



Economic and Social Council

Distr.: General
11 November 2022

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the seventh periodic report of Poland*

1. The State party is requested to submit in writing the information requested below (preferably not exceeding 10,700 words) by 27 October 2023.

A. General information

2. Please provide information on measures taken to ensure that the Covenant rights are fully justiciable in the domestic legal order. Please provide updated information on cases in which the Covenant has been invoked in or applied by courts. Please indicate whether the Office of the Commissioner for Civil Rights Protection (Ombudsman) is provided with adequate financial and human resources to enable it to effectively promote and protect the economic, social and cultural rights enshrined in the Covenant, including in the area of discrimination, as prescribed under the Equal Treatment Act. Please describe the measures taken to ensure the independence of the judiciary for the protection of economic, social and cultural rights. In particular, please indicate the specific measures taken to comply with the rulings of the European Court of Human Rights in that respect, in particular those concerning the independence of the national council of the judiciary. Please provide information on how the legislature was involved in the implementation of and follow-up to the previous concluding observations¹ and in the development of the seventh periodic report.²

3. Please provide information on the results achieved with regard to the implementation of the national action plan for the implementation of the Guiding Principles on Business and Human Rights for the period 2017–2020.

4. Please provide information on measures taken by the State party with regard to the mitigation of climate change, including specific measures, and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing per capita greenhouse gas emissions and on targets that the State party has set for further reductions. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State party assesses the impacts of climate change on the enjoyment of economic, social and cultural rights, particularly for marginalized and disadvantaged individuals and groups;

(b) Whether the State party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impacts of climate change on, inter alia, economic, social and cultural rights;

* Adopted by the pre-sessional working group at its seventy-first session (17–21 October 2022).

¹ [E/C.12/POL/CO/6](#).

² [E/C.12/POL/7](#).



(c) Measures taken to strengthen preparedness for and responses to natural disasters, disaster risk reduction measures and measures taken to adopt a strategy to this end, with an adequate allocation of financial resources;

(d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

B. Issues relating to the general provisions of the Covenant (arts. 1–5)

Maximum available resources (art. 2 (1))

5. Please provide updated information on the evolution of the following, covering the past 10 years:

(a) The proportion of the population living below the nationally defined poverty line;

(b) Levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;

(c) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population, as well as provide an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) The proportion of the public budget allocated to defence;

(g) Any fiscal policies adopted in response to the coronavirus (COVID-19) pandemic.

6. Please provide information with regard to the implementation of the State party's anti-corruption legislation and describe efforts to combat bribery and other acts of corruption, paying particular attention to land administration, public procurement and tax administration. Please also provide statistical data on the number of cases of corruption prosecuted in the past five years, the sanctions imposed on the perpetrators and the assets resulting from corruption that have been recovered, taking into account the transnational dimensions of those crimes where relevant. Please indicate what legislative or other measures have been put in place to protect whistle-blowers and to ensure the protection of and remedies for victims of corruption. Please provide information on what has been done to implement recommendations from the Financial Action Task Force.

Non-discrimination (art. 2 (2))

7. Please provide an update on the implementation to date of the national action programme for equal treatment for the period 2021–2030 and indicate how it is linked to the consultations on the Equal Treatment Act that will be conducted by the end of 2024. Please describe the steps being taken to prohibit discrimination on all the grounds, including race, political and other opinions, property, birth and other status. Please provide data on cases of discrimination in relation to the enjoyment of economic, social and cultural rights examined by domestic courts, and their outcome. Please provide more specific information on the impact of measures taken, including updated numbers on the programme for the integration

of the Roma community in Poland for the period 2014–2020. Please provide information on and measures taken to combat discrimination, including against LGBTQI+ persons, persons from minority groups, persons with disabilities and refugees, in particular refugees of African descent, also in the context of the increase in the number of refugees in the State party. Please also provide information on steps taken to ensure equal rights for same-sex couples.

Equal rights of men and women (art. 3)

8. Please provide updated information, including disaggregated statistical data, on the measures mentioned in the State party report on achieving equality between men and women.³ Please also provide updated information on the representation of women, including women from disadvantaged and marginalized groups, in political and public life, including in parliament, municipal and regional councils and executive authorities at different levels. Please also provide information on the measures taken, and their impact, to close the gender pay gap.

C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

9. Please provide information on the measures taken since the beginning of the COVID-19 pandemic to prevent a sharp increase in the unemployment rate. In this regard, please provide information on the impact of those measures on combating unemployment among disadvantaged and marginalized groups, in particular Roma and youth, and on reducing long-term unemployment.

10. Please provide information on measures taken by the State party to combat unemployment in general. Please also provide information on how the National Recovery and Resilience Plan will be implemented, in particular with regard to its effects on labour force participation, including that of women.

Right to just and favourable conditions of work (art. 7)

11. Please provide information on measures taken, and their impact, to regularize the status of persons in vulnerable situations and to guarantee access for persons employed in the informal economy to basic services, social protection and the enjoyment of their rights under the Covenant, also in the light of the influx of refugees from Ukraine registered in Poland for temporary protection or similar national protection schemes.

12. Please provide information on any extraordinary measures taken, and their impact, to ensure the effective application of labour legislation protecting the rights of employees to just and favourable conditions of work, also in the light of the situation pertaining to the influx of refugees. Please provide statistical information on the number of inspections carried out in the area of labour and safety at work by the National Labour Inspectorate since 2020, and their outcome. Please provide information on measures taken or envisaged to align the conditions of service for labour inspectors with those of other public servants exercising similar functions.

13. Please provide updated information on the extent of the gender wage gap, including gender-based differences in the payment of bonuses and allowances in the public service, and on the impact of measures taken to address it. Please provide examples of cases of pay discrimination examined by the courts. Please provide information on the State party's measures to enforce legal provisions prohibiting discrimination in remuneration on the basis of sex, disability, race, religion, nationality and political beliefs.

Trade union rights (art. 8)

14. Please provide information on any discussions in the State party on ratifying the International Labour Organization Collective Bargaining Convention, 1981 (No. 154). Please

³ Ibid., pp. 2–3.

also provide information on measures taken by the State party, and their impact, to address the demands of persons on strike over pay and working conditions.

Right to social security (art. 9)

15. Please provide information on the mechanisms for addressing the changes to the Social Security System Act of 3 October 1998 made during the period 2018–2020 that reduce social security contributions from start-up companies and small businesses, including measures taken by the State party to ensure adequate social security contributions and coverage for persons working under service contracts.

16. Please provide information on the number of persons and the proportion of the workforce without a social insurance entitlement. Please explain which schemes may supplement or replace coverage for those persons choosing not to join the voluntary old-age and disability insurance scheme. Please provide information on access to social security for foreign nationals, including refugees, who are not covered by bilateral agreements.

Protection of the family and children (art. 10)

17. Please explain how the adoption of the Law on Combating Family Violence, 2020, and the accession of the State party to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence have contributed to the protection of the family and children by providing information on their implementation, including in relation to support to victims, and statistical data on cases of domestic violence, taking into account the rise in domestic violence during the COVID-19 pandemic. Please provide information on any discussions on ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Please provide information on steps taken to ensure that victims of psychological violence have access to justice and compensation.

Right to an adequate standard of living (art. 11)

18. Please provide an update on the impact of measures taken to address homelessness, and on the number of homeless persons, as well as on the programme “Overcoming Homelessness”. Please provide an update on the situation regarding Roma families in Wrocław, including on the ongoing civil court case.

19. Please provide information on efforts made to ensure that all persons have access to adequate and affordable housing, including on the number of housing units owned by municipalities and other actors, and whether the availability of social housing is commensurate with the needs identified. Please also provide information on the status of the 10-year programme launched in 2015 for the construction of 30,000 low-cost housing units. Please provide additional information on any financial support for housing provided to the most disadvantaged and marginalized.

20. In the light of the COVID-19 pandemic, please provide updated information on the poverty rate and on measures taken to combat poverty, including child poverty and poverty among the disadvantaged and marginalized groups and families with three or more children. In the light of rising inflation, please outline measures taken to tackle child malnutrition and to ensure that everyone has access to adequate food supplies.

Right to physical and mental health (art. 12)

21. Please provide information on the general state of health care in Poland, including the impact of the COVID-19 pandemic on the broader health-care system’s viability, including the backlog of operations, medical examinations and other medical procedures.

22. Please provide information from the past five years on the number of women having abortions, including statistics on deaths and health complications for pregnant women who have been denied abortion, and information on women who have resorted to illegal abortions, as well as measures taken to combat the stigmatization of women having abortions. Please also provide information on the number of children placed in foster care, orphanages and other institutions in the past five years. Please outline the measures taken to increase access

to basic services in the area of sexual and reproductive health, including on whether a systematic mechanism of timely referral to an alternative doctor is in place for women who are refused an abortion by a medical practitioner on the basis of conscientious objection. Please provide information on measures, such as educational measures, taken by the State party to prevent unwanted pregnancies, as well as measures taken to protect women human rights defenders. Please provide information on whether legislative amendments are foreseen to provide better access to abortions. Please also provide information on educational programmes in the school system regarding sexual and reproductive rights.

23. Please provide information on any follow-up measures taken, and their impact, with regard to the National Programme on Countering Drug Addiction 2016–2020. Please also provide information on any follow-up measures taken, and their impact, to increase access to opioid-substitution treatment for drug dependence.

Right to education (arts. 13–14)

24. Please provide information on specific measures taken to address the negative impact of the disruption to education resulting from the COVID-19 pandemic on children’s access to education, taking into account any disproportionate effects on disadvantaged and marginalized children. Please also provide specific information on actions taken to address gaps in learning identified during school closures owing to COVID-19.

25. Please provide information on the impact of educational projects and scholarships to prevent and combat the high dropout rate from primary schools among Roma children. Please also provide information on measures taken, and their impact, to promote school attendance and retention at all education levels and to improve the completion rates of secondary and post-secondary education by Roma children. Please describe the steps taken to ensure access to education for asylum-seeking children and refugees. Please provide information on the measures taken to enhance the quality of language teaching and the production of teaching materials in minority languages and measures taken to secure the availability of qualified teachers.

Cultural rights (art. 15)

26. Please provide information on the status of the Folk and Traditional Culture Programme and on the support given to national and ethnic minority culture festivals, documentary film festivals and film projects. Please also provide specific information on the funding of national and ethnic minority organizations to implement cultural activities. Furthermore, please provide information on measures taken to facilitate everyone’s access to the right to enjoy the benefits of scientific progress and its applications, including the right for single women to access in vitro fertilization. Please describe the steps taken by the State party to ensure affordable access to the Internet for disadvantaged and marginalized groups, including in rural areas. Please provide information on measures taken to ensure artistic freedom and diversity.
