



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

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

#### I. General information

1. Please provide information on measures taken to ensure that the Covenant rights are fully justiciable in the domestic legal order and that effective remedies are available to victims of violations of economic, social and cultural rights. Please provide information on cases in which the Covenant has been invoked in, or applied by, courts.
2. 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.
3. Please indicate whether the State party plans to adopt the Optional Protocol to the Covenant.

#### II. Issues relating to general provisions of the Covenant (arts. 1-5)

##### Article 2 (1) — Maximum available resources

4. Please provide information on the budget allocated to social sectors and on the implementation of the budget during the past five years, in particular in the areas of employment, social security, housing, health and education, indicating the percentage of each budget in terms of the national budget and gross domestic product.

##### Article 2 (2) — Non-discrimination

5. Please clarify whether the Equal Treatment Act has been amended to ensure comprehensive protection against discrimination on all the grounds prohibited under the Covenant, including colour, social origin, sexual orientation and gender identity, and in

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\* Adopted by the pre-sessional working group at its fifty-seventh session (7-11 March 2016).



such areas as employment, education and health care. Please also provide data on cases of discrimination in relation to the enjoyment of economic, social and cultural rights examined by domestic courts, and their outcome.

6. Please provide information on the impact of measures taken, including in the framework of the Programme for the integration of the Roma community in Poland for the period 2014-2020, to combat the prejudice and discrimination faced by persons belonging to the Roma ethnic minority, particularly in the fields of employment, housing, health care and education.

### **Article 3 — Equal rights of men and women**

7. Please provide information on the impact of the 2013-2016 National Programme of Activities for Equal Treatment on achieving equality between men and women, including disaggregated statistical data. Please provide information on the representation of women, including from disadvantaged and marginalized groups, in political and public life, including in parliament, municipal and regional councils, and executive authorities at different levels.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 — Right to work**

8. Please indicate the measures taken, and the impact thereof (a) to combat unemployment among disadvantaged and marginalized groups, in particular among Roma and youth, and to reduce long-term unemployment; (b) to improve access to employment, including for women, persons with disabilities, older persons and other disadvantaged and marginalized groups and individuals. Please also provide information on the impact of services or programmes aimed at assisting the most disadvantaged job seekers, such as the long-term unemployed, in their job-seeking activities.

9. Please report on measures taken (a) to reduce the use of temporary/fixed-term employment and to generate decent work opportunities; (b) to limit the use of civil law contracts and reduce the labour protection gaps in respect of workers employed under such contracts.

### **Article 7 — Right to just and favourable conditions of work**

10. Please provide information on the levels of the minimum wage, including on the existing mechanism for setting it, and on the subsistence minimum over the past five years. Please report on the outcome of the legislative initiatives calling for the amendment of the Minimum Wage Act with a view to permanently fixing the minimum wage at 50 per cent of the national average wage. Please also provide information on the evolving situation of wage arrears and on measures taken to address effectively the practices of non-payment or partial payment of wages.

11. Please provide updated information on the extent of the gender wage gap and on the impact of measures taken to address it, including gender-based differences in the payment of bonuses and allowances in the public service. Please elaborate on steps taken to give effect to the principle of equal pay for work of equal value and to strengthen the capacity of

labour inspectorates with regard to monitoring wage differentials, and provide examples of cases of pay discrimination examined by the courts.

12. Please provide information on measures taken to ensure the effective application of labour legislation protecting the rights of employees to just and favourable conditions of work, particularly with regard to reports of long working hours and unpaid overtime work in the private sector, and provide annual statistical data since 2010, on inspections carried out in the area of labour and safety at work by the National Labour Inspectorate, and their outcome.

13. Please report on measures taken to tackle informal work 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. Please also provide information on legislation explicitly prohibiting forced labour and exploitation.

### **Article 8 — Trade union rights**

14. Please provide information on measures taken to guarantee that trade union leaders and members do not face harassment or wrongful dismissal for their trade union activities, including information on judicial and other remedies available for such violations. Please also clarify whether legislation has been amended to give effect to the judgment of 2 June 2015 of the Constitutional Tribunal recognizing the right of persons employed under civil law contracts to accede to and establish labour unions.

### **Article 9 — Right to social security**

15. Please provide information on progress made towards a unified pension system. Please provide clarification on the rationale for the difference in the size of pensions paid to persons under different schemes. Please describe efforts to ensure that pensioners under all schemes are guaranteed an adequate standard of living for themselves and their families, including clarification on how pensions are indexed and revised.

16. Please clarify whether the income criterion used in granting social assistance is higher than the minimum subsistence level for most families. Please also indicate the measures taken to ensure effective identification and monitoring of those in need of social assistance, including homeless persons, by social welfare centres.

### **Article 11 — Right to an adequate standard of living**

17. Please provide information on efforts made to ensure that all persons have access to adequate and affordable housing, and that social housing availability is commensurate with the needs identified. What policies and strategies are in place to tackle homelessness, including among children, and to provide durable solutions? Please also provide information regarding reports of forced eviction and threats of forced eviction of Roma families in Wroclaw, including whether such evictions take into account the requirements of the Committee's general comment No. 7 (1997) on the right to adequate housing: forced evictions.

18. Please provide 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. Please also outline the steps taken to tackle child malnutrition and to ensure that everyone has access to adequate food supplies.

## **Article 12 — Right to physical and mental health**

19. Please provide information on the privatization of health care and its impact on the enjoyment of the right to health. Please clarify whether the public health insurance system guarantees access to all basic medical services. Please indicate the measures in place to ensure access to affordable health care for all and to improve access to, and the quality of, primary care. Please also outline any measures taken to provide adequate access to geriatric care.

20. Please outline the steps taken, and the impact thereof, to further reduce (a) mortality due to cardiovascular diseases; (b) the prevalence of diabetes; and (c) tobacco smoking. Please also report on measures taken to address the overweight rate and the increase in obesity rates, and on the effectiveness of those measures.

21. Please indicate whether a systematic mechanism of timely referral to an alternative doctor is in place for women who have been refused abortion by medical practitioners on the basis of conscientious objection.

22. Please outline the measures taken to increase access to basic services in the area of sexual and reproductive health, including by making contraceptives available at affordable prices. Please also provide further information on age-appropriate sexual and reproductive health education programmes.

23. Please provide information on the outcome of the 2011-2016 National Drug Addiction Programme and on further measures taken to increase access to opioid substitution treatment for drug dependence, including for drug users held in detention.

24. Please report on HIV prevention measures, including harm reduction policies and programmes, and their impact.

## **Articles 13 and 14 — Right to education**

25. Please report on measures taken (a) to address the disproportionate enrolment of Roma children in special schools and ensure their access to preschool facilities, in particular in rural areas; (b) to prevent and combat the high dropout rate from primary schools for Roma children and promote school attendance and retention at all education levels; and (c) to improve completion rates of secondary and post-secondary education by Roma children. Please also describe the steps taken to improve access to education for asylum-seeking children.

26. In the light of the Committee's previous recommendations (see E/C.12/POL/CO/5, para. 33) and the information provided by the State party on the grant programme for students of Roma origin (see E/C.12/POL/6, para. 289), please indicate the measures taken to facilitate access to higher education for students from marginalized communities.

## **Article 15 — Cultural rights**

27. Please provide information as to what extent the implementation of the 2005 Act on National and Ethnic Minorities and Regional Language has protected cultural diversity and promoted awareness of the cultural heritage of national and ethnic minorities in the State party, including of "numerically small minorities".

28. Please describe the measures taken by the State party to ensure affordable access to the Internet for the entire population, in particular disadvantaged and marginalized individuals and groups.