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## Committee on Economic, Social and Cultural Rights

### Fifty-ninth session

19 September-7 October 2016

Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant**

## List of issues in relation to the sixth periodic report of Poland

Addendum

## Replies of Poland to the list of issues\*

[Date received: 8 July 2016]

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\* The present document is being issued without formal editing.

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## 1. Possibility of invoking the rights enshrined in the Covenant before the courts

1. As a ratified international instrument, the Covenant is binding in the domestic legal order. In principle, the rights enshrined in the Covenant enjoy legal protection; however, a large number of its provisions do not establish individual rights which could give rise to judicial remedy.
2. The social rights guaranteed under national civil, economic and labour laws are justiciable before ordinary or administrative courts.
3. Situation concerning the implementation of the provisions of the Covenant - see sixth periodic report (E/C.12/POL/6), paragraphs 2-18.
4. Human rights protection framework — see common core document (HRI/CORE/POL/2012), chapters V and VI.

### Cases in which the Covenant has been invoked in courts

#### (1) Constitutional Court:

- Reference was made to the Covenant and general comment No. 19 on the right to social security (E/C.12/GC/19) in Decisions K 43/12 of 7 May 2014, SK 17/09 of 29 May 2012, and K 63/07 of 15 July 2010, on the quality of the social security scheme and the establishment of its form and scope, including the question of whether raising the retirement age was compatible with the Constitution.
- Reference was made to the Covenant in Decision K 5/15 of 17 November 2015, on the admissibility of restrictions on the right to organize.

(2) Supreme Court Decision II UKN 374/99 of 8 February 2000 reads: “The provision of the Constitution which establishes the primacy of international agreements over national laws was referenced in cassation proceedings to demonstrate that [...] article 1 (1) of the Act on Social Security for Farmers should not be applied, as it was incompatible with an international agreement. In such cases, reference must be made to an international agreement which treats the same issue differently and which takes priority over the national law. The Covenant [...] was presented by the complainant as an international agreement of this type. However, the provisions of the Covenant cannot be directly applied. The Covenant establishes a collection of standards on individual rights and liberties, which States parties undertake to apply in national legislation and municipal law. Among these is the right to social security, as provided for under article 9. However, there is no indication of uniform rules to be applied by States parties to the Covenant. Under article 2, States parties to the Covenant undertake to take appropriate steps, in accordance with their constitutional provisions, with a view to achieving the realization of the rights recognized in the Covenant. This means that legislation is passed within the legal framework of a given country.”

(3) The ordinary and administrative courts make reference to the Covenant as a set of guidelines for the interpretation of the national legal machinery. An example is Supreme Administrative Court Decision I OSK 8/06 of 16 May 2006: “Article 65 (5) of the Constitution determines the obligations of the public authorities in setting policies to address unemployment and, as such, does not expressly provide for the individual right to social security. That is determined by article 67 (2) of the Constitution, which provides that the scope and nature of the right to social security shall be specified by statute. Article 67 (2) of the Constitution does not therefore expressly provide for the right to a particular form of social security benefit. The same is true of article 11 of the Covenant [...] and article 13 of

the European Social Charter [...], which do not provide for the right to a particular form of social security benefit. These provisions do not therefore give rise to an appeal in cassation.”

*See annex for further information.*

## **2. Financial and human resources enabling the Office of the Commissioner for Civil Rights Protection to promote and protect the social rights enshrined in the Covenant**

### **Information from the Office of the Commissioner for Civil Rights Protection**

5. The Commissioner believes that the human and financial resources available to the Office are not adequate to promote and protect economic, social and cultural rights, particularly in the implementation of the principle of equal treatment and non-discrimination. For the 2016 budget, the Commissioner requested 45,566,000 zlotys (Zl), including Zl 25,745,000 for wages and Zl 6,511,000 for the equal treatment mechanism. The Parliament and the Senate allocated a budget of Zl 35,619,000, including Zl 23,321,000 for wages and Zl 4,950,500 for the equal treatment mechanism. The 2016 budget is therefore 20 per cent lower than expected, which impacts on the staffing situation and the activities of the Office.

### **Budget of the Office of the Commissioner for Civil Rights Protection for 2016, in thousands of zlotys**

	<i>Total</i>	<i>Wages</i>	<i>Equal treatment mechanism</i>
Planned budget	<b>45 566</b>	25 745	6 511
Budget allocated by Parliament	<b>35 619</b>	23 321	4 950.5
Difference	<b>9 947</b>	2 424	1 560.5

6. As an example, the budget for independent studies on discrimination provided for in article 17 (b) (2) of the Act of 15 July 1987 on the Commissioner for Civil Rights Protection had to be reduced to 50 per cent of the proposed budget. As a result, the Commissioner decided to postpone a study on equal treatment in the labour market, irrespective of religion or belief, until a future budget cycle. The limited financial resources provided preclude the recruitment of additional experts in social rights and the implementation of the principle of equal treatment.

### **Information from the Polish Government**

7. The draft budget submitted by the Office of the Commissioner for Civil Rights Protection for 2016 envisaged a sharp increase in expenditure on its work. The Office had planned to increase the wage budget by more than 14 per cent, with wages themselves increasing by 11 per cent. Since 2009, salaries have been frozen in public institutions, with the exception of the Office of the Commissioner for Civil Rights Protection. Extra funding was allocated for the recruitment of civil servants in 2012 and 2013 (Zl 1 million and Zl 667,000 respectively). The wage budget was increased due to the Office’s heavier workload, which included activities related to implementation of the Convention on the Rights of Persons with Disabilities.

8. In the 2016 budget, Parliament reduced spending on the Office of the Commissioner to 94.7 per cent of the 2015 budget, the cuts affecting investment and wages. The resources allocated to the work of the Office are in line with those for other entities.

### **3. Adoption of the Optional Protocol to the Covenant**

9. Ratification is not planned at present.

#### 4. Budget allocated to the social sector, in particular employment, social security, housing, health and education

##### National and local government spending

	2010			2011			2012			2013			2014		
	million €	% of GDP	% of sector spending	million €	% of GDP	% of sector spending	million €	% of GDP	% of sector spending	million €	% of GDP	% of sector spending	million €	% of GDP	% of sector spending
Housing and municipal management	2 829	0.8	1.7	3 187.6	0.8	1.9	3 129.5	0.8	1.9	2 918.4	0.7	1.7	2 944.9	0.7	1.7
Wages	452.3	0.1		495.3	0.1		528.6	0.1		510.3	0.1		502.8	0.1	
Education	20 061.3	5.5	12.2	20 615.4	5.4	12.4	20 912.6	5.4	12.6	20 823.3	5.3	12.4	21 624.1	5.3	12.5
Wages	13 397.8	3.7		13 852.1	3.6		13 801.7	3.5		13 961.9	3.5		14 452.4	3.5	
Health	17 998.8	5.0	10.9	17 755.4	4.7	10.7	17 946.6	4.6	10.8	18 298.3	4.6	10.9	19 055.5	4.6	11.0
Wages	5 550.1	1.5		5 340.7	1.4		5 117.9	1.3		5 131.9	1.3		5 273.8	1.3	
Social security	60 085.4	16.6	36.4	59 598.8	15.7	36.0	61 496.2	15.8	37.1	63 975.2	16.2	38.2	66 187.5	16.1	38.2
Wages	2 783.4	0.8		2 814.4	0.7		2 977.3	0.8		3 051.6	0.8		3 051.6	0.8	

## 5. Amendment of the Equal Treatment Act

10. The Act of 3 December 2010 on Implementing Certain European Union Provisions on Equal Treatment contains an exhaustive list of characteristics which may not be used as grounds for discrimination. The Act has not been amended to extend the list or make it open-ended.

11. Unequal treatment is forbidden under article 32 (1) and (2) of the Constitution (equality of all before the law and equal treatment for all by public authorities, prohibition of discrimination, including in social life, for any reason whatsoever).

12. Protection from discrimination, including on the grounds of the characteristics protected under the Covenant, can be claimed under the Civil Code (protection of human rights).

### **Cases of discrimination in relation to the enjoyment of economic, social and cultural rights examined by domestic courts**

*See annex*

## 6. Impact of the Programme for the integration of the Roma community in Poland for the period 2014-2020

13. The main priority of the Programmes for the integration of the Roma community in Poland for the periods 2004-2013 and 2014-2020 is education. The impacts of the Programmes are improvements in education and employment opportunities.

14. The 2011 evaluation of the Programme's implementation demonstrated that progress had been made in the way that school is perceived. The Roma hold schools in high esteem and no longer view them as tools for assimilation. The number of Roma children attending preschools has risen considerably. Newly introduced teachers and teaching assistants working with Roma children have contributed greatly to this success by familiarizing Roma pupils with the school environment and identifying and resolving specific educational issues affecting this group. The work of the teachers and assistants has improved the image of the whole Roma minority.

15. The number of students of Roma origin attending higher education is satisfactory, and scholarships have been introduced to support them.

16. As low levels of vocational qualifications among Roma hamper their entry onto the labour market, employment preparation programmes focus mainly on training. In projects carried out between 2004 and 2013, jobs were created for 100 Roma teaching assistants, and integrated day-care centres were opened, employing Roma as group leaders, teachers of Roma culture and project coordinators. Other projects have involved the cancellation of housing arrears in return for working for municipal bodies.

17. Health-care initiatives were unpopular at first due to community taboos and the lack of Roma health professionals. With new health issues taking hold in the Roma community, current activities seek to address the prevention of drug dependence, antenatal education and care of newborns, and screening and diagnosis of diseases.

18. As many Roma homes are in a state of disrepair, funding was provided for the renovation of 564 housing units between 2004 and 2013. Some instances of illegal construction and illegal occupation of properties belonging to municipalities have been

regularized. In Małopolskie province, a multiple-occupancy building was constructed for 18 Roma families and homes were bought for others, while in Śląskie province a multiple-occupancy building was constructed for both Roma and non-Roma families. The Roma themselves participate in renovation and investment projects. Better housing conditions improve the health of Roma families and encourage their interest in other forms of assistance.

## **7. Impact of the National Programme of Action for Equal Treatment 2013-2016**

19. In 2015, a team was put together to evaluate the National Programme of Action for Equal Treatment. The analysis of the Programme's outcomes will be submitted following the implementation phase.

### **Women in political and public life**

20. The Election Code Act of 5 January 2011 stipulates that, in local, parliamentary and European Parliament elections, neither the number of women nor that of men make up less than 35 per cent of the total number of candidates on the list.

21. Statistical information:

- Parliament (eighth term): men — 72.9 per cent, women — 27.1 per cent
- Senate (ninth term): men — 87 per cent, women — 13 per cent
- 2016 Council of Ministers: men — 75 per cent, women — 25 per cent
- Polish Members of the European Parliament: men — 76 per cent, women — 24 per cent

## **8. Combating unemployment among disadvantaged and marginalized groups and improving access to employment**

22. Every unemployed person who is prepared to accept employment and is registered with a local employment agency may receive support as provided for in the Act on Promoting Employment and Labour Market Institutions (20 April 2014).

23. Options were introduced in 2014 to support vocational training for persons in special categories on the labour market (long-term unemployed; unemployed persons: over the age of 50, with disabilities, under the age of 30; recipients of social assistance benefits, with at least one child under the age of 6 or at least one child with disabilities under the age of 18).

24. Assistance is provided to help with a return to work after a break, including to bring up a child: grants for telecommuting, back-to-vocational-work allowances and Labour Fund loans for the creation of new jobs or the exercise of an economic activity.

25. Employment assistance for persons under the age of 30 includes: refund of social security contributions for the unemployed in the case of a first job, exemption of employers from contributions to the Labour Fund and the Employees' Guaranteed Benefits Fund, training vouchers, vouchers for courses, employment vouchers and vouchers to assist with moving to a new place of residence.

26. Support for employers who provide jobs for unemployed persons over the age of 50 includes: financial assistance (for 12 or 24 months) with the wages of formerly unemployed persons and training financed from the budget of the National Training Fund.

27. Since 2014, unemployed persons with the most difficulties to enter the labour market can participate in the Activation and Integration programme, aimed at helping them to develop a proactive attitude in their social and professional life.

28. In 2015:

- 262,600 unemployed persons under the age of 30, 206,800 long-term unemployed persons and 78,600 unemployed persons over the age of 50 took advantage of active ways of combating unemployment
- 9,100 unemployed persons under the age of 30 benefited from a voucher for an internship
- 6,800 unemployed persons took up a job away from their place of residence with a removal voucher
- 5,900 unemployed persons received training vouchers
- 3,200 unemployed persons began work with an employment voucher
- 5,200 long-term unemployed persons joined public works programmes
- 17,200 long-term unemployed persons were referred to employment agencies as part of outsourcing of back-to-work activities
- 2,800 unemployed persons over the age of 50 were employed in posts for which financial support for salaries was received
- Action in favour of Roma — see reply to paragraph 6 of the list of issues

## **9. Use of fixed-term and civil law contracts, protection of workers employed under such contracts**

29. The changes introduced under the Act of 25 June 2015 amending the Labour Code include:

- New employment regulations for fixed-term contracts
- Introduction of the principle that fixed-term contracts may be terminated by either of the parties
- Specification of employment conditions in trial period contracts

30. After 33 months of fixed-term employment or from the conclusion of the fourth fixed-term contract, the employee is given an open-ended contract. These restrictions do not apply to contracts concluded to:

- Replace an employee during absence from work
- Undertake casual or seasonal work
- Work for the duration of a mandate

31. Or:

- When the employer indicates objective reasons
- If the contract meets a real need and is necessary in the light of all the circumstances

32. The employer is required to notify the labour inspector of the conclusion of a contract of more than 33 months, giving the reasons that justify it.



33. A fixed-term contract can be terminated with the same period of notice as for open-ended contracts.

34. A contract for a trial period can be used to check the employee's skills and ability to carry out a certain type of work. The employer can recruit an employee for a single trial period; a further contract for a trial period may be issued to the same employee only if it is for a different type of work or for the same type of work a minimum of three years after the termination or expiration of the previous contract.

35. Work is under way to establish a guaranteed minimum wage applicable to civil law contracts (minimum hourly rate of at least Zl 12). The bill was submitted to Parliament on 6 June 2016.

36. The Social Dialogue Council is continuing its work to define the scope of the amendments to the provisions governing the employment of temporary workers, in order to improve standards for temporary work, the conditions of employment and legal certainty for employers using the services of temporary employment agencies.

## 10. Amount of the minimum wage, mechanisms for its calculation

37. The Minimum Wage Act of 10 October 2002 guarantees full-time employees a minimum wage (monthly and hourly rate) and lays out the rules for setting the minimum wage.

38. The minimum wage was raised to Zl 1,850 on 1 January 2016 (5.7 per cent higher than in 2014). In recent years, the minimum wage has been equivalent to more than 40 per cent of the average wage and that figure is expected to rise to 45.6 per cent in 2016.

39. The minimum wage is negotiated within the Social Dialogue Council. Before 15 June each year, the Council of Ministers presents its proposal for the following year, together with forecasts and statistical information. Negotiations are conducted for 30 days from the receipt of the proposal by the Social Dialogue Council.

40. The increase in the minimum wage is at least equal to the expected rise in the consumer price index. Moreover, the rate of increase in the minimum wage is further raised by two thirds of the expected actual increase in gross domestic product if, during the first quarter of the year in which the negotiations are held, the minimum wage is less than half the average salary. If the previous year's real price index was different from the predicted index for the given year, a verification index is applied.

41. If the consumer price index for the year in which a minimum wage is fixed is less than 105 per cent, a single date (1/01) is set for the change in the minimum wage, while two dates (1/01 and 1/07) are set if the index is 105 per cent or more.

	<i>Minimum wage, Zl</i>	<i>Percentage increase over preceding year</i>
2011	1 386.00	5.2
2012	1 500.00	8.2
2013	1 600.00	6.7
2014	1 680.00	5.0
2015	1 750.00	4.2

42. Minimum subsistence level — see reply to paragraph 16.

### **Guaranteed minimum wage at 50 per cent of an average salary**

43. The bill proposed by NSZZ Solidarność to amend the Minimum Wage Act was submitted to Parliament in 2011. It provided that, in the case of a predicted increase in gross domestic product (GDP) of at least 3 per cent, the minimum wage would rise more quickly. The bill was not adopted.

44. The Government is interested in the idea of raising the minimum wage to 50 per cent of the average wage and, particularly, linking the rise in the minimum wage to predicted growth in GDP.

### **Delays in salary payment**

45. The Labour Code provides that the employer shall pay a worker's salary in the place and at the time laid down in the rules of procedure or other legal provisions. The non-payment of wages or other services within a fixed period, an unjustified reduction in wages or unjustified deductions are liable to a fine of between Zł 1,000 and Zł 30,000. The legal provisions concerning payment of wages provide adequate protection for the interests of employees.

*Data — see annex.*

## **11. Gender wage gap**

46. According to the statistical office of the European Union (Eurostat), in 2013, the gender wage gap, expressed as a gross average hourly rate, was 6.4 per cent to the detriment of women (compared to 16.3 per cent to the detriment of women in the European Union).

### **Overcoming the wage gap in the civil service**

47. The average salary of men is higher than that of women in all civil service bodies and within each group of posts. The biggest difference (13 per cent) is for support service positions. The differences between salaries for high-level positions are smaller (between 2 and 6 per cent).

48. The salary policy within a particular office falls under the competence of the Director-General of the office concerned. In setting the basic salary, the value assessment of positions is taken into account.

49. The Director-General of the office is obliged to counter sex discrimination.

50. In the case of discrimination, a civil service employee has the right to appeal to the Labour Court.

*Data — see annex.*

### **Implementation of the principle of equal pay for work of equal value**

51. Even though the situation is relatively good, the Government is conducting actions to promote wage equality:

- Campaigns for equality of wages, including the European Equal Pay Day organized by the European Commission
- Projects to promote equality of women's and men's wages under the European Social Fund (Encouraging women's socioeconomic activity at local and regional level, 2008-2013, and Work-life balance for women and men, 2008-2012)

- Organization of national and international meetings, including a round table of European Union Ministers responsible for equal pay, on the gender pay gap and women in the labour market (2013), a seminar on monitoring the gender pay gap; a presentation of the pay calculator and wage audit system used by the German Federal Ministry of the Family, Older Persons, Women and Young Persons (2013)
- The publication of information related to the wage gap on the Ministry's website
- Under development — analysis of international law and good practice in monitoring and countering the wage gap
- Implementation of a European Union project to promote the equal pace web tool, which allows employers to monitor and analyse the pay structure ([www.equal-pace.eu/polska](http://www.equal-pace.eu/polska))

52. Every complaint received by the National Labour Inspectorate that contains an allegation of discrimination is considered. Free legal advice is made available. The Inspectorate also carries out prevention and promotion activities (training, publications, information campaigns, prevention programmes, job fairs and project implementation, in collaboration with other institutions and organizations) aimed at employers, employees, job seekers, trade unions and employers' organizations.

*Data — see annex.*

## **12. Implementation of provisions on just and favourable working conditions**

53. Any violation of provisions concerning working time, including payment for overtime work, is a violation of workers' rights (subject to a fine of between Zł 1,000 and Zł 30,000).

*Data — see annex.*

## **13. Informal work**

54. The Act of 13 May 2016 amending the Labour Code obliges employers to confirm in writing the basic elements of employment contracts if they are not concluded in writing (entry into force on 1 September 2016). This will prevent work being done without written confirmation of the terms of employment.

### **Legislation prohibiting forced labour or exploitation**

55. In accordance with article 65 (1) of the Constitution, every person has the freedom to choose and exercise a profession and to choose his or her place of work, except as provided by law. The principle of the freedom of work and the prohibition of forced labour is expressed in article 10 of the Labour Code: every person has the right to free choice of employment and none may prohibit the exercise of a profession, except as provided by law. The principle of freedom to establish an employment relationship (Labour Code, art. 11) complements these rights: the conclusion of an employment relationship and the definition of the conditions of work and pay, regardless of the legal basis of such a relationship, is based on a joint statement by the employer and the employee.

56. Liability for a violation of the principle of freedom to choose one's profession is indirect, and is engaged if actions have violated the rights of workers. Provisions of the

Criminal Code may also apply if the behaviour of the employer constitutes a violation under articles 218-221 of the Code.

#### **14. Protection of trade union members and leaders**

57. Special protection in the case of trade union activity is provided by the Trade Union Act of 23 May 1991: no one may suffer negative effects because of membership of a trade union, non-membership of a trade union or the exercise of a function within a trade union. This rule expands on the principle of equal treatment of workers defined in the Labour Code, which provides that workers should be treated fairly, irrespective of union membership.

58. A person who uses his or her position or function held to discriminate against a worker on the basis of trade union membership, non-membership or the exercise of a function within a trade union is liable to a fine or restriction of freedom.

*Data — see annex.*

##### **Constitutional Court ruling of 2 June 2015 (right to organize of persons working under civil law contracts)**

59. Article 2 (2) of the Trade Union Act became obsolete on the date of the Constitutional Court ruling (12 June 2015). A draft amendment to the Trade Union Act was drawn up, with a view to extending the right to trade union membership to persons exercising a lucrative activity who have all the characteristics of employees and are employed under civil law contracts or as self-employed workers. The draft amendment was submitted to discussions, evaluation and public consultation, including within the Council for Social Dialogue.

#### **15. Unification of pension schemes**

60. Nothing has been done in this respect.

##### **Difference in size of pensions paid to persons under different schemes**

61. The differences between pension schemes are a result of their structure and funding, and thus the rules for the calculation and payment of benefits may differ.

##### **Adequate standard of living for retirees, indexation of pensions**

62. All pension schemes guarantee the indexation of pensions in line with the consumer price index for pensioners' households and the indexing of at least 20 per cent of the increase in real wages the previous year. There may be exceptions to this rule, e.g. an incidental indexation of amounts or of amounts and rates.

## 16. Income criteria for the provision of social assistance

### Subsistence level, ZI

	Working households					Pensioners' households		
	1 person (M+F)/2	2 persons M+F	3 persons M+F+YC	3 persons M+F+OC	4 persons M+F+ YC+OC	5 persons M+F+YC +2xOC	1 person (M+F)/2	2 persons M+F
2011	500.68	842.03	1 212.35	1 328.96	1 702.96	2 193.13	474.20	789.08
2012	521.11	875.08	1 263.42	1 382.44	1 771.96	2 281.00	493.96	820.77
2013	541.91	911.80	1 319.04	1 442.69	1 850.85	2 382.86	513.87	855.72
2014	544.09	913.63	1 321.81	1 446.01	1 855.16	2 388.56	515.43	856.32
2015	545.76	915.57	1 323.80	1 447.24	1 856.45	2 389.11	518.00	860.06

M — male, F — female, YC — young child, OC — older child.

63. The income criteria for social assistance in 2015 were as follows: ZI 514 per person living in a family; ZI 634 per person in a one-person household. A higher criterion (150 per cent) applies in the case of assistance in the form of meals under the State Additional Food Assistance programme.

64. The income criteria are revised every three years on the basis of the social intervention threshold analysis. The threshold is set on the basis of the minimum standard of consumption basket of goods and services, and periods of use of the goods and services, adjusted according to actual consumption patterns in specific types of low-income households.

65. To avoid the income criteria being lower than the subsistence level, the Minister responsible for social security is required to submit information on the subsistence level each year to the Council for Social Dialogue. If the income criteria are equal to or less than the subsistence level, the Council may ask the Council of Ministers to review them.

### Monitoring the situation of persons in need of social assistance, including homeless persons

66. Identification of the needs of individuals and families and adjustment of the forms of assistance provided is the responsibility of social workers and social assistance centre staff. The situation of beneficiaries is tracked by updating the social survey in the event of repeated requests for benefits. In the case of persons who are permanent beneficiaries of assistance, the survey is updated at least once every six months.

67. Every two years, a national survey of the number of homeless persons is conducted and annual reports are produced on action for the homeless at the regional level. These reports focus on the actions implemented and their effects (number of homeless persons covered by the social contract and the individual programme to bring them out of homelessness, the number of homeless people who have become independent, and found a job and a home).

68. Moreover, at provincial level, reports are produced each year of action taken to prevent the negative effects of homelessness in winter, with proposals for action for the following winter.

## 17. Access to adequate and affordable housing

69. Since 1 January 2014, the Housing for Young People programme has offered:
- A contribution to the down-payment when taking out a mortgage on housing (10 per cent of the replacement value for married couples or single persons, 15 per cent for married couples and single-parent families with one child, 20 or 30 per cent for single-parent families with 2 or 3 children, respectively)
  - Additional support in the form of reimbursement of a portion of the credit (5 per cent of the replacement value) for persons who have or adopt a third or subsequent child
70. Municipalities own a significant number of housing units (935,000 in 2013) and have a policy of maintaining low rents, which are generally below the maintenance costs.

### Social and rental housing available (units)

	2013	2014	2015
Municipalities	2 200	2 200	1 700
Social housing associations	1 200	1 700	1 300

71. Assistance from the State budget for the creation of social premises (construction of new buildings, modernization of existing ones) can be requested by operators whose task is to provide shelter or housing for persons in need (municipalities, associations of municipalities, districts, associations of districts, public utility companies). Municipalities have the possibility to acquire, with the help of the State budget, municipal housing that is not classified as social premises. From 2016, municipalities and associations of municipalities have been able to receive assistance for purchasing housing previously owned by companies.

72. Over the period 2007-2015, ZI 662.8 million from the State budget was used for the social housing construction assistance programme. This has made it possible to create 18,000 housing units and accommodation places. In 2016, ZI 131 million were allocated to the programme.

73. On 1 November 2015, a 10-year programme of support for the construction of rental housing (30,000 low-cost housing units) was launched.

74. Detailed information — see annex to the sixth report, paragraphs 567-586.

### Combating homelessness

75. The priorities of the National Programme to Combat Poverty and Social Exclusion by 2020: a New Type of Active Integration, launched in 2014, were to combat insecure housing and homelessness. Measures taken included:

- Strengthening the intervention system
- Protecting health and life through street campaigns targeting homeless persons in public spaces and non-residential premises
- Creating low-threshold institutions, mainly shelters where homeless persons under the influence of psychoactive substances can spend time
- Developing centres which provide meals, clothing, health services and advice

- Integrating homeless persons into society through “training”/protected/assisted housing programmes and the development of support for those at risk of homelessness (teams monitoring the situation of persons who, because of debt, risk losing their accommodation, and strengthening the integration activities carried out by round-the-clock accommodation centres).

76. Since December 2015, the Anti-homelessness Assistance Programme has complemented the activities carried out by the municipalities (providing shelter, food and clothing). Every year, Zł 5 million are assigned to the Programme. It is aimed at non-governmental organizations providing intervention services for homeless persons and organizing activation and integration activities to help bring people out of homelessness.

### Evictions of Roma families in Wrocław

#### *Information from the President (Mayor) of Wrocław*

77. The action taken to recover illegally seized land is based on generally applicable law. Information concerning forced evictions and the threat of forced evictions is false, baseless and compromises the reputation of the Wrocław authorities and the local community.

78. Two illegal camps were set up by Roma from Romania in 2010 on land owned by the Wrocław municipal authorities. On 28 March 2013, a formal call was made for the premises to be vacated. Previously, residents of the camps had been offered placement in dormitories and shelters for the homeless and other forms of support; they had also been reminded of their obligation to register their stay in Poland and to send their children to school.

79. As the call to leave the premises was not complied with, on 19 April 2013, the Wrocław authorities applied to a civil court for the return of the property. The case is ongoing.

80. The camps are monitored and social support is provided, as is assistance in registering the stay of the persons concerned and their adaptation to life in Poland. The camps are cleaned. Action is taken because of the devastation and pollution of the land.

81. The Embassy of Romania in Poland has been contacted with a view to regularizing the stay of Romanian citizens in Poland.

## 18. Poverty alleviation

### Rate of persons in households living below the:

	<i>Subsistence level</i>		<i>Relative poverty threshold</i>		<i>Statutory poverty threshold</i>	
	<i>2013</i>	<i>2014</i>	<i>2013</i>	<i>2014</i>	<i>2013</i>	<i>2014</i>
<b>Total</b>	<b>7.4</b>	<b>7.4</b>	<b>16.2</b>	<b>16.2</b>	<b>12.8</b>	<b>12.2</b>
Employees	6.4	6.5	14.9	15.2	12.0	11.9
Agricultural workers	13.4	12.1	26.7	28.0	22.8	21.2
Salaried workers	3.9	4.1	9.2	8.9	7.5	6.8
Retired persons	4.8	5.8	11.4	12.1	6.8	7.2
Pensioners	13.2	12.5	26.3	25.5	18.2	17.8
People living from other non-profit sources	21.5	21.1	39.0	36.2	34.6	29.9

82. In 2014, social benefits were granted to 1.9 million persons, members of 1.2 million families.

<i>Reason for assistance being granted*</i>	<i>Families</i>
Poverty	724 300
Unemployment	635 500
Serious or long-term illness	430 800
Disability	408 700
Vulnerability in education and home maintenance	227 300

\* A family can be assisted for different reasons.

83. Households with three or more children receive support mainly in the form of regular, periodic or targeted allowances to cover part or all of the cost of medication and treatment, as well as benefits in kind (food). More than 70 per cent of the families who benefit from social assistance have access to social work, the aim of which is to help them overcome difficult living conditions.

84. Families with children and individual children benefit from the following programmes: State Food Aid 2014-2020, Food Aid 2014-2020, Active Ways of Combating Social Exclusion — New Dimension 2020, and Support for Local Authorities in Establishing a System to Combat Domestic Violence.

85. Actions aimed at reducing poverty and social exclusion of families and children are included in the National Programme to Combat Poverty and Social Exclusion 2020 — A New Dimension of Active Integration. These actions focus on reducing the exclusion of children, creating opportunities for young people to enter the labour market and establishing a work-life balance, integrating those affected by social exclusion, supporting the elderly and preventing housing insecurity.

#### **Combating child malnutrition, access to food**

86. The aim of the State Food Aid 2014-2020 programme is to reduce malnutrition in children from disadvantaged or low-income families, and specifically children before they begin school, students from regions with high unemployment rates and rural areas, and adults, especially isolated, elderly or sick persons or persons with disabilities. The programme provides meals or food, and dedicated allowances for the purchase of meals or food products. A total of ZI 550 million have been allocated to the programme in 2016, and there will be a further ZI 3,850 million for the period to 2020. Each year, the municipalities provide ZI 280 million for the programme.

*Statistical data — see annex.*

87. The Operational Programme of European Union Food Aid 2014-2020 has been in action since 2014. The goal is to provide food aid to support those affected by the most extreme forms of poverty. The budget for the 2014-2020 programme is €556.9 million (85 per cent from the European Union budget, 15 per cent from the national budget). By the end of December 2015, 50,171 tonnes of food had been distributed to 1,059,057 persons (33 per cent of whom were children under the age of 15).



## 19. Privatization of public health care services

88. The changes in the ownership of health protection services cannot be equated with the “privatization of public health services”. Between 1999 and 2014, 183 hospitals were turned into commercial companies. In 80 per cent of the hospitals concerned, the State Treasury is the sole or a partial shareholder. Most hospitals that have become companies are owned by local authorities, and it is the latter that control the use of assets and evaluate the companies’ activity. In most cases, the change to the hospitals’ organizational and legal status was intended to improve their way of working.

89. The public health-care system guarantees general access to care. The scope and terms of the care provided, the principles and method of financing, and the tasks of the public authorities in ensuring equal access to health care are governed by the Act of 27 August 2004 on publicly funded health care.

90. Types of care — see paragraphs 618-619 of the annex to the sixth report.

### Access to affordable, good quality health care

91. Persons who are covered by mandatory or voluntary health insurance and others enjoy publicly funded health care — see paragraphs 620-623 and 625 of the annex to the sixth report.

92. Health insurance is based on the principle of equality of treatment and solidarity, and guarantees those covered equal access to health care and the choice of those providers who have signed an agreement with the National Health Fund.

93. Irrespective of a person’s rights under health insurance, free health care is provided under the following Acts:

- General Obligation to Defend the Republic of Poland (21 November 1967)
- Education for Sobriety and to Combat Alcoholism (26 October 1982)
- Mental Health Protection (19 August 1994)
- Combating Drug Addiction (29 July 2005)
- The Polish Charter (7 September 2007)
- Preventing and Combating Infections and Infectious Diseases in Humans (5 May 2008)
- National Emergency Medical Services (8 September 2006)
- Procedures for Persons with Mental Disorders representing a Risk to the Life, Health or Sexual Freedom of Others (22 November 2013)
- Foreign Nationals (applies to foreign nationals in holding centres or in detention) (12 December 2013)

94. To improve access to publicly funded health care:

- Total health care spending under the National Health Care Programme has increased, including for specialized out-patient care
- Under the Act on Funding for Some Health Care Services in 2015-2018 (25 September 2015), the method used for auditing subsidies from the State budget allocated to health care funding for persons without insurance has been modified

95. The Publicly Funded Health Care Act (22 July 2014) has been modified. To improve the management of waiting lists:

- Cases of simultaneous registration on several lists have been eliminated
- Information on the closest date on which care can be provided by a given medical facility is provided to patients
- If, for his or her own reasons, the patient does not make use of health-care services that have been made available within a set time limit, his or her name is removed from the waiting list
- Service providers are required to maintain the lists in electronic form

96. A “rapid cancer diagnosis” system has been set up, whereby a general practitioner uses the patient’s medical history and medical examinations to determine whether a consultation with a specialist is necessary. If a malignant tumour is suspected, the patient is referred to an oncologist or a specialist in the given tumour. The patient may register on a separate waiting list for an oncological diagnosis. Maximum deadlines have been introduced for the beginning and implementation of diagnosis and treatment.

97. The recent introduction of consultations for prescriptions help to reduce the waiting period. On the basis of the patient’s medical records, doctor can write a prescription for drugs or medical devices.

98. In line with the Act amending the Nursing and Midwifery Act (22 July 2014), nurses and midwives have the right to prescribe medication, tests or medical devices and write prescriptions or orders.

99. The Act amending the Publicly Funded Health Care Act (18 March 2016) guarantees free access to selected drugs, food products for special medical purposes and medical devices for persons over the age of 75.

100. Regional and national maps of health needs have been drawn up to facilitate the identification of health needs. The goal is to define the demographic and health situation of a community and indicate areas where action needs to be taken (infrastructure, services). The map allows the rational financing of and investment in health care, limiting the margin for arbitrary decisions on funding and improving the transparency of investments and contracts with providers.

101. The national map is intended to provide similar information for specialized care (provided at the supraregional level, e.g., heart surgery or care for patients with rare diseases), on the demographic and health situation, and to indicate the areas where action must be taken by several provincial or government authorities.

102. The first health needs maps (valid until 31 December 2021) concern hospital care.

#### **Access to geriatric care**

103. Detailed information — see annex to the sixth report, paragraphs 721-735.

104. The care system covers health care, care in kind and long-term and palliative care. In 2014, the Global Geriatric Assessment was introduced: the hospital care provider is required to develop and implement a procedure for the geriatric assessment of patients.

105. Comprehensive care for the elderly is one of the priorities of the 2016-2020 National Health Programme (draft currently being finalized). Measures that promote healthy and active ageing have been planned, as has the adaptation of the health care system to the needs of older persons, along with training for health professionals and employers.

106. In 2014, a modular system was introduced for specialized medical training, shortening the path to a specialization in geriatrics from seven to five years.

107. A project to support in-service training of health professionals in geriatric care was run in 2012-2015. A total of 1,368 general practitioners, 4,064 general nurses, 2,176 physiotherapists, 467 care staff and 163 support therapists have followed specialized and further training.

108. There are 41 projects currently under way to pilot the implementation and assessment of standards for daily health-care centres.

109. In 2015, the National Institute of Geriatrics, Rheumatology and Rehabilitation was set up. The goal of the Institute is to provide comprehensive care for the elderly, conduct clinical trials, develop standards and guidelines, develop, evaluate and implement new medical technologies and treatment methods, and train specialists in geriatrics.

## 20. Actions aimed at:

- (a) Reducing mortality from cardiovascular disease
- (b) Reducing the occurrence of diabetes
- (c) Reducing smoking

110. The goal of the National Programme for Equal Access to Prevention and Treatment of Cardiovascular Diseases (POLKARD), run in 2010-2012 and 2013-2016, is to reduce the mortality rate due to cardiovascular diseases using new methods of diagnosis and treatment offered by equipment and devices funded under the programme. These measures have facilitated access for patients to cardiac and neurological treatment and cardiac surgery.

111. Further information — see paragraphs 645-646 of the annex to the sixth report.

112. The Global Specialized Outpatient Care for Persons with Diabetes programme was introduced in 2008 to improve the effectiveness of treatment and reduce the number of hospitalizations due to diabetes and complications. The services cover:

- Examinations and consultations (excluding confirmation of testing), including ophthalmological, cardiological and neurological tests
- Observation of the patient, including diagnosis and monitoring
- Stabilization of blood sugar levels and of water and electrolyte balance and the acid-base balance parameters
- Education on self-monitoring of diabetes and the principles of good nutrition

113. Staff of preschool institutions and schools are given awareness training on diabetes, and a national level training course was held in 2014 and 2015 (2,877 school staff).

114. As part of the 2014-2016 Safe and Friendly School programme, a national training course on children with diabetes at school will be held in 2016 for primary schoolteachers and school day-care staff.

115. An outpatient support programme for persons with foot problems related to diabetes is being implemented; the goal is to reduce the number of related amputations and cases of premature mortality and to improve patients' quality of life. The measures include:

- Upgrading equipment in consulting rooms that can be used as reference centres in the provincial capitals
- Improving the equipment in consulting rooms that can play a main role in district-level consulting institutions for diabetes
- Training of doctors and nurses

- Awareness campaigns aimed at persons with diabetes

116. Further information — see paragraphs 668-669 of the annex to the sixth report.

117. In 2016, 2 million children and 5 million adults participated in the 2014-2018 programme on reducing the health consequences of smoking. The measures taken include monitoring attitudes towards smoking, protecting against smoke, providing assistance for addiction treatment, awareness-raising and warning about the risks associated with smoking, eliminating violations of the ban on tobacco advertising and increasing the price of tobacco products.

118. Further information — see paragraphs 745-756 of the annex to the sixth report.

119. Directive 2014/40/UE of the European Parliament and the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, which introduces illustrated warnings on the sales packaging of tobacco products and regulations concerning electronic cigarettes, is being transposed into national law. There will also be a ban on smoking electronic cigarettes in all areas covered by the smoking ban and a ban on advertising tobacco and electronic cigarettes at the point of sale.

#### **Combating overweight and obesity**

120. It is estimated that 53 per cent of Polish adults are affected by overweight or obesity. A study conducted during the 2013/14 school year shows that 16 per cent of schoolchildren in the 11-, 13- and 15-years age groups are overweight or obese.

121. In accordance with the Minister of Health regulation of 24 September 2013 on guaranteed benefits in the field of primary health care, children are examined during preventive medical tests and screening, which include an assessment of the child's development (height, weight and body mass index). If a child is found to be obese, the doctor is obliged to diagnose the cause.

122. Publications on healthy eating for adults and children have been brought out for different target groups.

123. A project on the prevention of overweight, obesity and chronic diseases by raising awareness of diet and physical activity was implemented over the period 2011-2016; it addressed the prevention of overweight and obesity in pregnant women and nursing mothers and the education of persons affected by overweight and obesity on the need for a healthy diet and a reasonable lifestyle, and included a media campaign.

124. A Minister of Health regulation of 26 August 2015 on the classes of food available to children in schools and the standards of food products used has limited access to products containing significant amounts of ingredients for which excessive consumption is not recommended (fats, sugar, salt). The advertising of unauthorized foods in schools is not permitted.

125. The 2016-2020 National Health Programme, focusing on diet, nutrition and physical activity, is ongoing. The goal of improving diet, nutritional status and physical activity will help curb the increase in the number of people with overweight and obesity, which will reduce the burden of chronic diseases and the incidence of and premature mortality caused by these diseases, including diabetes.

## 21. Mechanism of referral to an alternative doctor in case of refusal of abortion

126. In line with the Physicians and Dentists Act of 5 December 1996:

- A doctor may refrain from providing health care on the grounds of conscience, on the condition that he or she informs the patient of real possibilities for the provision of such care from another doctor or in another institution, justifies the decision and notes the facts in the patient's medical record; a doctor who practises under an employment or service contract is obliged to give prior notice in writing of such a decision to his or her superior;
- A doctor is obliged to provide care in all cases where a delay could endanger life or cause serious injury or a serious violation of the integrity of health, and in all other urgent cases.

127. Those provisions will be modified following Constitutional Court ruling K 12/14 of 7 October 2015, which abrogated the provisions imposing an obligation on the doctor to provide health care incompatible with his or her conscience in "other urgent cases" and indicate real opportunities for obtaining such care from another doctor or at another institution.

## 22. Improving access to sexual health services

128. The Act of 7 January 1993 on Family Planning, Protection of the Human Fetus and Conditions in which Abortion may be Permitted recognizes the right to take a responsible decision on procreation and imposes on the State the duty to allow such a decision to be taken. Government and local government agencies are required to guarantee free access to the methods and means of conscious procreation.

129. The Act on Publicly Funded Health Care and the Minister of Health regulation of 6 November 2013 on guaranteed benefits in the field of specialized outpatient care guarantee specialized gynaecological and obstetric services for women (including gynaecological and obstetric consultations for adolescent girls). Every woman who resides in Poland and has Polish nationality or is legally resident in Poland has the right to receive these benefits during pregnancy, childbirth and recovery after childbirth, regardless of her health insurance status.

130. In 2003, the Polish Gynaecological Society issued recommendations on contraception explaining the following methods of fertility control: periodic abstinence from sex, spermicides, condoms, intrauterine devices, including those that contain progesterone, and single component or combination hormonal drugs in the form of oral tablets, patches or injections.

131. The following medical criteria are used to evaluate the different contraceptive methods: effectiveness, reversibility, safety, acceptance, tolerance and non-contraceptive benefits.

132. The following contraceptives are covered by health insurance: Levomine, Microgynon 21, Rigevidon, Stediril 30 and drugs containing active hormonal substances that may have a contraceptive effect: Cyprodiol, OC-35, Union-35, Diane-35 and Cyprest. They are available at 30 per cent of the normal price (between Zł 2.47 and Zł 23.47). The National Health Fund covers the cost of insertion of the contraceptive intrauterine device.

133. Hormonal contraceptives in the form of oral tablets of a different composition or with different doses of hormones are available, as are transdermal systems, but they are not reimbursed. Spermicides are available without a prescription (vaginal capsules, condoms).

134. Sex education — see paragraphs 716-720 of the annex to the sixth report.

### **23. Results of the 2011-2016 National Drug Addiction Programme, access to substitution treatment**

135. For the Programme — see paragraphs 771-778 of the annex to the sixth report.

136. The 2011-2016 National Drug Addiction Programme will be evaluated at the end of the implementation period.

137. The evaluation of the 2006-2010 programme showed:

- A fall in the rate of increase in the demand for drugs and a stabilization or fall in the demand for drugs other than hemp-based products
- A fall in the number of consumers of opioids
- A stabilization in the number of admissions for treatment
- A fall in new HIV infections of drug users
- Reduced availability of drugs other than hemp-based products
- A stabilization in the availability of tranquilizers and sleeping pills and in the demand for hemp-based products

138. There has been an increase in the number of persons in substitution therapy (the aim of the programme is to ensure access to treatment for at least 25 per cent of persons dependent on opioids). In 2014, 24 substitution therapy programmes were operating freely, with 2,601 patients (between 7 and 26 per cent — according to province — of those dependent on opioids). Seven programmes have been implemented in prisons, with 148 prisoners treated.

139. To increase the percentage of persons following treatment, the 2016-2020 National Health Programme provides access to substitution treatment for at least 30 per cent of persons dependent on opioids.

### **24. HIV prevention and harm reduction programmes**

140. The following are available for persons with high levels of risk behaviour:

- Consultation and diagnosis centres, which perform free and anonymous HIV testing combined with consultations related to the test (27 such centres in 2016)
- Information and education for men having sex with men, persons deprived of their freedom and sex workers
- Health support and care: emergency response for patients with HIV and their families, workshops aimed at the parents/guardians of children with HIV/AIDS, support and information centre offering training to people with HIV and their families, psychological care for people living with HIV/AIDS and their families, national meetings of people living with HIV/AIDS and their families
- The antiretroviral treatment programme for persons with HIV in Poland covers:

- Antiretroviral treatment for all persons living with HIV and AIDS who meet the medical criteria, including prisoners
- The purchase of antiretroviral drugs for adults and children, vaccines for children born to HIV-infected mothers
- Prevention of accidental non-professional HIV infections
- Antiretroviral prevention of vertical mother-to-child transmission
- Antiretroviral therapy for children

141. As of 31 December 2015, antiretroviral treatment was provided to 8,606 patients (an increase of 9 per cent over 2013), including 113 children.

142. A total of between ZI 200 million and ZI 280 million are allocated to the programme each year.

143. Further information — see paragraphs 653-658 of the annex to the sixth report.

## **25. Large numbers of Roma children in special schools, access to preschool education**

144. Steps are being taken to improve the education of Roma children, including by promoting the widespread acceptance of education within the Roma community, providing support for the students according to their educational needs and facilitating access to higher levels of education. They comprise:

- An increase in school subsidies for students with special educational needs
- An amendment to the Minister of National Education regulation of 30 April 2013 on the modalities for the provision and organization of psychological and teaching assistance in public nursery schools, schools and other establishments — teaching assistants working with Roma children can initiate psychological and pedagogical support for students
- Dissemination of knowledge on diagnosis of Roma children and the provision of appropriate assistance in the education system:
  - 2011 — five consultative and information meetings with representatives of public psychological and educational councils as part of a project to improve the effectiveness of education provided for students with special needs
  - 2012 — a seminar and a conference on the functioning of multilingual and culturally different children, including Roma children, in the education system, two conferences for professionals in the public psychological and educational councils, addressing issues related to certification, opinions and culturally neutral diagnosis, taking account of the needs of multilingual children
  - 2012 and 2013 — local conferences on certificates for Roma children, issued by councils, with emphasis placed on non-verbal culturally neutral tests; dissemination of procedures for recognizing the needs and capacities of bilingual and culturally different students and presentation of good practices
  - 2013 — publication of a manual on the psychological diagnosis of multilingual culturally different children, training of professionals for psychological and educational institutions

- During the 2015/16 school year, work began to encourage the use of functional diagnosis of children, including Roma children, in order to improve the reliability and accuracy of educational needs assessments and forms of support

145. From 2012 to 2014, the councils issued decisions on the need for special education for 7 per cent of Roma children (compared to 3 per cent of children in general).

146. The Programme for Inclusion of the Roma Community in Poland (2014-2020) offers solutions that encourage preschool attendance, support for primary level education, Polish language catch-up courses, especially in the early stages of education, funding for extra-curricular hours beyond the hours of free preschool education and additional courses,<sup>1</sup> meals and participation in various forms of preschool education organized by non-public entities.

#### **Addressing the school dropout rate**

147. According to the 2002 national population and housing census, 51 per cent of persons over the age of 13 who stated that they belonged to the Roma minority had no training or education, even at primary level. The question was not put in the 2011 census, but 82 per cent of Roma said that they had “lower than secondary education”. In 2002, 247 Roma said that they had secondary education and 13 stated they had higher education; those numbers had risen to 934 and 272 in 2011.

148. In the 2004/05 school year, 85.8 per cent of Roma children complied with the compulsory schooling requirement; the figure for 2014/15 was 93.2 per cent.

149. Action taken to promote education includes:

- Minister of National Education regulation of 14 November 2007 on the conditions and terms of the fulfilment by preschool institutions, schools and public institutions of tasks allowing students belonging to a national or ethnic minority or a community of regional expression to maintain their national, ethnic or linguistic identity, which makes it possible for schools to take on educational tasks designed to maintain and develop the sense of ethnic identity among students and support their education, and to recruit assistants for the education of Roma children. An amendment to the 2012 regulation has helped preschool institutions to do this.
- The introduction of a new funding model to help local authorities provide extra activities for Roma students.
- The elimination of “Roma classes”.
- Scholarships for Roma pupils in secondary schools and especially gifted Roma students.
- Remedial classes, specialized catch-up classes and speech therapy classes.
- Child-care provision offering language courses, art and sports activities.
- Financial assistance for school supplies and textbooks, insurance and holiday provision.

150. The teaching assistants for Roma children (of which there are now 100) are a fundamental part of activities in the field of education. The assistants help the students in their interaction with the school and work together with both the parents and the school. Their responsibilities include promoting good interactions between parents and schools,

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<sup>1</sup> The general rules provide for five hours of free school attendance and a maximum fee of Zł 1 per hour for each subsequent hour.



notifying parents about the curriculum, checking that the children are in school and monitoring their progress.

151. The role of auxiliary teachers (who work with multilingual and multicultural groups) is to help Roma children — who are considered at an early stage of their education to be bicultural, foreign-language children — to monitor their progress, to run catch-up Polish and other courses for them and to interact with their families.

152. In 2012, a booklet entitled *Education of Roma children — a practical guide for parents* was published in Polish and two Roma dialects.

#### **Access to education for child asylum seekers**

153. In accordance with the Education Act, children who do not have Polish nationality benefit from education and care in public preschool establishments under the same conditions as Polish citizens, while children who are subject to compulsory schooling enjoy education and care in public primary schools, middle schools and other institutions, including those specialized in the arts, and secondary schools, until they reach the age of 18 or complete their secondary education.

154. Following an amendment made in 2009:

- Asylum seekers may access education in post-secondary schools, public art schools, public teacher training colleges and public institutions, subject to the same conditions as Polish citizens
- Children subject to compulsory education or vocational training who do not speak Polish or speak it inadequately are also entitled to free language classes, without any time restrictions
- Children subject to compulsory education or vocational training are entitled to the support of a teaching assistant who speaks the language of the child's country of origin
- All students who arrive in Poland from a foreign education system and who do not speak Polish or not enough to follow classes can access catch-up classes

155. The procedure for the admission of foreign nationals to schools is facilitated by the following provisions:

- The recognition of diplomas is not required
- There is no assessment test for assignment to classes
- If a foreign national is not able to submit documents that attest to his or her attendance at a school in another country, he or she is assigned to an appropriate class or level on the basis of an interview in his or her own language or with the assistance of an interpreter

156. Parents are given assistance in registering their children in school and, if necessary, in their contacts with the school. Textbooks and school supplies are provided to children who attend school.

157. In the 2015/16 school year, the number of hours of Polish language classes available in holding centres has increased.

158. It is ensured that the children of foreign nationals living in detention centres and children who are able to reside outside such centres attend school in accordance with provisions concerning compulsory education.

## 26. Access to higher education for students from marginalized backgrounds

159. Following a 2014 amendment to the Higher Education Act of 27 July 2005, public colleges may no longer charge fees to students studying two or more areas of science. Schools of higher education thus do not charge tuition fees.

160. Provisions relating to the social grant have been changed. Where justified by supporting documentation, the income of the student's parents and dependent children may be excluded when assessing the student's income. This increases the possibility of obtaining a grant.

161. Grants are awarded to particularly talented students, to students of Roma origin and to students who continue their education in secondary school.

### Grants schemes run by Roma NGOs

<i>Grants for talented students, 2004-2015</i>	<i>Study grants, 2013</i>	<i>Grants for students in upper secondary schools, 2011-2015</i>
103 grants		
72 distinctions		
33 incentive bonuses	766	298
Zl 1 024 496	Zl 2 705 680	Zl 476 000

162. Since 2012, special grants have been awarded to "exceptional" students.

## 27. Implementation of the National and Ethnic Minorities and Regional Language Act

163. Each year, grants are awarded for the maintenance and development of the cultural identity of national and ethnic minorities and regional languages (Zl 15.5 million in 2016).

164. Types of spending — see paragraphs 870 of the annex to the sixth report.

165. Over 100 amateur arts groups receive funding for their activities. Subsidies have been granted to a few dozen minority and regional language community organizations, and institutions that are important to the cultural identity of minorities benefit from investments and renovation work. The grant applications are assessed by a committee of which 50 per cent of the members are independent experts appointed by the minority party in the Joint Committee of the Government and National and Ethnic Minorities.

166. The National and Ethnic Minorities and Regional Languages Act:

- Governs the use of minority languages as additional languages and the use of minority language names for local places and physiographic objects
- Guarantees the right to officially register given names and family names in accordance with the linguistic rules of the mother tongue of the minority concerned
- Lays out the tasks of the radio and public television in respect of national and ethnic minorities and regional languages

167. Under the Act, the Joint Committee of the Government and National and Ethnic Minorities (which provides guidance and consultation to the Chair of the Council of Ministers) has been established. It is composed of representatives of national and ethnic

minorities and communities who use regional languages, together with representatives of the government administration.

## **28. Affordable access to the Internet**

168. Broadband infrastructure is under construction (at a cost of Zl 4.5 billion) to facilitate access to the Internet. A total of 200,000 households at risk of digital exclusion are eligible for subsidies for Internet access.

169. Free Internet access (business dedicated internet — BDI) is available until the end of 2016. In all, 99 per cent of the country's population are covered by BDI. This allows persons affected by digital exclusion to access the main functionalities of the Internet (e-mail, web browsing, contact with public administrations through the electronic box).

170. The “Fight against digital exclusion — eInclusion” project has been implemented, with the goal of providing Internet access for persons at risk of digital exclusion due to their material situation or disability. It offers:

- Partial or total cover of Internet access fees (maximum three years)
- Cover of the costs of installation and maintenance of computer hardware and/or software
- Computer and Internet training
- A contribution to the operational, employment and training costs for employees responsible for implementing and promoting the project

171. The project implementation costs amounted to Zl 1,258,249,637.53.

## Annexes

### Cf. 1

1. Supreme Administrative Court ruling II GSK 2910/14 of 8 October 2015 referred to the Covenant in establishing the legitimacy of setting different retirement ages according to gender.
2. Wrocław Court of Appeal ruling I ACa 1205/13 of 11 December 2013 invoked the Covenant guarantees of equal access to health care in assessing whether the limits on health care defined in contracts for health care delivery mean that an administration can refuse to provide care where there is a threat to life and health.
3. Elbląg district court ruling IV U 1389/12 of 7 February 2013 referred to the Covenant and the general comment to the Covenant in specifying the criteria for assessing the quality of a social security scheme.

### Cf. 5 and 11

#### Additional information

4. Under article 32 (2) of the Constitution, discrimination in political, social or economic life for any reason whatsoever is prohibited. The Polish legal system guarantees broad protection in respect of equal treatment.
5. Protection against all discrimination needs to be addressed, firstly, in terms of protection of the rights of the individual guaranteed by civil law, which is governed by article 2 of the Civil Code defining the protected rights of the individual, including honour, freedom of conscience, name and image. The protection of rights, which may be material or moral, can be ensured by using a number of legal measures.
6. Article 24 (1) and (2) of the Civil Code stipulates that, where the rights of the individual are threatened by the action of others, he or she may request the cessation of such action, unless the action is not illegal. In case of violation, it is possible to ask that the person who committed the violation should eliminate its effects, including by filing an appropriate declaration.
7. It is possible to request material reparation of the harm to be paid to the injured party or to a social purpose selected by that person. If pecuniary damage has occurred as a result of a violation of the rights of the individual, the injured party may request reparation in line with general principles, as well as the payment of compensation.
8. Nothing prevents such claims for compensation (reparation and damages) being claimed jointly.

**Cases related to claims for damages**

**2013**

		<i>District courts</i>									
		<i>Cases pending</i>	<i>Concluded</i>	<i>Of which</i>					<i>Postponed for a consecutive period</i>	<i>Total duration (days)</i>	
				<i>Fully or partially processed</i>	<i>Refused</i>	<i>Referred</i>	<i>Rejected</i>	<i>Set aside</i>			
Compensation — violation of principles of equal treatment, employment (Labour Code, art. 183d)	Women	325	153	29	63	1	-	30	172	<b>410</b>	
	Men	446	234	33	62	3	1	64	212	<b>331</b>	
Compensation — sexual harassment (Labour Code, art. 183a (6) read together with 183d)	Women	5	1	-	-	-	-	-	4	<b>1 460</b>	
	Men	4	3	-	2	-	-	1	1	<b>122</b>	
Damages — psychological harassment	Labour Code, art. 943 (2)	.	.	.	.	.	.	.	.	<b>X</b>	
		Men	.	.	.	.	.	.	.	<b>X</b>	
	Labour Code, art. 943 (3)	Women	286	123	9	50	3	-	39	163	<b>484</b>
		Men	176	76	7	26	4	1	20	100	<b>480</b>
	Labour Code, art. 943 (4)	Women	72	31	5	10	1	-	9	41	<b>483</b>
		Men	69	34	4	12	6	-	7	35	<b>376</b>
Discrimination, employment (Labour Code, art. 113)		98	55	5	23	3	1	15	43	<b>285</b>	
District courts											
Compensation — violation of principles of equal treatment, employment (Labour Code, art. 183d)	Women	40	19	2	8	3	-	1	21	<b>403</b>	
	Men	36	21	8	2	-	-	-	15	<b>261</b>	
Compensation — sexual harassment (Labour Code, art. 183a (6) read together with 183d)	Women	3	-	-	-	-	-	-	3	<b>X</b>	
	Men	1	-	-	-	-	-	-	1	<b>X</b>	
Damages — psychological harassment	Labour Code, art. 943 (2)	.	.	.	.	.	.	.	.	<b>X</b>	
		Men	.	.	.	.	.	.	.	<b>X</b>	
	Labour Code, art. 943 (3)	Women	60	29	3	10	4	-	1	31	<b>390</b>
		Men	34	19	1	3	4	-	-	15	<b>288</b>
	Labour Code, art. 943 (4)	Women	20	9	-	3	2	-	1	11	<b>446</b>
		Men	17	9	-	1	1	-	-	8	<b>324</b>
Discrimination, employment (Labour Code, art. 113)		14	8	1	3	1	-	-	6	<b>274</b>	

		<i>District courts</i>									
		<i>Cases pending</i>	<i>Concluded</i>	<i>Of which</i>					<i>Postponed for a consecutive period</i>	<i>Total duration (days)</i>	
				<i>Fully or partially processed</i>	<i>Refused</i>	<i>Referred</i>	<i>Rejected</i>	<i>Set aside</i>			
Compensation — violation of principles of equal treatment, employment (Labour Code, art. 183d)	Women	584	382	25	69	5	1	209	202	<b>193</b>	
	Men	328	182	19	49	3	1	43	146	<b>293</b>	
Compensation — sexual harassment (Labour Code, art. 183a (6) read together with 183d)	Women	8	5	1	1	-	-	-	3	<b>219</b>	
	Men	2	1	-	-	-	-	-	1	<b>365</b>	
Damages — psychological harassment	Labour Code, art. 943 (2)	Women	.	.	.	.	.	.	.	<b>X</b>	
		Men	.	.	.	.	.	.	.	<b>X</b>	
	Labour Code, art. 943 (3)	Women	296	124	20	49	5	-	25	172	<b>506</b>
		Men	181	91	11	26	6	-	33	90	<b>361</b>
	Labour Code, art. 943 (4)	Women	68	32	8	10	2	-	9	36	<b>411</b>
		Men	65	45	2	12	8	1	14	20	<b>162</b>
Discrimination, employment (Labour Code, art. 113)		79	4 747	7	21	2	-	12	32	<b>249</b>	
<i>District courts</i>											
Compensation — violation of principles of equal treatment, employment (Labour Code, art. 183d)	Women	36	17	1	9	1	-	2	19	<b>408</b>	
	Men	29	13	2	6	-	-	4	16	<b>449</b>	
Compensation — sexual harassment (Labour Code, art. 183a (6) read together with 183d)	Women	6	2	1	-	1	-	-	4	<b>730</b>	
	Men	1	-	-	-	-	-	-	1	<b>X</b>	
Damages — psychological harassment	Labour Code, art. 943 (2)	Women	.	.	.	.	.	.	.	<b>X</b>	
		Men	.	.	.	.	.	.	.	<b>X</b>	
	Labour Code, art. 943 (3)	Women	56	20	3	6	5	-	1	36	<b>657</b>
		Men	32	13	1	3	2	-	2	19	<b>533</b>
	Labour Code, art. 943 (4)	Women	21	6	-	2	1	-	1	15	<b>913</b>
		Men	17	6	1	3	-	-	1	11	<b>669</b>
Discrimination, employment (Labour Code, art. 113)		12	5	12	3	1	-	-	7	<b>511</b>	

2015

		<i>District courts</i>									
		<i>Cases pending</i>	<i>Concluded</i>	<i>Of which</i>					<i>Postponed for a consecutive period</i>	<i>Total duration (days)</i>	
				<i>Fully or partially processed</i>	<i>Refused</i>	<i>Referred</i>	<i>Rejected</i>	<i>Set aside</i>			
Compensation — violation of principles of equal treatment, employment (Labour Code, art. 183d)	Women	317	185	28	58	3	0	74	132	<b>260</b>	
	Men	300	151	18	63	4	0	22	149	<b>360</b>	
Compensation — sexual harassment (Labour Code, art. 183a (6) read together with 183d)	Women	9	4	0	1	0	1	1	5	<b>456</b>	
	Men	2	1	1	0	0	0	0	1	<b>365</b>	
Labour Code, art. 943 (2)	Women	.	.	.	.	.	.	.	.	<b>X</b>	
	Men	.	.	.	.	.	.	.	.	<b>X</b>	
Damages — psychological harassment Labour Code, art. 943 (3)	Women	293	115	13	53	8	0	30	178	<b>565</b>	
	Men	167	72	7	33	2	0	18	95	<b>482</b>	
Labour Code, art. 943 (4)	Women	55	26	5	10	1	0	5	29	<b>407</b>	
	Men	44	28	3	9	4	0	5	16	<b>209</b>	
Discrimination, employment (Labour Code, art. 113)		72	25	2	13	2	0	3	47	<b>686</b>	
District courts											
Compensation — violation of principles of equal treatment, employment (Labour Code, art. 183d)	Women	26	16	3	5	0	0	5	10	<b>228</b>	
	Men	31	10	1	5	1	0	2	21	<b>767</b>	
Compensation — sexual harassment (Labour Code, art. 183a (6) read together with 183d)	Women	7	2	1	0	0	0	0	5	<b>913</b>	
	Men	1	1	0	0	0	0	1	0	<b>X</b>	
Labour Code, art. 943 (2)	Women	.	.	.	.	.	.	.	.	<b>X</b>	
	Men	.	.	.	.	.	.	.	.	<b>X</b>	
Damages — psychological harassment Labour Code, art. 943 (3)	Women	60	23	2	12	1	0	2	37	<b>587</b>	
	Men	35	15	1	2	2	0	4	20	<b>487</b>	
Labour Code, art. 943 (4)	Women	21	12	1	5	0	1	2	9	<b>274</b>	
	Men	16	7	2	2	1	0	0	9	<b>469</b>	
Discrimination, employment (Labour Code, art. 113)		11	6	1	1	0	0	3	5	<b>304</b>	

**Cf. 10****Monitoring by the National Labour Inspectorate — salary payments**

	Checks leading to measures ordered	Amounts ordered in decisions (millions of zł)		Requests	Orders	Number of employers concerned (decisions, requests, orders)	Number of employees concerned		
		Decisions					Decisions	Requests	Orders
2013	18 555	10 579	196.1	28 846	2 323	16 572	120 773	323 633	23 041
2014	17 362	8 105	171.4	26 780	2 607	15 596	95 380	230 461	13 597
2015	16 207	7 274	125.2	24 281	3 064	14 681	65 341	297 741	18 426

**Cf. 11****Average basic monthly salary of civil servants, 2015, zł**

	Men	Women
Senior management	8 394	7 986
Middle management	5 996	6 401
Coordinators	4 774	4 472
Independent positions	3 696	3 413
Specialists	2 941	2 761
Support services	2 456	2 232
Foreign affairs	5 372	5 186
<b>Civil service, total</b>	<b>3 451</b>	<b>3 024</b>

**Senior management, 2015, zł**

	Men	Women
Director-General	10 758	10 282
Directors of departments	8 687	8 356
Directors of sub-departments	7 875	7 517
<b>Senior management, total</b>	<b>8 394</b>	<b>7 986</b>

**Cf. 12****Activities of National Labour Inspectorate**

	2011	2012	2013	2014	2015
Checks	90 609	89 949	89 760	90 108	88 309
Decisions on health and safety, of which:	304 122	310 069	314 464	318 323	302 727
— Work stopped	7 723	8 089	7 903	8 284	7 633
— Use of machines stopped	7 557	7 983	9 039	9 837	9 301
— Seconded to other work	4 462	4 296	4 348	4 596	4 384



	2011	2012	2013	2014	2015
Decisions ordering cessation of work	32	24	18	16	16
Decisions ordering payment of benefits	8 149	10 063	10 579	8 105	7 274
Conclusions where action taken	316 444	310 768	289 690	283 695	270 327
Orders	2 748	9 189	9 675	11 185	11 947
Offences noted	83 692	88 616	88 604	91 795	86 815
Fines	18 574	18 906	18 954	19 514	18 299
Requests to legal system	3 596	3 843	3 767	3 340	3 097
Awareness-raising measures	13 469	15 261	16 115	16 852	16 288
Notifications to prosecutor's office of suspected offence	1 087	987	776	626	512

### Employment in violation of provisions concerning uninterrupted daily rest period of at least 11 hours

	Checks leading to measures ordered	Requests	Orders	Number of employers concerned by requests, orders	Number of employees concerned by	
					Requests	Orders
2011	1 418	1 418	1	1 307	15 424	1
2012	1 440	1 468	4	1 367	16 099	645
2013	1 244	1 274	0	1 175	9 324	0
2014	1 233	1 254	3	1 172	8 439	14
2015	1 273	1 296	3	1 211	10 436	27

### Employment in violation of provisions concerning uninterrupted weekly rest period of at least 35 hours

	Checks leading to measures ordered	Requests	Orders	Number of employers concerned by requests, orders	Number of employees concerned by	
					Requests	Orders
2011	820	829	0	800	6 346	0
2012	874	883	0	852	13 434	0
2013	778	785	1	754	9 028	11
2014	696	703	1	658	3 634	12
2015	714	722	0	692	7 329	0

### Non-payment or reduction of pay for overtime worked and/or of additional pay for overtime worked

	Checks leading to measures ordered	Decisions	Amounts ordered in decisions (zł)	Requests	Orders	Number of employers concerned by requests, orders	Number of employees concerned by		
							Decisions	Requests	Orders
2011	3 859	464	1 686 926.07	4 840	56	3 710	3 570	57 070	308
2012	3 796	445	2 268 142.31	4 627	252	3 638	5 529	38 957	982
2013	3 420	393	1 434 111.68	3 955	254	3 265	2 733	38 197	1 489

	Checks leading to measures ordered	Decisions	Amounts ordered in decisions (zł)	Requests	Orders	Number of employers concerned by requests, orders	Number of employees concerned by		
							Decisions	Requests	Orders
2014	3 647	426	2 081 171.82	4 081	342	3 477	3 946	33 811	1 633
2015	3 821	403	869 761.10	4 182	473	3 673	1 776	74 581	2 938

## Cf. 14

### Action taken by police

#### Offences

	2013		2014		2015	
	Recorded	Detected	Recorded	Detected	Recorded	Detected
Act on Settlement of Collective Labour Disputes	2	2	0	0	0	0
Trade Union Act	12	11	5	5	4	3

#### Procedures

	2013			2014			2015		
	Opened	Concluded	Indictment	Opened	Concluded	Indictment	Opened	Concluded	Indictment
Act on Settlement of Collective Labour Disputes	11	14	2	3	3	0	9	5	0
Trade Union Act	33	47	6	50	46	3	47	50	1

#### Final rulings

	2012	2013	2014
Act on Settlement of Collective Labour Disputes	0	0	3
Trade Union Act	3	0	0

	Guilty	Total	Separate fine			Deprivation of liberty		Custodial sentence			Fine plus custodial sentence		Punitive measures (all)	
			Suspended	Amount		Total	Suspended	Total	Not suspended	Suspended 25 years' imprisonment	Life imprisonment	Total	Suspended	Total persons
				2,001 - 5,000 zł	More than 5,000 zł									
2012														
Trade Union Act	3	3	0	1	2	0	0	0	0	0	0	0	0	0
Act on Settlement of Collective Labour Disputes	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	<i>Separate fine</i>		<i>Deprivation of liberty</i>		<i>Custodial sentence</i>			<i>Fine plus custodial sentence</i>		<i>Punitive measures (all)</i>				
	<i>Guilty</i>	<i>Total</i>	<i>Amount</i>			<i>Total</i>	<i>Suspended</i>	<i>Total</i>	<i>Not suspended</i>	<i>Suspended 25 years' imprisonment</i>	<i>Life imprisonment</i>	<i>Total</i>	<i>Suspended</i>	<i>Total persons</i>
			<i>Suspended</i>	<i>2,001 - 5,000 zł</i>	<i>More than 5,000 zł</i>									
2013														
Trade Union Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Act on Settlement of Collective Labour Disputes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2014														
Trade Union Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Act on Settlement of Collective Labour Disputes	3	3	0	3	0	0	0	0	0	0	0	0	0	0

## Cf. 18

### State food aid

#### Persons covered

2013	1 873 801
2014	1 756 483
2015	1 677 594

	<i>Children under 7 years</i>	<i>Of which living in countryside</i>	<i>Students up to end of secondary school</i>	<i>Of which living in countryside</i>
2013	322 679	159 553	684 149	413 027
2014	302 238	152 526	636 792	387 099
2015	286 074	142 290	622 590	377 281

#### Meals provided

	<i>School pupils</i>	<i>Of which living in countryside</i>	<i>Cost of meals, zł</i>
2013	62 416	35 882	21 648 185
2014	48 365	27 434	14 294 734
2015	49 871	28 483	17 283 689

**Cost of meals provided**

	<i>Children under 7 years</i>	<i>Of which living in countryside</i>	<i>Students up to end of secondary school</i>	<i>Of which living in countryside</i>
2013	191 449	76 850	279 609	132 990
2014	183 309	75 483	277 858	136 221
2015	172 151	69 049	279 932	135 804

**Meals provided**

	<i>Children</i>	<i>Of which living in countryside</i>
2013	756 697	460 532
2014	700 166	428 522
2015	676 105	416 185