of 15 is also noteworthy.

Committee’s Task Force members

Name & Last Name	Country
Velina Todorova (coordinator)	Bulgaria
Aïssatou Alassane Sidikou	Niger
Suzanne Aho Assouma	Togo
Faith Marshall-Harris	Barbados
Benoit van Keirsblick	Belgium
Sopio Kiladze	Georgia



Dialogue description

i. Character of the dialogue

The online dialogue was dynamic and constructive. The discussion was technical and the answers provided by the members of the delegation were very focused. However, the delegation did not always provide answers to the Committee's questions and the Committee had to insist on many occasions.

ii. General assessment made by the Committee

The Committee stressed that it was aware of the legislation in place, but was rather interested to raise questions on its practice. The Committee also expressed its regret that the discussion was not held in person but wished Poland every success in its reforms.

iii. Main issues discussed:

General Measures of Implementation

- **Reservations:** The Committee raised a question about Poland's interpretative declarations to articles 12 to 16 and 24 of the Convention. The Committee asked the government to explain the Poland's interpretative declarations to articles 12 to 16 and 24 of the Convention, noting that they are inconsistent with the objectives and purposes of the Convention. According to the Committee, Poland has no legal basis for its interpretative declaration, which makes it an ambiguous declaration. The response of the delegation is that the current interpretation of the Committee seems to be very far from the Polish position on the place of the child in the family. The Committee asked the delegation about the discrepancies between their law and the provisions of the Optional Protocol on a Communications Procedure (OPIC), which could pose a problem and prevent Poland from ratifying this protocol.

General Principles

- **Non-discrimination:** The Committee asked Poland about the action plan of the Group in charge of the non-discrimination principle. According to the delegation, the school has the obligation to provide all necessary conditions for the development of the child (reference to the Education Act). School headmasters in collaboration with psychologists can also work with social welfare services. There is a document entitled "Safe School. Risks and preventive measures recommended to ensure students' physical and digital safety" which contains a series of recommendations for activities that can be carried out to ensure the well-being of children.
- **Respect for the views of the child:** The Committee asked the delegation about the inclusion of the child's perspective in judicial procedures. It asked whether there was any specific legislation determining these conditions. The delegation referred to article 32 of the Constitution and indicated that the consideration of the child's point of view is very concrete and explicitly included in the Code of Judicial Procedure.
- **Children's rights Ombudsman:** The State delegation explained that in 2000, an Ombudsman for children's rights was established. The Ombudsman has the possibility to bring a case to any court in

Poland. The Ombudsman for the Rights of the Child is in direct contact with children and examines all complaints individually. Cases brought by children are dealt with confidentially. There is special funding.

Violence against children

- **Corporal punishment:** The Committee focused on measures taken to combat corporal punishment, especially domestic violence. According to statistics, this is still a problem in Poland. The delegation replied that this was a priority and that court decisions on this issue are laid down in the penal code. Poland agreed that there was a need to increase the awareness of judges and other parties involved, especially through a psychological approach. In 2016, a legal ban on corporal punishment was adopted including a law introducing new measures of protection against sexual crimes.

Family Environment and Alternative Care

- **Institutionalization of children:** The Committee asked whether Poland was planning to adopt measures on the institutionalisation of children. Poland stated that deinstitutionalisation has been foreseen in social policies and in different areas for several years. A Committee member raised concerns about institutional care, as there were children in foster care who could not be returned to their biological families or be placed with an adoptive family. The delegation answered that the number in children in foster care continued to decrease, and that the temporary character of a such tool was essential. Next year, the Ministry of the Family planned a social initiative to promote the role of foster families.

Basic Health and Welfare

- **Children with disabilities:** The delegation presented the 2017 Programme for Life, in which assistance for children with special needs is foreseen. An inclusive education project is also underway, with sign language education for deaf children.

Special Protection Measures

- **Juvenile justice:** The State delegation affirmed that Poland does not punish children. However, criminal responsibility is still provided between 17 and 18. For those under 17, educational treatment or corrective measures are an option.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- **Non-discrimination:** The Committee recommends the State to **amend the relevant legislation to ensure protection against all forms of discrimination and to ensure that such incidents are investigated and that perpetrators are brought to justice.** The Committee also commends the State to systematically **undertake awareness raising and education on the issues of discrimination,**

intolerance and hate speech against children. The State also needs **to strengthen the measures to prevent and eliminate gender stereotypes, intolerance and discrimination.**

- **Freedom of thought, conscience, and religion:** The Committee recommends that the State party **respect the right of the child to freedom of thought, conscience, and religion in education**, in accordance with international standards, which implies that the secular public school system promotes a culture of equality and inclusion, and ethics classes are available in all schools as an alternative to religion classes.
- **Freedom of child from all forms of violence:** The Committee would like the State to formulate, with the involvement of children, a **comprehensive strategy for preventing, combatting, and monitoring all forms of violence against children**, including bullying and digital violence and **to consider extending** the expired National Programme for Countering Domestic Violence 2014-2020. The Committee recommends strengthening measures to **eradicate corporal punishment**, particularly at home and domestic violence. The State should also ensure that **health care and educational institutions are legally required** to develop internal standards of safeguarding children against violence; and encourage the **reporting of all forms of violence against children**. Finally, the State party must ensure that **all cases of violence against children are investigated and prosecuted and that perpetrators are brought to justice**; and the State also needs to **strengthen programmes and services for the prevention, recovery, and social integration of child victims**.
- **Sexual exploitation and abuse:** The Committee urges Poland to **continue its efforts to ensure that all cases of sexual abuse of all children until the age of 18 are reported, investigated and prosecuted**, including in the **circle of trust such as the family and in the Catholic church**. The Committee also urges the State Party to **collect disaggregated data related to cases of sexual abuse against children**, including **involving the Catholic clergy**, and provide in its next periodic report **detailed information on reports of such abuse and associated investigations, prosecutions and convictions**. Poland also needs to **ensure legal and budgetary basis for the child friendly and multidisciplinary support centres (Barnahus)**; and **to consider withdrawal of the names of children who have committed sexual offences from the Register of Sexual Offenders** and **to ensure that they receive appropriate therapeutic support**
- **Health and health services:** the Committee recommends that the State party **enhance the quality and coverage of maternal and child health services and improve access to cancer treatment**, as well as **raise awareness on the early signs of cancer**. The Committee also expects the State **to ensure financial support for the provision of palliative care for children**, as well as the **availability of and equitable access to outpatient health care**, particularly neonatology, paediatrics and orthodontic care, for all children in the country. The Committee also recommends that Poland adopt **measures to increase the vaccination rate**, through campaigns and training of health professionals. Finally, the State party should **support the promotion of best practices in breastfeeding** and **address the issue of child obesity**.

- **The administration of child justice:** the Committee urges the State party to **bring its child justice system fully into line with the Convention**. The State Party must **apply the minimum age of criminal responsibility at 15 years** below which a child cannot be held responsible in criminal law proceedings and cannot be detained in a child detention center (youth education center). The **age limit for the juvenile justice system should be increased** to 18 years. The State must also ensure that responses to children's offences are **appropriate to their circumstances**, with a preference for **non-judicial measures and non-custodial sentences**; and that regulations which provide for a maximum stay of three months in juvenile shelters strictly enforced. As a final measure, the Committee recommends that the State party ensure that **special protective conditions for the hearing of a child witness or victim are guaranteed**.

The Committee drew the State party's attention to the recommendations concerning the following areas:

- General Measures of implementation: **reservations; legislation; coordination; allocation of resources; data collection; independent monitoring; cooperation with civil society; dissemination, awareness-raising and training; children's rights and the business sector**
- **Definition of the Child;**
- General principles: **best interests of the child; respect for the views of the child**
- Civil rights and freedoms: **birth registration and nationality; right to identity**
- Family environment and alternative care: **family environment; children deprived of a family environment**
- **Children with disabilities;**
- Basic health and welfare: **mental health; adolescent health; standard of living**
- **Education leisure and cultural activities;**
- Special protection measures: **asylum-seeking and refugee children and children in situations of migration; children belonging to minority groups; children in street situations; sale, trafficking and abduction**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 16.9 to recommend the State party to strengthen the prevention of statelessness among children
- 16.2 regarding freedom of the child from all forms of violence
- 3.8 regarding health coverage
- 3.4 to conduct research into the root causes of suicide and to develop a suicide prevention strategy
- 3.5, 5.6 to expand the scope of the compulsory Family Life Education and to ensure full access to sexual and reproductive health care services
- 3.9, 13.5 regarding the adoption of urgent mitigation measures in line with greenhouse gas emission targets and to place the rights and participation of children at the centre of national and international climate change adaptation and mitigation strategies
- 1.3 to develop a national poverty reduction strategy



- 4.5 to take measures to improve access to education for children living in rural areas and to strengthen measures for inclusion and retention of Roma children in education, as well to ensure that all children with disabilities have access to inclusive education and to address homophobic behaviour from students and teachers
- 8.7 regarding the identification of child victims of sexual exploitation and trafficking

Next State report

CRC	
No. of report	7 th
Due date	6 July 2026

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