



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues prior to submission of the combined fifth and sixth periodic reports of Poland\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 30 October 2019. The replies should take into consideration the Committee's previous recommendations (see CRC/C/POL/CO/3-4) adopted in 2015. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

(b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

#### II. Rights under the Convention and its Optional Protocols

##### A. General measures of implementation (arts. 4, 42 and 44 (6))

###### Legislation

3. Please inform the Committee about how a child-rights impact assessment procedure for all new legislation adopted at the national and subnational levels is applied. Please describe the results of any such impact assessments, either before or after adoption, regarding legislation such as the Act on the Family Support and Foster Care System and the Act on Foreigners.

###### Reservations

4. Please provide information on any steps to withdraw the interpretative declarations to articles 12 to 16 and 24 of the Convention, which have the effect of a reservation.

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\* Adopted by the pre-sessional working group on 12 October 2018.



**Comprehensive policy and strategy**

5. Please provide information on the measures taken to develop a comprehensive policy and strategy covering all areas of children's rights under the Convention. Please also provide information on the mechanism for monitoring and evaluation of such a policy and strategy, as well as its main findings.

**Coordination**

6. Please inform the Committee about the measures taken to establish an institutional mechanism at a high interministerial level to coordinate activities relating to the implementation of the Convention in the State party at cross-sectoral, national, regional and local levels. Please provide information on the role, composition, mandate and resources of this coordination mechanism. Please also provide information on the activities of the Ministry of Family, Labour and Social Policy, which, in 2014, took over responsibilities related to the implementation of children's rights from the Ministry of National Education.

**Resource allocation**

7. Please indicate the measures taken to establish a system aimed at identifying budget allocations and expenditure on children by specific ministries so as to guarantee an objective assessment of the adequacy and effectiveness of public expenditure on children. Please also provide information on the mechanisms in place to ensure a transparent and participatory budgeting process, particularly involving children.

**Data collection**

8. Please inform the Committee about the efforts made to improve data collection to ensure that it covers all areas of the Convention. In particular, please provide information on the concrete measures taken to develop an integrated system for examining the situation of children in the State party through a comprehensive analysis of the data that are currently collected by the different entities, which use different methodologies. Please also provide information on the measures taken to improve the collection and analysis of data on children under the age of 5 and children in contact with the justice system, including child victims and witnesses.

**Dissemination and awareness-raising**

9. Please provide information on the awareness-raising programmes, including campaigns and education programmes, among children in marginalized situations, especially Roma children, and systematic training to relevant professional groups on the provisions of the Convention, its Optional Protocols and the Committee's concluding observations in 2015.

**B. General principles (arts. 2, 3, 6 and 12)****Non-discrimination**

10. Please provide information on the measures taken to prohibit discrimination against children on all grounds and in all aspects of life, including multiple and intersectional discrimination. Please also provide information on the measures taken to address:

(a) The discrimination and hate crimes against children belonging to ethnic, religious, linguistic and minority groups, including those of Roma, Arab, Asian and African descent, Muslims, Jews, refugee, asylum-seeking and migrant children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(b) The increased incidence of racial violence and abuse, including hate speech, xenophobia and homophobia.

**Best interests of the child**

11. Please inform the Committee about the measures taken to ensure that the best interests of the child are a primary consideration when drafting, adopting and reviewing legislation and policies that have an impact on the enjoyment of children's rights. Please provide information on the development and dissemination to all relevant professionals of policies, procedures, criteria and guidance to determine and consistently apply the best interests of the child as a primary consideration in programmes, and administrative and judicial proceedings concerning children, in particular regarding education, disability, alternative care, juvenile justice, migration and asylum.

**Respect for the views of the child**

12. Please provide information about the rules and procedures adopted by the judicial and administrative authorities to guarantee the right of the child to be heard in any decision affecting her or him, including in civil and criminal courts, migration and asylum-seeking processes and institutionalization. Please inform the Committee about the measures in place to guarantee the right to be heard, particularly with regard to children in institutions and foster care. Please also inform the Committee of whether all relevant professionals, particularly teachers and child rights representatives, are provided with training on the right of the child to be heard, and the measures taken to promote and enhance the participation of children at school.

**C. Civil rights and freedoms (arts. 7, 8 and 13–17)****Nationality**

13. Please provide information on the measures taken to grant Polish citizenship to stateless children. Please indicate the steps taken to address the problem of children with undetermined nationality following the results of the census conducted in 2014, which revealed that over 8,000 foreigners with undetermined nationality, including children, resided in the State party.

**Right to identity**

14. Please inform the Committee about the measures taken to prevent the use of baby boxes that allow for the anonymous abandonment of children, and to introduce the possibility of confidential hospital births, as a measure of last resort, while retaining information about the child's origins. In the light of the withdrawal, in 2013, of the reservation under article 7 of the Convention, please inform the Committee about the measures taken to ensure the child's access to information about his or her origins.

**Freedom of thought, conscience and religion**

15. Please inform the Committee about the measures taken to ensure that children belonging to religious minorities are not compelled to attend classes that are not of their own religion in schools. Please provide information on the steps taken to raise awareness among parents and students on the procedure to request the introduction of classes in accordance with their religious affiliations, as provided under the Act on the Education System.

**Freedom of expression, association and peaceful assembly**

16. Please provide information about the measures taken to promote the rights of the child to the freedoms of expression, association and peaceful assembly.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)****Corporal punishment**

17. Please provide information on the efforts taken to end the practice of corporal punishment in all settings, including at home, in schools, youth centres and alternative care facilities, and to promote positive, non-violent and participatory forms of child-rearing and discipline, including awareness-raising and education programmes for parents, teachers and care professionals. Please also provide information on the specific training programmes for teachers and staff of childcare facilities to respect children's rights, and regarding the adverse consequences of corporal punishment on children.

**Freedom of the child from all forms of violence**

18. Please inform the Committee on the measures taken to:

(a) Develop and adopt a comprehensive policy to prevent and protect children from all forms of violence, and to provide support to child victims;

(b) Investigate allegations of ill-treatment of children in police emergency youth centres, youth shelters, reform schools or any other facility for children;

(c) Review the complaint mechanisms to ensure that child victims of violence, including those deprived of their liberty, have access to safe, confidential and child-friendly mechanisms to report abuse.

**Sexual exploitation and abuse**

19. Please provide information about:

(a) The investigation, prosecution and sanction of cases of sexual abuse by clergy, including information on the statute of limitation; and to ensure that child victims are provided with redress, including compensation and rehabilitation; and the steps taken to protect children from sexual abuse by clergy;

(b) The steps taken to ensure that persons convicted of sexual abuse of children are excluded from having contact with children in their professional capacity;

(c) The measures taken to establish child-friendly reporting mechanisms to report instances of sexual exploitation and abuse;

(d) The measures taken to protect children from online sexual exploitation and abuse;

(e) Existing support services for children who are victims of sexual exploitation and abuse.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))****Family environment**

20. Please provide information on the measures taken to ensure that, if it is in their best interests, children have contact with both parents after divorce or separation. Please provide information about the procedure in family and guardianship cases. Please also provide information on the research undertaken on children left behind by parents migrating for work and any strategy developed in this regard.

**Children deprived of a family environment**

21. Please provide information on the progress made towards the deinstitutionalization of children, including children with disabilities, and the measures taken to:

(a) Ensure family placement for all children, including children under the age of 1;

(b) Adopt legal safeguards and clear criteria for determining whether a child should be placed in alternative care; and provide support to children leaving care, including those with disabilities, to enable them to reintegrate into society.

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

**Children with disabilities**

22. Please provide information on the measures taken to:

(a) Conduct a study to assess the effectiveness of laws and policies on the rights of children with disabilities;

(b) Reform the system of social assistance for children with disabilities and their families to improve coherence and coordination, and to avoid institutionalization;

(c) Ensure access to specialized health and rehabilitation services for children with disabilities;

(d) Ensure that children with disabilities have access to inclusive education and that the adequate human, material and technical resources are available;

(e) Facilitate full inclusion of children with disabilities in all areas of public life, including leisure, play and cultural activities, and community-based care.

**Health care and health services**

23. Please provide information on the measures taken to:

(a) Address the problem of depression, anxiety disorders and attempted suicide among children;

(b) Strengthen specialist treatment for children, particularly prophylactic work in the area of dental health care;

(c) Extend access to free health care to Roma children;

(d) Collect data on child nutrition, including undernutrition and obesity, and restrict advertising and marketing of junk, salty, sugary and fatty foods, and their availability to children.

**Adolescent health**

24. Please provide information on the measures taken to:

(a) Expand the scope of the compulsory Family Life Education course so that adolescents have access to comprehensive, age-appropriate education on sexual and reproductive health and rights, including information on family planning, contraceptives and the risks related to early pregnancies, as well as the prevention and treatment of sexually transmitted infections;

(b) Address the barriers that impede adolescent girls and boys from accessing sexual and reproductive health services, including modern contraceptives;

(c) Provide free and safe abortion services to girls, and guidance and information on the applicability of the legal conditions for accessing abortion services;

(d) Prevent substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug-dependence treatment and harm-reduction services.

**Environmental health**

25. Please provide information about the measures taken to reduce the pollution from extracting and burning coal, including from coal-fired power plants, and to increase awareness about the harm to children's health and the adverse impact on the climate.

**Standard of living**

26. Please provide an update on the measures taken to address child poverty and the social protection measures in place to address increased reports of homelessness among children.

**G. Education, leisure and cultural activities (arts. 28–31)****Education**

27. Please inform the Committee about the measures taken to:

(a) Address concerns following the institutional changes to the education system, which have led to large classes and children travelling long distances to school;

(b) Facilitate the participation and inclusion of Roma children in education at all levels, including preschool;

(c) Eliminate stigma and discrimination against children with HIV/AIDS and their segregation in education, particularly in preschool and compulsory education;

(d) Ensure that migrant, refugee and asylum-seeking children placed in detention centres have access to full-time education;

(e) Promote access to early childcare and education.

**Leisure and play**

28. Please provide information about the measures taken to promote the availability and accessibility of spaces for children to play, and the existence of policies to promote free play in schools, day-care centres and at home.

**H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)****Asylum-seeking and refugee children and children in situations of migration**

29. Please provide information on the measures taken to:

(a) Ensure that asylum seekers under the age of 18 and families with children are not placed in detention;

(b) Amend the Act on the Protection Granted to Foreigners in the Territory of Poland to ensure that all asylum-seeking children and their guardians are systematically provided with information on their rights and obligations, asylum procedures and available services;

(c) Provide free quality legal assistance to asylum-seeking children, particularly unaccompanied children; and facilitate the family reunification of asylum seekers and refugees by ensuring that administrative requirements are flexible and affordable;

(d) Address homelessness and housing insecurity faced by asylum-seeking and refugee families with children.

**Children belonging to minority groups**

30. Please provide information on the measures taken to ensure that Roma families with children living in informal settlements are not subjected to forced eviction. Please also provide information on the measures taken to remove barriers that hinder Roma children from accessing social services and social reintegration programmes.

**Trafficking**

31. Please provide information on the legal measures taken to ensure that child victims of trafficking are not criminalized, punished or detained for activities that they were

involved in as a consequence of being trafficked. Please inform the Committee on the steps taken to establish mechanisms for the identification and protection of child victims of trafficking and to strengthen the capacity of police officers, border guards, labour inspectors and social workers to identify child victims of trafficking.

#### **Administration of juvenile justice**

32. Please inform the Committee about any changes to the upper age limit of the juvenile justice system; and the measures taken to implement its previous recommendations, including:

(a) The enforcement of regulations governing the maximum length of detention of children in shelters; and the use of measures such as diversion, probation, counselling and community service;

(b) The prohibition of the practice of interviewing children in conflict with the law and requesting them to make statements and sign documents in the absence of a lawyer or guardian;

(c) The measures taken to ensure adequate legal representation of children in conflict with the law.

### **I. Optional Protocol on the sale of children, child prostitution and child pornography**

33. Please inform the Committee about the measures taken to implement its previous recommendations, including the efforts to:

(a) Provide a definition of “child prostitution” and “sale of children” in the penal law and ensure that children between the ages of 15 and 18 are explicitly protected from child pornography and child prostitution;

(b) Review legislation to ensure the protection of child victims of sexual exploitation, including by shifting the burden of proof onto the alleged perpetrators;

(c) Strengthen the provision of free legal aid and psychological, medical and social support for child victims of offences prohibited under the Optional Protocol;

(d) Undertake research on the extent and root causes of sexual exploitation of children in travel and tourism to identify children at risk and assess the extent of the problem;

(e) Include provisions for the liability of legal persons in the Penal Code and to ensure the legal accountability of business enterprises operating in or managed from the State party, especially in the tourism industry.

### **J. Optional Protocol on the involvement of children in armed conflict**

34. Please inform the Committee about the measures taken to implement its previous recommendations, including on progress made to:

(a) Criminalize the recruitment and involvement of children in hostilities by the armed forces and non-State armed groups;

(b) Establish a mechanism for the early identification of children, including asylum-seeking and refugee children, who may have been involved in armed conflict abroad, and to provide physical and psychological recovery, and social integration services.

### **III. Statistical information and data**

35. Statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous report. The data should be

disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status.

36. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

**A. General measures of implementation (arts. 4, 42 and 44 (6))**

37. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the proportion of each budget line in terms of the total national budget.

**B. Definition of the child (art. 1)**

38. Please provide data, disaggregated as described in paragraph 35 above, on the number and proportion of children under 18 years of age living in the State party, and the number of girls and boys under 18 who are married.

**C. General principles (arts. 2, 3, 6 and 12)**

39. Please provide data, disaggregated as described in paragraph 35 above, on the number of cases affecting children and prosecutions brought before the courts under legislation governing non-discrimination, including racial discrimination and hate crimes, and the sanctions issued to perpetrators.

40. Please provide data, disaggregated as described in paragraph 35 above, on the number of children who attempted or committed suicide.

**D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

41. Please provide data, disaggregated as described in paragraph 35 above, on the number of stateless children and children of undetermined nationality.

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

42. Please provide data, disaggregated as described in paragraph 35 above, on:

(a) The number of cases of violence against children, including corporal punishment, reported to the authorities, investigated and prosecuted, and the sanctions issued to perpetrators, disaggregated by type of offence; and

(b) The number and type of protective measures provided to child victims of violence.

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

43. Please provide data, disaggregated as described in paragraph 35 above, on the number and proportion of families with children receiving economic and other types of support services.

44. Please provide data, disaggregated as described in paragraph 35 above, on:

(a) The number of children left in baby boxes and children abandoned in hospitals after birth;

(b) The number of children in institutional care and average days of stay;



- (c) The number of children in family- and community-based care.

**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

45. Please provide data, disaggregated as described in paragraph 35 above, and by type of disability, on:

- (a) The number of children with disabilities;
- (b) The number of children with disabilities living with their families;
- (c) The number of children with disabilities living in family- and community-based care;
- (d) The number of children with disabilities in inclusive education and in separate schools;
- (e) The number of reported cases of torture, inhuman or degrading treatment and neglect and sexual violence against children with disabilities placed in institutions, and the number of investigations and prosecutions carried out and sentences issued.

46. Please provide data, disaggregated as described in paragraph 35 above, on:

- (a) The number and rate of children with health insurance;
- (b) The number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by region.

47. Please provide data, disaggregated as described in paragraph 35 above, on:

- (a) The number of adolescent mothers;
- (b) The number of children with drug and alcohol abuse problems;
- (c) The number of sexual and reproductive health services available to adolescents, disaggregated by region.

48. Please provide data, disaggregated as described in paragraph 35 above, on the number and proportion of children living below the poverty line and in extreme poverty.

**H. Education, leisure and cultural activities (arts. 28–31)**

49. Please provide data, disaggregated as described in paragraph 35 above, in respect of:

- (a) The number of children in public and private schools, including religious schools;
- (b) The number and proportion of children not attending compulsory education and children aged between 16 and 18 years not attending school;
- (c) The number and proportion of children dropping out of school;
- (d) The number of children in special schools and in special classes in regular schools;
- (e) The number and proportion of children attending early childhood care and education and the average years of attendance.

**I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

50. Please provide data, disaggregated as described in paragraph 35 above, as well as by country of origin, and accompanied or unaccompanied status, on:

- (a) The number of asylum-seeking and refugee children;

- (b) The number of children in situations of migration;
- (c) The number of unaccompanied asylum-seeking children not covered by child protection services;
- (d) The number of asylum-seeking and refugee children, and children in situations of migration detained;
- (e) The number of asylum-seeking and refugee children, and children in situations of migration with access to education, health care, housing and legal assistance.

51. Please provide data, disaggregated as described in paragraph 35 above, and by type of crime, on:

- (a) The number of reported cases and the number of child victims of trafficking;
- (b) The number of such children who have been provided with access to rehabilitation programmes;
- (c) The number and proportion of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

52. Please provide data, disaggregated as described in paragraph 35 above, and by type of crime, on:

- (a) The number of children in police cells, pretrial detention, including shelters, and prison, and their average stay;
- (b) The number of children referred to diversion and non-custodial sentencing options.

#### **J. Optional Protocol on the sale of children, child prostitution and child pornography**

53. Please provide data, disaggregated as described in paragraph 35 above, on:

- (a) The number of reported cases of the sale of children, child prostitution and child pornography;
- (b) The number of such cases that have been investigated, prosecuted and sanctioned;
- (c) The number of child victims of such crimes who have been provided with recovery assistance or compensation.

#### **K. Optional Protocol on the involvement of children in armed conflict**

54. Please provide data, disaggregated as described in paragraph 35 above, on:

- (a) The number of migrant, asylum-seeking and refugee children entering the State party from areas in which children may have been involved in armed conflict;
  - (b) The number of those children who benefit from physical and psychological recovery and social reintegration measures.
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