



# Economic and Social Council

Distr.: General  
24 October 2024

Original: English

## Committee on Economic, Social and Cultural Rights

### Concluding observations on the seventh periodic report of Poland\*

1. The Committee considered the seventh periodic report of Poland<sup>1</sup> at its 33rd and 34th meetings,<sup>2</sup> held on 10 and 11 September 2024, and adopted the present concluding observations at its 59th meeting, held on 27 September 2024.

#### A. Introduction

2. The Committee welcomes the submission by the State party of its seventh periodic report and the supplementary information provided in the replies to the list of issues.<sup>3</sup> The Committee expresses appreciation for the constructive dialogue that it held with the State party's delegation.

#### B. Positive aspects

3. The Committee welcomes the State party's adoption of the Act of 24 June 2021, which amends existing legislation on family benefits to improve the collection of alimony payments.

#### C. Principal subjects of concern and recommendations

##### Domestic application of the International Covenant on Economic, Social and Cultural Rights

4. The Committee notes the information provided by the State party regarding the full applicability of the International Covenant on Economic, Social and Cultural Rights by domestic courts. However, the Committee is concerned about the insufficient information provided on effective remedies in cases of violation of the rights enshrined in the Covenant. It is also concerned about a generally low level of awareness of the Covenant in the wider justice system and among the general public (art. 2 (1)).

5. The Committee recalls its general comment No. 9 (1998) on the domestic application of the Covenant and recommends that the State party:

(a) Facilitate access to effective remedies for victims of violations of the rights under the Covenant;

\* Adopted by the Committee at its seventy-sixth session (9–27 September 2024).

<sup>1</sup> E/C.12/POL/7.

<sup>2</sup> See E/C.12/2024/SR.33 and E/C.12/2024/SR.34.

<sup>3</sup> E/C.12/POL/RQ/7.



(b) **Enhance training for members of the judiciary, lawyers and public officials on the Covenant and the justiciability of the rights enshrined therein and raise awareness of the topic among the general public, in particular among rights holders.**

#### **National human rights institution**

6. The Committee is concerned about reports of political interference in the procedure for the appointment of the Commissioner for Human Rights, of campaigns aimed at undermining the reputation of the Office of the Commissioner for Human Rights and of lawsuits brought by public media entities and State officials against individuals working for the Office, which prevent the Office from fully discharging its mandate, including with regard to receiving and processing complaints from victims of alleged human rights violations (art. 2 (1)).

7. **The Committee recommends that the State party take all measures necessary to create an environment in which the Office of the Commissioner for Human Rights can discharge all its duties effectively and independently and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to guarantee the Office's independence.**

#### **Independence of the judiciary**

8. The Committee is concerned about reports that the State party's judicial system, including personnel matters regarding appointments, promotions, demotions and postings of judges and prosecutors, has been influenced by other branches of government.

9. **The Committee recommends that the State party:**

(a) **Safeguard, in law and in practice, the full independence and impartiality of judges and prosecutors and prevent them from being influenced in their decision-making by any undue political pressure, unwarranted disciplinary proceedings, threats or corruption;**

(b) **Ensure that procedures for the selection and appointment of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary.**

#### **Human rights defenders, journalists and lawyers working on human rights**

10. The Committee is concerned about reports that human rights defenders, journalists and lawyers working on human rights, including women human rights defenders, have been subjected to campaigns aimed at undermining their reputation, as well as harassment, intimidation and reprisals as a result of their work, including prosecution.

11. **The Committee recommends that the State party take all measures necessary to ensure an enabling environment for human rights defenders, including women human rights defenders, working on economic, social and cultural rights, including by reviewing relevant legislation to ensure that no aspect of such work is criminalized.**

#### **Civil society organizations**

12. The Committee is concerned about reports that the 2017 Act on the National Freedom Institute – Centre for Civil Society Development, which centralizes the distribution of funds for civil society organizations, including for those working specifically on economic, social and cultural rights, has reportedly been used to de facto punish certain civil society organizations deemed by the State party to be politically unreliable by reducing their funding and correspondingly increasing funding for civil society organizations deemed by the State party to be politically reliable. The Committee is also concerned about reports of access restrictions faced by civil society organizations providing humanitarian assistance to migrants and refugees in border areas of the State party.

13. **The Committee recalls its statement on human rights defenders and economic, social and cultural rights<sup>4</sup> and recommends that the State party:**

(a) **Review the 2017 Act on the National Freedom Institute – Centre for Civil Society Development to ensure that the allocation of funding to civil society organizations serves to advance, and not to obstruct, the fulfilment of economic, social and cultural rights;**

(b) **Allow civil society organizations to conduct their work, including to provide humanitarian aid to refugees and migrants, without undue hindrance.**

#### **Business and economic, social and cultural rights**

14. The Committee is concerned that the legal and regulatory framework regarding due diligence for business entities does not adequately encompass the activities of subcontractors, including foreign subcontractors (art. 2 (1)).

15. **The Committee recommends that the State party apply the legal and human rights due diligence responsibilities of business enterprises to the entire supply chain, including subcontractors, in particular in the agricultural, construction and manufacturing sectors. In this regard, the Committee recalls its general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.**

#### **Climate change mitigation**

16. While noting the information provided by the State party during the dialogue, the Committee is concerned that current emission-reducing policies may not be sufficient for the State party to meet its obligations under the Paris Agreement and that unsustainable practices, including continued heavy reliance on coal-fired power plants, have an adverse impact on climate change beyond the State party's borders (art. 2 (1)).

17. **The Committee recalls its statement on climate change and the Covenant<sup>5</sup> and recommends that the State party:**

(a) **Take enhanced measures to achieve its nationally determined contribution under the Paris Agreement, including by setting specific, legally binding, time-bound emission reduction targets and increasing taxation on emissions;**

(b) **Continue and accelerate its efforts to replace fossil fuels in its energy mix, including by increasing investment in renewable energy as an alternative.**

#### **Maximum available resources**

18. While noting the information provided by the State party during the dialogue regarding the security situation in the State party's immediate geographical vicinity, the Committee is concerned about the significant rise in recent years in the share of the public budget allocated to defence compared with the share allocated to social security, housing, healthcare and education. The Committee is also concerned that this rise may have an adverse impact on the State party's official development assistance to developing countries (art. 2 (1)).

19. **The Committee recommends that the State party undertake a human rights impact assessment of its macroeconomic and budgetary policies with a view to maximizing the resources available to achieve the full realization of economic, social and cultural rights, in particular for the most disadvantaged and marginalized groups. The Committee also recommends that the State party increase the share of its gross national income allocated to official development assistance to reach the United Nations target of 0.7 per cent. In this regard, the Committee recalls its statement on the pledge to leave no one behind.<sup>6</sup>**

<sup>4</sup> E/C.12/2016/2.

<sup>5</sup> E/C.12/2018/1.

<sup>6</sup> E/C.12/2019/1.

## Corruption

20. The Committee is concerned about reports that high-level corruption has risen in recent years. The Committee is also concerned about reports that the Central Anti-Corruption Bureau is not independent and has been instrumentalized by the State party to persecute political opponents, judges and public officials on spurious and selective grounds and that Bureau officials tasked with investigating and/or prosecuting corruption cases are subject to conflicts of interests or political pressure (art. 2 (1)).

21. **The Committee recommends that the State party:**

(a) **Promptly, independently and impartially investigate and prosecute all cases of corruption, in particular high-level corruption, including corruption in the Government and the judiciary, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;**

(b) **Ensure the independence, effectiveness, transparency and accountability of anti-corruption bodies, including by considering revising and strengthening existing legislation to that effect;**

(c) **Revise and supplement the legal framework and physical protection regimes to better protect whistle-blowers, investigators, journalists and private individuals, prevent undue harassment of those engaged in legitimate anti-corruption activities and ensure access to publicly held information.**

## Non-discrimination

22. While noting the information provided by the State party regarding the constitutional guarantee of non-discrimination on any ground, the Committee remains concerned about the absence of comprehensive anti-discrimination legislation, the fact that legislation on hate crimes and incitement to hatred does not specifically mention sexual orientation and/or gender identity and the lack of legal recognition of same-sex couples. The Committee is concerned about reports that the 2019 accessibility law is insufficiently enforced and that the “User-Friendly Poland – Accessibility Plus” programme (2018–2025) is insufficiently implemented, leading to discrimination against persons with disabilities in society. The Committee is also concerned about reports of discrimination against Roma, migrants and refugees and reports of the excessive use of force by law enforcement authorities against migrants and refugees crossing the border between Belarus and Poland (arts. 2 (2)).

23. **The Committee recalls its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights and recommends that the State party:**

(a) **Enact comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds of discrimination, including sexual orientation and/or gender identity;**

(b) **Enact legislation on civil-law partnerships with a view to ensuring that same-sex couples enjoy the same rights as heterosexual couples, including parental rights and legal recognition of their children;**

(c) **Conduct public education programmes on discriminatory norms and beliefs for the media and the general public, including comprehensive awareness-raising activities, to combat stigmatization based on sexual orientation and/or gender identity and the stigmatization of persons with disabilities, Roma, migrants and refugees;**

(d) **Review the legal framework and relevant guidelines related to the use of force by law enforcement authorities to ensure the economic, social and cultural rights of migrants and refugees, including those crossing the border between Belarus and Poland.**

### **Equal rights of men and women**

24. The Committee is concerned about the persistence of gender disparities, in particular the gender pay gap. The Committee is also concerned about women's representation in senior positions in the public and private sectors, which remains unsatisfactory (arts. 3 and 7).

**25. The Committee recalls its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights and recommends that the State party:**

(a) **Intensify its efforts to close the gender pay gap, including by addressing gender-based segregation in the labour market, reviewing its social and tax policies and addressing the factors that discourage women from continuing their careers or taking up full-time employment;**

(b) **Enhance women's participation in senior public and private positions, including by considering the introduction of quotas.**

### **Right to work**

26. While noting the continuous reduction in recent years in overall unemployment, the Committee is concerned about the relatively high rate of unemployment among women with basic education and persons with disabilities compared with the rate for the rest of the workforce (arts. 3 and 6).

**27. The Committee recalls its general comment No. 18 (2005) on the right to work and recommends that the State party increase its efforts to address the unemployment and underemployment of women with basic education and persons with disabilities, for example by implementing targeted public sector employment schemes, vocational training initiatives and partnerships with the private sector.**

### **Right to just and favourable conditions of work**

28. The Committee is concerned about reports of deficiencies in enforcing labour laws and decrees, for example non-payment of wages, wage arrears and non-payment of overtime work, including in the formal sector of the economy. The Committee is also concerned about reports that the resources dedicated to labour inspections are insufficient, including with regard to monitoring and inspections of the working and living conditions of migrant and seasonal workers. The Committee is further concerned about reports of sexual harassment at work (art. 7).

**29. The Committee recalls its general comment No. 23 (2016) on the right to just and favourable conditions of work and recommends that the State party:**

(a) **Ensure effective monitoring of the payment of wages and provide for appropriate and dissuasive sanctions in case of violations;**

(b) **Ensure that a wage guarantee institution and/or mechanism is in place to ensure payment of wages when such payment cannot be made by the employer owing to insolvency;**

(c) **Ensure that mechanisms of redress provide not only for the full payment of overdue wages but also for fair compensation for the losses incurred on account of delayed payment;**

(d) **Increase the number of labour inspectors and strengthen their available resources and capacities, while removing any legal or administrative barriers impeding oversight, including of migrant and seasonal workers' working conditions;**

(e) **Ensure seamless access to existing mechanisms for reporting abuse or exploitation, recognizing the challenges that some migrant workers face in accessing communication channels;**

(f) **Take measures to raise awareness and prevent sexual harassment among workers and employees.**

### Trade union rights

30. The Committee is concerned about reports of the insufficient enforcement of trade union laws and the fact that penalties for violations of the right to freedom of association, the right to collective bargaining and the right to strike are too lenient to deter violations. The Committee is also concerned about reports that administrative and judicial processes related to violations of trade union rights face long delays. The Committee is further concerned that the State party's domestic legal framework hinders its ratification of the Collective Bargaining Convention, 1981 (No. 154), and other relevant conventions of the International Labour Organization (ILO) (art. 8).

**31. The Committee recalls its joint statement with the Human Rights Committee on freedom of association, including the right to form and join trade unions,<sup>7</sup> and recommends that the State party:**

(a) **Take all measures necessary to ensure the enforcement of legislation related to anti-union discrimination;**

(b) **Increase the penalties for violating the right to freedom of association, the right to collective bargaining and the right to strike, including with a view to deterring such violations;**

(c) **Review its domestic legal framework to facilitate the ratification of the ILO Collective Bargaining Convention, 1981 (No. 154), Occupational Safety and Health Convention, 1981 (No. 155), Maternity Protection Convention, 2000 (No. 183), Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), Domestic Workers Convention, 2011 (No. 189), and Violence and Harassment Convention, 2019 (No. 190), as recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations.**

### Right to social security

32. The Committee is concerned that the long-term financial sustainability of the pension system is negatively affected by the lack of sufficient measures and policy changes to adjust to the low birth rate and the relatively rapid ageing of the population and that this, in turn, may negatively affect the enjoyment by pensioners of economic and social rights (art. 9).

**33. The Committee recommends that the State party ensure the financial sustainability of the public old-age pension system without negatively affecting the enjoyment by pensioners of their economic and social rights.**

34. The Committee is concerned about reports that the design of social security transfers is insufficiently redistributive in nature, resulting in high-income households receiving a disproportionately large share of public cash transfers compared with low- and middle-income households (art. 9).

**35. The Committee recommends that the State party review its policy on social security contributions and transfers to increase their redistributive impact. In this regard, the Committee recalls its general comment No. 19 (2007) on the right to social security.**

### Protection of the family and children

36. The Committee is concerned about reports that a number of gaps remain in the scope, coverage and enforcement of legislation on gender-based violence and domestic violence. The Committee is also concerned about reports that there is a widespread perception that domestic violence, including marital rape, and cyberviolence are private matters rather than criminal offences. The Committee is further concerned that women who pursue complaints through the courts have often been revictimized by intrusive and negative media attention, including in the public space through campaigns aimed at undermining their reputation, by intimidation by defendants and by drawn-out investigations (arts. 3 and 10).

<sup>7</sup> [E/C.12/66/5-CCPR/C/127/4](#).

37. **The Committee recommends that the State party:**

(a) **Strengthen its measures to combat gender-based violence, including by increasing efforts to systematically inform women about available avenues for reporting violence and seeking protection, assistance and redress;**

(b) **Enhance and expand existing training initiatives on women's rights and gender-based violence for all relevant stakeholders, including by enhancing and expanding mandatory training programmes, in particular those targeting national and local authorities, law enforcement personnel, judges and prosecutors;**

(c) **Intensify efforts to ensure prompt and effective investigations of cases of violence against women, including cyberviolence, the prosecution of perpetrators, the imposition of appropriate punishment upon conviction and the provision of accessible remedies and protective measures for victims.**

#### **Right to an adequate standard of living**

38. While noting a decrease in the percentage of the population living below the national poverty line in recent years, the Committee is concerned about the poverty rate for women, older persons, single parents and refugees, which remains relatively high. The Committee is also concerned about the persistence of large disparities in living standards among regions and between urban and rural areas and the insufficiency of efforts to increase living standards in less affluent areas (art. 11).

39. **The Committee recommends that the State party take all measures necessary to ensure continued consideration of the needs of persons and families on low incomes, including by increasing targeted social transfers to women, older persons, single parents and refugees living below the national poverty line. The Committee also recommends that the State party pay particular attention to shortfalls in funding for poverty reduction and to the differences in living standards that exist among regions, as well as between urban and rural areas, with a view to increasing standards of living in less affluent areas. In this regard, the Committee recalls its statement on poverty and the Covenant.<sup>8</sup>**

#### **Right to adequate housing**

40. While noting the challenges faced by the State party in accommodating hundreds of thousands of refugees, the Committee is concerned that inadequate implementation of the National Housing Programme is leading to a large number of households currently waiting for municipal housing. The Committee is also concerned about reports of a deficit of affordable homes and the fact that a significant percentage of the population lives in substandard or overcrowded conditions and that refugees in particular are at risk of exploitative practices by landlords, as well as at risk of homelessness (art. 11).

41. **The Committee recommends that the State party take immediate measures to address the housing situation, including by prioritizing funding for the construction of new and affordable housing units and renovating and modernizing substandard housing units. The Committee also recommends that the State party strengthen oversight and enforcement mechanisms to prevent exploitation by landlords and reduce the risk of homelessness, including for refugees. In this regard, the Committee refers to its general comment No. 4 (1991) on the right to adequate housing.**

#### **Climate change adaptation**

42. While noting the existence of national adaptation plans for climate change, the Committee is concerned about reports that the resources allocated for climate change adaptation measures are insufficient to adequately address the impact of climate change, such as floods, drought, wildfires and crop failures, on the enjoyment of economic, social and cultural rights.

<sup>8</sup> [E/C.12/2001/10](#).

43. **The Committee recommends that the State party strengthen its national climate change adaptation plan to address the adverse impacts of climate change on economic, social and cultural rights, with enhanced disaster management measures and adequate financial resources. In this regard, the Committee recalls its general comment No. 12 (1999) on the right to adequate food.**

#### **Right to physical and mental health**

44. The Committee is concerned about the highly restrictive legal framework for access to abortion, which subjects medical personnel, including doctors, and patients to criminal prosecution and results in unsafe abortions. The Committee is also concerned about reports of obstacles in access to legal abortion, such as complicated procedural requirements, a lack of clear guidelines for medical staff regarding what constitutes a threat to the mother's life and lack of access to abortion facilities in certain geographical areas (art. 12).

45. **The Committee recalls its general comment No. 22 (2016) on the right to sexual and reproductive health and recommends that the State party:**

(a) **Amend parts of the domestic legal and institutional framework to ensure that women and girls who undergo abortions and doctors or others who attend to them are not subject to criminal penalties;**

(b) **Thoroughly review and remove obstacles that de facto hinder access to legal abortion, such as procedural requirements and guidelines for medical staff, and expand access to safe abortion to the whole territory of the State party;**

(c) **Duly take into consideration the World Health Organization abortion care guideline.<sup>9</sup>**

46. While noting the information provided during the dialogue, the Committee is concerned about reports of inadequate services for mental healthcare, including for refugees who are victims of war and for women and children who are victims of domestic violence. The Committee is also concerned about the punitive approach to drug use and the insufficient availability of harm reduction programmes (art. 12).

47. **The Committee recalls its general comment No. 14 (2000) on the right to the highest attainable standard of health and recommends that the State party:**

(a) **Earmark funding to improve mental healthcare services, at both the preventive and the curative levels, including for refugees who are victims of war and for women and children who are victims of domestic violence;**

(b) **Review its drug policies and legislation to bring them into line with international human rights norms and best practice and improve the availability, accessibility and quality of harm reduction programmes.**

#### **Right to education**

48. The Committee is concerned about reports of shortages of teachers in the education system, including in large cities and of early childhood teachers, teachers of foreign languages and vocational teachers, and that these shortages are reportedly due to the fact that teachers' salaries are too low to attract and subsequently retain teachers (arts. 6, 13 and 14).

49. **The Committee recommends that the State party take all measures necessary to alleviate shortages of teachers, including by considering raising salaries for teachers and offering appropriate incentives for teachers to remain in their posts. In this regard, the Committee recalls its general comments No. 11 (1999) on plans of action for primary education and No. 13 (1999) on the right to education.**

#### **Academic freedom**

50. The Committee is concerned about reports that academic freedom at universities and research institutes has diminished in the State party in recent years as a result of political

<sup>9</sup> Geneva, 2022.



pressure and interference. The Committee is also concerned about reports of interference in or the exertion of influence over the teaching of topics deemed to be “sensitive” and overall funding and personnel-related matters, including with regard to the hiring, firing and promotion of staff members (arts. 13 and 14).

**51. The Committee recommends that the State party take all measures necessary to ensure the academic freedom and independence of universities and research institutes. This principle should be applied to the teaching of academic subjects that address cultural, gender-related and/or sexual orientation-related topics. The Committee recommends that the State party prevent the punitive practice of political interference with the funding of individual researchers and scholars.**

#### **Cultural rights**

52. While noting the efforts of the State party to implement the Programme for the Social and Civic Integration of the Roma in Poland for 2021–2030, the Committee is concerned about reports that Roma continue to encounter challenges and discrimination in maintaining their cultural practices (arts. 2 (2) and 15).

**53. The Committee recommends that the State party take all measures necessary to ensure that Roma can practise their culture unhindered. In this regard, the Committee recalls its general comment No. 21 (2009) on the right of everyone to take part in cultural life.**

#### **Cultural diversity**

54. The Committee is concerned about reports that hostile statements and actions against minorities and religious communities are frequently tolerated, and in some cases supported, by public and political figures.

**55. The Committee recommends that the State party take all measures necessary to promote intercultural dialogue and mutual understanding between the majority and the various minority groups, including religious communities, and to condemn all manifestations of intolerance and culturally and ethnically motivated hostility in political discourse and in the media (arts. 2 (2) and 15).**

### **D. Other recommendations**

56. The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**57. The Committee recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

58. The Committee also recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the coronavirus disease (COVID-19) pandemic, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action for sustainable development. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party’s attention to its statement on the pledge to leave no one behind.

59. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and municipal levels, in particular among public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to engage with the Office of the Commissioner for Human Rights, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

60. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations (31 October 2026), information on the implementation of the recommendations contained in paragraphs 23 (b) (non-discrimination), 45 (a) (right to physical and mental health) and 49 (right to education) above.

61. The Committee requests the State party to submit its eighth periodic report in accordance with article 16 of the Covenant by 31 October 2029, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties.<sup>10</sup>

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<sup>10</sup> [HRI/GEN/2/Rev.6](#), chap. I.