



Convention on the Rights of the Child

Distr.: General
14 September 2020
English
Original: French
English, French and Spanish only

Committee on the Rights of the Child

Combined fifth and sixth periodic reports submitted by Poland under article 44 of the Convention, due in 2020*

[Date received: 9 April 2020]

* The present document is being issued without formal editing.



1. Abbreviations

[Not applicable to English]

2. New developments with regard to laws and programmes

1. By reducing the financial burden associated with child-rearing, the “Family 500 Plus” programme (2016) encourages people to opt for large families. Investing in human capital is an equally important objective: children are better raised, fed and cared for. Until 30 June 2019, there was an entitlement to a non-means-tested child benefit of 500 zlotys (Zl) per month for second children and children under the age of 18 years. Entitlement to the benefit for a first child was subject to a maximum income per family member of Zl 800, or Zl 1,200 for a child with a disability. As from 1 July 2019, the benefit is paid regardless of income.
2. The “Good Start” programme (2018) provides for the annual payment of a back-to-school allowance of Zl 300. In 2018, this allowance was paid 4.4 million times.
3. The development of early childhood facilities is supported by the Act of 4 February 2011 on Childcare for Children under the Age of 3 Years and by the “Toddler Plus” programme for the development of facilities for children under the age of 3 years. The number of places in day-care centres and children’s clubs and with childminders has increased from 32,000 in 2011 to 145,900 in 2018. The proportion of children in childcare has increased from 4.4 per cent to 19.8 per cent.
4. Parents have been able to take one year’s paid parental leave since 2013.
5. Since 2016, a parental benefit of Zl 1,000 has been paid to parents who are not entitled to the maternity allowance.
6. The regular increase in the minimum wage and minimum hourly rate is beneficial to families, as is the ban on Sunday trading (2018), which allows families to enjoy a common day of rest.
7. Support for and inclusion of children with disabilities are among the Government’s priorities. In addition to the health-care, education, accessibility and mobility measures adopted in recent years, the “For Life” comprehensive family support programme has been in place since 2017.
8. Children with disabilities are educated in all types of school. Since the 2017/18 academic year, schools have been implementing educational and preventive programmes targeting students, teachers and parents, developed by identifying issues specific to a particular school.
9. Approximately 20 per cent of children suffer from various chronic diseases; the increased prevalence of lifestyle diseases is worrying. Infant mortality is low (4.0 per 1,000 live births in 2018, compared to 8.1 per 1,000 live births in 2000). The decrease results from improved health care, including the introduction of three levels of perinatal care and perinatal care standards.
10. Pursuant to the Act of 23 March 2017 amending the Criminal Code, the Juvenile Criminal Justice Act and the Code of Criminal Procedure, protection for minors has been strengthened, as follows:
 - The vulnerability of the victim of an offence owing to his or her age is taken into account by the courts for sentencing.
 - It is mandatory to report to the law enforcement authorities the suspected planning or commission of certain illegal acts, including the sexual exploitation of a minor and rape: (a) if the act is committed with another person; (b) if the victim is a minor under the age of 15 years; (c) if the victim is a parent, child, adopted child, adoptive parent or sibling of the perpetrator; or (d) if the perpetrator acts with particular cruelty.
 - The victims of certain illegal acts, including serious bodily harm, deprivation of liberty, the sexual exploitation of a minor, vulnerable person or person with diminished responsibility, and rape, are not punished even when they fail to report them: (a) if the act is committed with another person; (b) if the victim is a minor under the age of 15 years; (c) if the victim is a parent, child, adopted child, adoptive parent or sibling of the perpetrator; or (d) if the perpetrator acts with particular cruelty.
 - Anyone who physically or mentally abuses a person who is vulnerable, including owing to his or her age, incurs a prison sentence of from 6 months to 8 years.

- Prison terms have been increased for the following offences:
 - Abandonment of a minor or vulnerable person, which now incurs a sentence ranging from 3 months to 5 years or, if the act results in death, from 2 to 12 years;
 - Abduction of a minor or vulnerable person, which now incurs a sentence ranging from 3 months to 5 years.
11. Various measures will be introduced pursuant to the Act of 13 June 2019 amending the Act on the Criminal Code and certain other laws. For example:
- The aggravating circumstances considered by the courts for sentencing purposes will include: the exploitation of the vulnerability, disability or illness of the victim; the commission of an offence with particularly reprehensible motives or for despicable reasons; and the commission of an offence with the involvement or use of a minor.
 - There will be harsher rules regarding prison sentences for perpetrators with prior convictions for offences against sexual freedom or decency who commit an offence specified in the relevant provisions within five years of having served at least six months of the sentence for a previous offence; the courts will impose a prison sentence ranging from the legal minimum increased by half to the legal maximum increased by half.
 - The statute of limitations for offences against the life or health of a minor incurring a maximum prison sentence of more than 5 years will not expire before the minor reaches the age of 40 years (currently, 30 years).
 - The statute of limitations will be abolished for offences against sexual freedom and decency committed against a minor, for offences related to pornographic content that includes a minor and for rapes committed with particular cruelty.
 - There will be stiffer penalties for the deprivation of liberty for more than seven days of a person who is vulnerable, including owing to his or her age, and for some other offences, including certain offences against sexual freedom and decency committed against minors under the age of 7 years or minors under the age of 15 years.
 - Profession and place of work will be added to the list of personal data appearing in the sex offender register.
12. For further measures, see sections 18 and 19.
13. The Act will be subject to prior review by the Constitutional Court.
14. The Criminal Code has been amended to make illegal or irregular child adoptions punishable offences (Act of 16 October 2019 amending the Act on the Criminal Code and the Act on the Code of Civil Procedure).
15. Work is under way on a bill to amend the Code of Civil Procedure and certain other laws in order to reinforce protection for victims of domestic violence: measures will be introduced allowing the prompt separation of the victim from the perpetrator if the latter poses a threat to the life or health of members of the household, including a separate procedure to ensure that the perpetrator leaves shared accommodation and its immediate surroundings and the granting of police powers to order the perpetrator to leave shared accommodation and its immediate surroundings at once or to ban the perpetrator from approaching shared accommodation and its immediate surroundings.
16. The Act of 26 January 2018 on the Exercise of Certain Activities of the Central Authority for Family Matters in the Context of Legal Proceedings under European Union Law and International Agreements provides for:
- Measures to ensure the prompt identification of cases involving the movement of a person subject to parental authority or custody as set out in the Hague Convention on the Civil Aspects of International Child Abduction
 - The institution of a specialized judiciary
 - The consent of a Polish court to the placement a child in care in Poland based on the decision of a foreign authority or court

3. Assessment of new legislation in the light of children's rights and interests

17. Proposals submitted by non-governmental organizations (NGOs), the Ombudsman for Children and local authorities are analysed when legislative amendments are developed. The assessment of new measures from the perspective of the best interests of the child is a basic principle of Polish law and is carried out as part of the internal and interministerial consultations on draft legislation. Statistical data, information on the application of existing legislation and jurisprudence are also taken into account.

18. The application of the Act of 9 June 2011 on the Family Support and Alternative Care System is assessed each year (annual report to the Sejm and the Senate, respectively the lower and upper houses of Parliament). The application of the law is also the subject of follow-up with the provincial (*voivodeship*) authorities and with adoption centres.

19. Amendments to the legislation on violence prevention are developed in cooperation with the competent institutions and NGOs, based on an operational analysis of the support system for victims of child abuse.

20. The amendment in 2018 of the Act of 13 June 2003 on the Protection Granted to Foreigners in the Territory of Poland improved the situation of unaccompanied minors seeking international protection: the procedure for placing them in care has been simplified, the accompanying parent may be named in the foster family application and that parent may look after the child pending the court decision on foster care.

21. The Student Health Care Act of 12 April 2019 is intended to ensure equal access to health care at school (preventive care, dental treatment), regardless of the student's place of residence or the type of school. The procedures for cooperation between school nurses and parents and the health-care arrangements for students with chronic illnesses or disabilities have been defined.

22. The amendment of the Act of 6 November 2008 on Patient Rights and the Patient Rights Ombudsman, adopted on 16 May 2019, provides that parents may stay free of charge in health-care facilities with their sick children.

4. Withdrawal of the interpretative declarations on articles 12 to 16 and 24 of the Convention

23. The analysis carried out in 2015 indicates that the necessary conditions for a change of position on the declarations have still not been met.

5. Comprehensive policy and strategy

24. Child rights are incorporated in legislation related to various areas of life (education, health care, social services, family law) and in action programmes.

25. Work has been completed on the Disability Strategy for 2018–2030, which will serve as a general policy framework for persons with disabilities, taking into account the provisions of the Convention on the Rights of Persons with Disabilities.

6. Coordination of the implementation of the Convention

26. The related tasks are carried out by the following government departments: family, education, health, labour, social security, rural development, sport, culture, justice and internal affairs.

27. The Ministry of Family, Labour and Social Policy is responsible for assessing whether the provisions of the Convention have been considered in the development of policies, laws and programmes.

7. Funding

28. Information on expenditure is included in government budget performance reports and other reports, such as reports on the implementation of legally mandated activities.

29. An annual report on family policy expenditure has been produced since 2013. Mechanisms aimed at children, families with children or parents, along with actions targeted at various groups (families with children, parents, children), are considered family policy mechanisms. This expenditure was estimated at Zł 80.2 billion in 2016 (a 34 per cent increase compared to 2015) and Zł 88.6 billion in 2017.

8. Statistical data

Collection

30. The Central Statistical Office conducts research based on an annual public statistics research programme, drawn up in cooperation with the Government, local authorities, community organizations and the scientific community, to ensure that appropriate information is available to policymaking entities. Research on population growth, representative surveys, population censuses and non-statistical sources (registries and administrative systems) are essential. The Office also receives data from ministries, central offices and other public administrations. For most data, it is possible to disaggregate children under the age of 17 and children under the age of 5 for each characteristic under examination.

Children under the age of 5 who have been in contact with the justice system

31. Data on the questioning of minor witnesses and victims are available but not disaggregated by age group.

9. Awareness-raising among children about their rights and training of professionals

32. According to the stage of education, curricula cover human rights and freedoms, the rights and obligations of citizens and the rights of children, family law, institutions acting in the interests of children and the family, and the persons to contact if these rights are violated.

33. A national campaign is conducted every two years under the National Programme for Counteracting Domestic Violence for the period 2014–2020. Each campaign is aimed at a specific group of victims, although the objective is always to raise awareness of the effects of violence and how to react.

34. In accordance with the Act of 5 August 2015 on Free Legal Aid, Free Citizens' Advice and Legal Education, assistance is provided by lawyers or NGOs. In 2018, 6,978 persons under the age of 18 years (4.59 per cent of beneficiaries) received this type of assistance to resolve personal problems regarding rights and obligations in cases they had brought. Citizens' advice has been available free of charge since 1 January 2019.

35. Child rights are part of undergraduate and postgraduate education for doctors and nurses: curricula include the provisions of the European Association for Children in Hospital (EACH) Charter and the Convention on the Rights of the Child, illness as an event in the child development process and its impact on family members, and battered child syndrome.

36. Training courses were delivered by the National School of the Judiciary and Public Prosecution from 2015 to 2018 and have been scheduled for 2019 on the following subjects: a child-friendly justice system; cross-border maintenance payments; amendments to the provisions of the Family and Guardianship Code and the Code of Civil Procedure concerning parental authority and contact with children; and jurisdiction and applicable law in the areas of divorce, separation and annulment of marriage and parental responsibility, sexual

exploitation of minors, guardianship and cross-border parental child abduction, and child protection standards.

37. In 2015, human rights, including child rights (evidence, use of coercive measures, administrative proceedings and protection orders), were introduced into the training programmes for border guards.

38. The Committee's 2015 concluding observations, translated into Polish, are posted on the website of the Ministry of Family, Labour and Social Policy.

10. Discrimination

Prohibition

39. The Constitution states that everyone is equal before the law (art. 32). Constitutional rights are reflected in ordinary legislation.

40. The Act of 3 December 2010 on the Implementation of Certain European Union Provisions on Equal Treatment contains a definition of discrimination and sets out the means to combat violations of the principle of equal treatment. The Act prohibits any unequal treatment based on the characteristics specified therein, in the fields of health, education, higher education, vocational training, apprenticeships and social security.

41. The Civil Code guarantees the protection of individual rights, in particular the rights to health, liberty, honour, freedom of conscience, a legal or assumed name, image, secrecy of correspondence, inviolability of the home, and creativity in science, the arts, inventions and improvements.

42. Violations of the prohibition on discrimination may give rise to legal proceedings under the Act on the Implementation of Certain European Union Provisions on Equal Treatment (offences specified in the Act), the Labour Code (complaints by workers) or the Civil Code (protection of individual rights).

43. Human dignity, honour, liberty, physical integrity and mental and physical health are protected under criminal law.

Discrimination motivated by hatred, racism, xenophobia or homophobia

44. Violence, unlawful threats, insults and physical assaults committed on grounds including nationality, ethnicity, race and religion or lack thereof are offences under the Criminal Code. The provisions concerning racist and xenophobic offences are applicable to all victims regardless of age. The motivation of the perpetrator and any vulnerability of the victim are among the factors applied in determining the type and level of criminal penalty.

45. The National School of the Judiciary and Public Prosecution has organized and planned training on discrimination (human rights protection, hate crimes, European Union legislation and cultural diversity in criminal proceedings).

46. The police monitor investigations into hate crimes. Each provincial police headquarters has a coordinator for combating hate crimes. Since September 2017, the Cybercrime Office has had a coordinator for combating hate crimes in cyberspace.

47. Training on hate crime includes courses on racist and xenophobic crimes, antisemitic offences, the data recording and collection system, and the Jewish and Muslim minorities.

48. An interministerial team was established in February 2018 with responsibility for combating the spread of fascism and other totalitarian systems and incitement to hatred based on nationality, ethnicity, race and religion or lack thereof. The team produced a police action plan for the period 2018–2021.

49. In the event of incidents of discrimination or hate crimes in centres for foreign nationals applying for international protection, measures would be taken in line with:

- The procedure for implementing the policy on the protection of children from abuse in centres for foreign nationals
- The procedure to be followed with respect to foreign nationals requiring special treatment as regards social assistance and health care
- The procedures for handling security threats

50. The measures would also comply with the agreement on standardized procedures for identifying, preventing and responding to incidents of sexual violence against foreign nationals staying in reception centres for asylum seekers.

51. No hate crimes were recorded in these centres between 2015 and 2018.

52. Since foreign children may be detained, the Border Guard Service has implemented principles on the treatment of foreign nationals requiring special treatment and a child abuse response procedure. The staff of the secure centres are alert to all signs of undesirable behaviour.

11. Strengthening respect for the best interests of the child

53. As part of the National Programme for Counteracting Domestic Violence, training is organized for “first points of contact” (staff from social services, municipal (*gmina*) committees on problems related to alcohol, the police, the education system, the health-care system, judges, prosecutors and probation officers, prison staff and other members of interdisciplinary teams or groups).

54. Implementation of the domestic and gender-based violence prevention programme was completed in December 2017. This involved training the members of interdisciplinary teams and working groups to build inter-institutional cooperation and provide assistance to victims more effectively.

55. Pursuant to the Act of 10 September 2015 amending certain laws to encourage the amicable settlement of disputes, mediation coordinators have been appointed in regional courts.

56. See sections 9 and 10.

12. Right to be heard

Guarantees

57. Article 72 of the Constitution sets forth the obligation to hear children and, as far as possible, take their opinions into account.

58. The Code of Administrative Procedure contains no rules on the age of witnesses and parties but prohibits the testimony of persons unable to understand or communicate their views. The relevant authority assesses whether a child is capable of expressing his or her opinion in a reliable and sufficiently mature manner, based on the subject matter of the case and the age and personality of the child.

59. Pursuant to the Code of Civil Procedure, children are heard by the courts in cases concerning them if their mental development, health and maturity so permit. The court takes into consideration the child’s opinion and reasonable wishes, given the circumstances and his or her mental development, health and maturity. In cases under family and guardianship law, the court hears the child and takes into consideration his or her reasonable wishes to the extent possible. The interview takes place outside the courtroom.

60. Minors have the right to be heard in proceedings governed by the Juvenile Criminal Justice Act and the right to refuse to testify or to answer specific questions. During the examination, freedom of expression must be upheld. The examination must take place in neutral conditions, in the child’s home if possible, avoiding repeated questioning about the same facts or about circumstances established by other pieces of evidence and that are not in doubt.

61. For the hearing of an unaccompanied child as part of international protection proceedings:

- The child is informed beforehand about all the factual and legal circumstances that may affect the outcome of the proceedings.
- The hearing of the child is conducted in a language that he or she understands and in a manner appropriate to his or her mental development, health and maturity.
- The child is heard in the presence of a guardian, an adult designated by the child, a psychologist or an education worker, who prepares a report on the mental and physical condition of the child.
- The hearing of the child may be recorded using a video or audio recording device.

Hearing before the placement of children in institutions or foster care

62. See above regarding civil procedure.

63. In accordance with the Act on the Family Support and Alternative Care System, when the authorities assess the situation of a child taken into care and the possibility of adoption, they must hear the child if his or her age and maturity so allow and take his or her opinion into consideration where appropriate. For details, see the Code of Civil Procedure.

64. For decisions about placement in a social assistance home or changes to such decisions, children are heard in accordance with the provisions of the Code of Civil Procedure.

65. Children staying in social assistance homes contribute to the preparation of their individual support plans, where possible given their health and willingness to take part.

Training of professionals

66. Social workers receive training on crisis response, which covers the following issues: violence, drug addiction, family dysfunction and child rights.

67. The training programme for persons applying to be professional or non-professional foster carers or run a foster home and for future heads of family-type care and education facilities includes the topics of pedagogy, developmental and educational psychology, effective communication with the child and other actors in the care placement process, and the ability to ascertain the individual needs of a child and assess his or her situation.

68. The National School of the Judiciary and Public Prosecution has organized and scheduled training for prosecutors, prosecution assessors, prosecution assistants, judges, judicial assessors and judicial assistants on the rights of children as parties to or participants in proceedings.

13. Granting of citizenship to stateless children

69. See the March 2016 comments on the Committee's concluding observations.¹

14. Prevention of the use of baby boxes, possibility of confidential births

70. Women who are unwilling or unable to care for their newborn babies may leave them at the hospital, making a written declaration to that effect. This information about the mothers of abandoned children facilitates adoption procedures.

71. Mothers who do not wish to reveal their identities may leave their newborn babies in baby boxes. This is a last resort that guarantees that the best interest of the child – his or her

¹ https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fPOL%2f23260&Lang=en.

right to life – is protected. It is highly probable that, if they did not have the option of using a baby box, these women would leave their children in locations where the chances of survival would be low. This would render moot the child’s right to know his or her parents, be cared for by them and preserve his or her identity.

72. Pursuant to the Social Welfare Act of 12 March 2004, the grounds for provision of assistance include maternity or a large number of children in the family and vulnerability with respect to health care and education. Apart from cash benefits and services, the social welfare system provides specialized support for pregnant women in the form of homes for mothers and children and pregnant women.

Information about the child’s origins (withdrawal in 2013 of the reservation to article 7 of the Convention)

73. In accordance with the Civil Status Records Act of 28 November 2014:

- If a child’s parents have consented to adoption before a guardianship court without the adopter being indicated, a new birth certificate is drawn up.
- If a child is adopted jointly by both spouses, the birth certificate indicates the adopters as the child’s parents; if the child is adopted by an unmarried person or only one spouse adopts a child, the birth certificate indicates that adopter as the child’s parent.
- If a new birth certificate is drawn up following an adoption, a note on the creation of a new birth certificate is added to the initial birth certificate (which is not disclosed).
- At the request of an adopted person who has reached the age of majority, a full copy of the initial birth certificate is issued, along with the documents on which it was based, and the person is thus informed about his or her biological parents.

15. Protection against the compulsion to attend classes that are not of the child’s own religion

74. See the March 2016 comments on the Committee’s concluding observations.²

16. Freedom of expression, association and assembly

75. In accordance with the Freedom of Assembly Act of 24 July 2015, the right to organize assemblies is conferred on persons who enjoy full legal capacity. The organizer bears legal responsibility for the conduct of the assembly.

76. Minors may participate in assemblies.

77. The Constitution guarantees everyone the right to express opinions and to receive and impart information.

17. Promotion of non-violent child-rearing methods

78. The Constitution explicitly prohibits corporal punishment. The Family and Guardianship Code contains a provision explicitly prohibiting corporal punishment, applicable to parents and other persons with a child in their custody or care.

79. As part of the National Programme for Counteracting Domestic Violence, the local authorities implement programmes to promote appropriate child-rearing methods for families at risk of domestic violence. Advice services for vulnerable families and vulnerable individuals, such as pregnant girls, run activities aimed at building parenting skills.

² https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fPOL%2f23260&Lang=en.

80. Media campaigns are used to promote non-violent child-rearing methods and provide information about protection for victims of violence, interventions against violent persons and the prohibition of corporal punishment.

81. New arrivals at centres for foreign nationals attend an orientation course that includes a presentation of the legislation on child custody. The procedure for implementing the policy on the protection of children from abuse in such centres provides for training for parents on the appropriate care of children and the resolution of child-rearing issues.

82. The following activities took place between 2015 and 2018:

- Workshops for children and fathers, psychosocial and activation workshops for mothers
- Mothers' meetings, integration workshops on "Being a mother in Poland"
- Training for the staff of centres for foreign nationals
- Training on "Child safety in centres for foreign nationals"

18. Protection from violence

General

83. Efforts to prevent and suppress domestic violence are based on the Act of 29 July 2005 on Counteracting Domestic Violence and on the National Programme for Counteracting Domestic Violence for the period 2014–2020. The Act requires persons who, in the course of their professional duties, come to suspect that a domestic violence offence prosecutable *ex officio* has been committed to inform the police or the public prosecution service immediately. Witnesses to violence should inform the police, prosecutor or any other entity tasked with combating domestic violence.

84. Assistance for victims includes:

- Advice on psychological, medical, legal and social issues, urgent intervention and support
- Shelter in a specialized support centre for victims of domestic violence
- Orders banning the perpetrator from contacting the victim and requiring the perpetrator to leave the home, even if it is owned by him or her
- Medical certificates indicating the causes and types of bodily injuries, available free of charge
- "Blue Card" procedure

85. In the event of a direct threat to the life or health of a child owing to domestic violence, the child can be removed from the family. The child is placed with a non-cohabiting family member, in a foster family or in a care and education facility. The guardianship court is informed immediately (within 24 hours). Parents have the right to lodge a complaint about the removal of the child, which will be examined by the court within 24 hours.

86. The National Programme for Counteracting Domestic Violence for the period 2014–2020 provides for:

- Implementation of programmes to prevent and combat violence, protection and education programmes, and remedial and rehabilitation programmes, delivered both inside and outside prisons, and psychological and therapeutic programmes
- Expansion of the network of victim support and assistance institutions
- Increased mobilization of personnel from services and central and local authorities and enhanced cooperation with NGOs
- Training for staff from institutions combating domestic violence
- Campaigns to change perceptions of domestic violence and raise awareness of how to respond to and prevent it

87. Interventions to help children are carried out under the “Blue Card” procedure. The questionnaire is used to identify cases with a high risk to life or health and facilitates decisions to arrest perpetrators of domestic violence. The questionnaire is also used for follow-up of particular cases.

88. Police officers use the police’s practical handbook on risk assessment in individual cases of domestic violence, which determines the procedure for a domestic violence response. The objectives are to increase the effectiveness of interventions with perpetrators of violence and reduce as far as possible the risks to the life and health of victims, to facilitate the identification of cases involving a high risk to life or health and to adapt the forms of assistance to the specific situation. Part of the questionnaire concerns situations involving violence against children.

89. The website of the Centre for Education Development hosts publications aimed at teachers related to domestic violence, bullying at school, peer violence and cyberbullying.

90. The protection of children from violence is based on the Criminal Code. For amendments, see section 2.

91. Assistance to victims of crime is provided free of charge by the Justice Fund (a fund for assistance to victims and post-prison assistance). In 2018, the services offered included: legal aid, alternative conflict resolution methods, and payment of fees for psychotherapy and psychiatric and psychological assistance. Children make up a significant proportion of the Fund’s beneficiaries, particularly as regards psychological and material support.

92. The policy on the protection of children from abuse in centres for foreign nationals has been implemented. This policy sets out standards and procedures to raise awareness of the importance of protecting children and keeping them safe (preventive measures include education on children’s rights and abuse risk reduction and intervention in the event that abuse is suspected or observed).

93. A policy on the prevention and suppression of the abuse of children held in secure centres was put in place in 2017, followed in 2018 by a procedure for response in the event of harm being caused to children placed in secure centres. Training was provided to the staff of these centres on the identification of cases of abuse and violence against children and the response procedures.

94. The Władysław Stasiak Programme for the Reduction of Crime and Antisocial Behaviour: Safer Together 2018–2020 follows on from the equivalent programme for 2007–2017. Its objectives are to:

- Prevent minor offences (burglary, theft, assault, property damage, etc.)
- Organize safety actions involving local communities, local government, security and law enforcement services, and other institutions
- Improve child safety
- Reduce dysfunctional and antisocial behaviour

Allegations of ill-treatment in police emergency youth centres and other institutions

95. Respect for the rights of minors in educational centres for young persons, correctional facilities, children’s homes and psychiatric hospitals is monitored by family law judges. If any irregularity is observed, the judge notifies the monitoring authority (the Ministry of the Interior and Administration, Ministry of Justice or Ministry of National Education).

96. Any complaint of ill-treatment in a correctional facility or children’s home gives rise to an investigation conducted by education inspectors. If an offence is suspected to have been committed, the law enforcement authorities are notified. If no offence is found to have been committed, recommendations are made to remedy the irregularities reported.

97. Any information about the unsatisfactory operation of an educational centre for young persons, including inappropriate treatment, is verified as part of supervision by the superintendent for education. Recommendations are issued in the event of irregularities. At

least twice a year, centre directors are required to assess the impact of the teaching, educational and health-care activities and examine the safety of the students.

98. Minors held in police emergency youth centres are entitled to complain to the head of the centre; disciplinary and criminal proceedings are then systematically initiated. The centres are inspected by penitentiary judges, the national torture prevention mechanism and the Helsinki Foundation for Human Rights.

99. In the context of monitoring of providers of family-type alternative care, foster families and persons who run foster homes and care and education facilities by the district (*powiat*) councils and of regional health-care and treatment facilities, intervention centres and pre-adoption centres by the provincial councils, the persons carrying out monitoring have the right to:

- Obtain access, including at night, to the facilities and premises of an institution, foster family or foster home, in the event of a threat to a child's health or life
- Request information
- Observe children placed in alternative care
- Question and consult children, bearing in mind their age, intellectual capacities and cognitive maturity

100. The provincial government may inspect care and education facilities, regional health-care and treatment facilities and pre-adoption intervention centres to verify compliance with care and education standards and operating rules, the actions taken to maintain contact between children and their families, and the fulfilment of children's needs and respect for their rights.

Mechanisms to report abuse

101. The "Blue Card" procedure is used to handle domestic violence cases.

102. Interviews with victims must be conducted in conditions guaranteeing safety, freedom of expression and respect for dignity. Actions involving a child are conducted in the presence of a psychologist where possible.

103. The form on the card must be submitted to an interdisciplinary team for domestic violence prevention so that support activities may be put in place. The team members may not disclose the information obtained.

104. The Act of 13 June 2013 amending the Act on the Criminal Code and the Act on the Code of Criminal Procedure introduced the principle of a single interview in a child-friendly interview room for victims and witnesses under the age of 15 years in cases involving violence or unlawful threats, deprivation of liberty, offences against sexual freedom and decency, and family and guardianship law.

105. The victim is only heard as a witness if his or her testimony may be relevant to the outcome of the case, and is only heard once unless significant circumstances come to light or at the request of an accused person who did not have legal counsel when the victim was first interviewed.

106. Victims aged 15 years and over at the time of the interview are heard under the conditions described above when it is feared that other interview conditions could have a negative impact on their mental state. Victims aged under 15 years at the time of the interview are only heard in these conditions if their testimony could affect the outcome of the case.

107. Victims aged 15 years and over at the time of the interview are heard using technology enabling remote interviews with direct audio and video transmission when it is feared that the presence of the accused person could have a negative effect on the testimony or on the witness's mental state.

108. The amendment introduced the obligation to appoint legal counsel for suspects who participate in interviews and to make an audio or video recording.

109. The 19 July 2019 amendment to the Code of Criminal Procedure provides, inter alia, that victims of sexual offences who are under the age of 15 years must be interviewed within 14 days.

110. For further interview conditions, see sections 12 and 19.

19. Sexual exploitation

Treatment of cases, victim protection

111. The procedure is initiated automatically. For interviewing, see section 18.

112. The Victim and Witness Protection and Assistance Act of 28 November 2014 introduced tools to protect and assist such persons if their life or health is threatened, including protection for the duration of legal proceedings, personal protection, help with relocation and financial assistance to meet basic needs.

113. In the following cases, the statute of limitations does not come into effect until the injured party reaches the age of 30: for offences against the life or health of a minor incurring a maximum prison sentence of more than 5 years; for offences against sexual freedom and decency committed against a minor; and when pornographic content includes a minor.

114. In 2015, the police procedure for the treatment of persons who have suffered sexual violence entered into force. Under this procedure, in cases involving children:

- Police officers who receive reports of an offence inform the victims, in an age-appropriate manner, of their rights, the possibility of contacting a person of their choice and the further steps to be taken, including the need for a medical examination and the possibility for preventive action to be taken and for the victim to obtain medical attention.
- Victims under the age of 15 may be interviewed only if their testimony may be relevant to the outcome of the case. The same applies for victims over the age of 15 when there is a justified fear that other interview conditions could have a negative impact on their mental state.
- If possible, the interview is conducted in the presence of a legal or de facto guardian, who may be another adult designated by the victim.

115. Victims are brought by the police to a medical facility where they are given medical attention and a medical examination; the police also provide a list of specialized counselling centres and facilitate contact with the Justice Fund or any other institution that can provide help.

116. Pursuant to the Act of 30 August 2019 on the State Commission to Investigate Cases of Acts contrary to Sexual Freedom and Decency Committed against Minors under 15 Years of Age, an independent commission has been established to shed light on cases of sexual abuse committed against minors under the age of 15 and to identify negligent behaviour in the elucidation of cases of sexual abuse (negligence by the public authorities, NGOs, educational, health-care, cultural, physical education and leisure bodies, medical treatment institutions, professional associations, churches and religious associations, including legal entities of the Church, and private persons). In clarifying the cases, account is to be taken of the actions of the perpetrator and the competent authorities and their observance of the obligation to report cases of sexual abuse to law enforcement bodies.

117. For treatment of cases of sexual abuse committed by members of the clergy, see annex.

Prohibition against contact with children by convicted persons in their professional capacity

118. In the event of a custodial sentence for an offence committed intentionally against the life or health of a minor, the Criminal Code provides for the possibility of prohibiting the perpetrator from exercising some or any of the functions of all or certain professions or activities related to the training, education, treatment or care of minors, for a specified period

or for life. Imposition of the prohibition is mandatory in the event of a conviction for an offence against the sexual freedom or decency of a minor.

119. The 13 June 2019 amendments to the Criminal Code and certain other laws make imposition of the prohibition mandatory in every case of conviction. The law will be subject to prior review by the Constitutional Court.

120. The sex offender register was established pursuant to the Act of 13 May 2016 on Combating Threats related to Sex Crimes. The register has three parts.

121. The public register, which is accessible on the website of the Ministry of Justice, contains data including the photo and place of stay of persons convicted of the most serious sex crimes or of repeat offences.

122. Information in the restricted access part of the register can be retrieved, inter alia, by government and local administrative bodies, courts, law enforcement agencies, employers and organizers of activities related to teaching, education, recreation, health care or care of minors. Among other things, this part of the register contains, in addition to data identifying the perpetrators of the offences, the legal classification of the act that the person committed and information on the person's permanent residence and place of stay. By law, employers and organizers are obliged to obtain information from the register on employees before they are hired. As from 1 January 2018, in accordance with the Act on Childcare for Children under the Age of 3 Years, the names of staff of day-care centres and children's clubs and persons who provide childcare are checked against the list.

123. The third part of the register contains the names of persons whom the State Commission to Investigate Cases of Acts contrary to Sexual Freedom and Decency Committed against Minors under 15 Years of Age has decided to include in the register. It is publicly accessible and contains information that makes it possible, for instance, to identify offenders, including their professions or functions and domiciles, and a description of the acts in question, including the time, place and circumstances of the offence.

124. The Ministry of Family, Labour and Social Policy is working on solutions to prohibit persons whose names are on the register from being part of emergency support families; from applying to serve as foster carers or from being members of foster families; from applying for the post of director of a family shelter for children or from working as the director of such a shelter; from being part of an assisting or friendly family; from applying to adopt a child; and from working as a person supporting educational activities or as a manager, director, employee, service provider or volunteer in a unit that supports a family or a unit of the alternative care system, in foster families or in family shelters for children.

Reporting mechanisms

125. On 18 December 2015, the Prosecutor General issued guidelines for prosecutors on how to handle cases of rape.

126. In order to ensure the psychological well-being of child victims, the police, courts and prosecutors' offices, district family support centres, medical establishments, government institutions, local administrations, foundations working for children and families and organizations combating drug addiction have child-friendly interview rooms.

127. The police cooperate with public institutions and NGOs that provide assistance to disadvantaged children (for example, the Dajemy Dzieciom Siłę Foundation (Empowering Children Foundation) and the scientific and university informatics network's Dyżurnet.pl team), which operate hotlines where offences can be reported and help can be obtained. The Ombudsman for Children operates a free 24-hour helpline for children.

128. For more information, see sections 12 and 18.

Internet

129. Under the Criminal Code, it is illegal to use information and communication technologies or telecommunications networks to propose that a minor under 15 years of age

engage in sexual relations or submit to or perform another sexual act, or participate in the production of pornography or its recording with a view to its production.

130. The police carry out activities to counter violence against children and the sexual manipulation and extortion of children, and the acquisition and use of photographs, films and other media with sexual content. To this end, they cooperate with the law enforcement agencies of other countries. The police are taking part in a European campaign launched in June 2017 against online activities involving manipulation, blackmail, violence and sexual coercion of children.

131. The education system disseminates knowledge on how to search for and analyse information safely and how to establish and maintain relationships with other network users.

132. Schools and institutions that provide Internet access are obliged to prevent access to content that may be detrimental to the development of their students.

133. A document entitled “Safe School. Risks and preventive measures recommended to ensure students’ physical and digital safety” was produced in 2017. It is intended for school principals, teachers and parents and provides recommendations, among other things, on how to respond to threats to students’ online safety.

Victim support

134. The Act on Counteracting Domestic Violence and the National Programme for Counteracting Domestic Violence provide for activities to protect children. See section 18.

135. Activities for the assistance, treatment and rehabilitation of victims of sexual violence are carried out in accordance with general principles. The training of medical personnel includes topics such as the recognition of symptoms of abuse, the duty to report the occurrence or suspicion of unlawful acts, examination of abused children and diagnosis of the family situation.

136. Psychological and educational counselling centres provide assistance to children, for example through individual or group therapeutic activities, family therapy, support groups and crisis intervention.

137. The Centre for Education Development has drawn up a training unit entitled “Disclosure of child sexual exploitation in the presence of educational personnel – assessment and conduct” for the training of school specialists and specialists at psychological and educational counselling centres.

20. Contact with both parents after divorce or separation

138. The legal situation remains unchanged.

Research and strategies for the children of parents who have migrated for work

139. No such research is being conducted.

21. Deinstitutionalization of care, placement in care and support for children leaving care

140. The 18 March 2016 amendments to the Family and Guardianship Code introduced the principle according to which, unless there is a serious threat to the best interests of the child, in particular a threat to the child’s life or health that requires immediate placement in care, a child may be placed in care only if other forms of assistance to the parents have not removed the threat to the best interests of the child. It is forbidden to place a child in care solely on the grounds of poverty, against the will of the parents. The placement of a child in care is permitted if the child’s parents request it.

141. Children remain in care until the conditions are met for them to return to their families or to be placed in adoption.

142. Family support services prevent separation of children from their families through:

- Work with the family, including support from a family assistant
- Specialized consultations and advice, therapy and mediation
- Care and specialized services
- Legal assistance
- Meetings to exchange experiences and prevent isolation (support groups, self-help groups)
- Help from day centres, in the form of childcare, and from emergency support families

143. In accordance with the Act on the Family Support and Alternative Care System, the alternative care system is now being transformed so that it relies on family-based forms of care. The changes are being introduced gradually. From 1 January 2020, children under 10 will not be placed in institutions and, from 1 January 2021, centres will not house more than 14 children, whereas, in 2018, they housed 30. The percentage of children placed in care fell from 0.99 per cent in 2012 to 0.88 per cent in 2017, while the percentage of all children in alternative care who were placed in institutions decreased from 26.1 per cent in 2012 to 23.8 per cent in 2017.

144. Deinstitutionalization is also carried out through:

- The development of various forms of foster care (foster families and foster homes) and establishment of organizational and financial conditions conducive to their development and operation
- Effective empowerment programmes
- Services to reduce the influx of children into alternative care and increase the number of children returning to their families

145. In 2018, a set of indicators was drawn up to make it easier to verify deinstitutionalization in the districts.

146. Children in or leaving care may benefit from integration services aimed at teaching, restoring or strengthening social skills, resourcefulness, independence and social participation. Persons over 15 years of age can make use of job placement services. They can also make use of training accommodation that prepares them for independent living.

22. Children with disabilities

Assessment of policy effectiveness

147. Every year the minister responsible for social security submits a report on the implementation of the “For Life” programme. The programme is reviewed by the Council of Ministers at least every five years. The first review will be held in 2021.

148. Research on the situation of persons with disabilities, including children, is carried out by the State Fund for Rehabilitation of Disabled People, which in 2017 conducted a survey on the needs of persons with disabilities and from 2012 to 2014 performed a study aimed at providing a comprehensive diagnosis of the situation of persons with disabilities in Poland and a new model of social policy on disability.

149. See section 3.

Revision of the support system

150. The Act of 4 November 2016 on Support for Pregnant Women and Their Families (the “For Life” Act) and the “For Life” comprehensive family support programme were adopted to provide special care for pregnant women and their families and for children with

serious and irreversible disabilities or with incurable, life-threatening illnesses that appear during the prenatal period or at the time of delivery.

151. The Act provides for:

- Coordinated health-care services for women during pregnancy, childbirth and the postpartum period, with special attention to complicated pregnancies and miscarriages
- Birth grants
- Coordinated health-care services for the child
- Access to coordination, care and rehabilitation services

152. Families that have children with disabilities have access to all the forms of family support provided for under the Social Welfare Act and the Act on the Family Support and Alternative Care System.

Specialized health care and rehabilitation

153. Under the “For Life” Act and the Act of 27 August 2004 on Health-Care Services Financed from Public Funds, children with severe and irreversible disabilities or incurable, life-threatening illnesses that appear during the prenatal period or at the time of delivery and those having disability certificates with specific indications (under 16 years of age, with severe disabilities) are entitled to the following:

- Free medical devices, within the limits of public funding, regardless of the period of use
- Access, without being wait-listed, to health care and pharmaceutical services provided in pharmacies
- Publicly funded specialized outpatient consultations, without a prescription
- Rehabilitation, without the limits established under separate provisions

154. The “For Life” programme includes prenatal diagnosis and therapy, palliative and hospice care, and coordination of neonatal and paediatric care.

155. Coordinated paediatric care was introduced on 1 January 2017; it includes neonatal care, multi-specialty paediatric care and rehabilitation.

156. The programme is implemented by coordination, rehabilitation and care centres that provide rehabilitation and therapeutic, physiotherapeutic, psychological, educational and speech therapy care to children with disabilities and children at risk of disabilities. In 2018, it assisted 299 children.

Inclusive education

157. Pupils with disabilities are guaranteed access to education at all types of kindergarten, school and institution, in accordance with their individual needs and predispositions. The choice of school is made by the parents.

158. The school adapts the teaching content, methods and organization to the psychological and physical abilities of its students. Textbooks, teaching and training materials adapted to the educational needs and psychological and physical abilities of the students are subsidized from the State budget. Pupils are provided with psychological and pedagogical support and special didactic activities.

159. The following support was provided for the education of pupils with disabilities in the period 2017–2018:

- Appointment of inspectors responsible for coverage of special educational needs and inclusive education
- Talks on the subject of pupils with special educational needs and changes in the law, in each province

- 550 meetings with principals, teachers and specialists, and 34,101 meetings with parents
- 14 training sessions for employees of schools and psychological and educational counselling centres and for school superintendents and methodology counsellors on provisions relating to the education of students with special needs
- 14 training sessions for specialists of psychological and educational counselling centres, schools and kindergartens on psychological and pedagogical assistance, opinions and certification, and organizing support
- For kindergarten directors and school principals, production of a publication entitled “Pupils with special educational needs in the education system, in the light of the new provisions of the Education Act”
- Definition of standards of work for psychological and educational counselling centres, and assessment of children’s special educational needs
- Work by the team for the development of a model for the education of students with special needs: assessment of children’s and students’ needs in the context of adaptations to the way that education and support are organized and of the tasks of kindergartens and schools resulting from the new diagnosis and support model
- A project to support the quality of inclusive education in Poland, drawing on the expertise of specialists from the European Agency for Special Needs and Inclusive Education and from other countries

Integration in all areas of life

160. It is a statutory task of cultural institutions to promote art among children with disabilities. The Minister of Culture and National Heritage may entrust institutions with the implementation of specific programmes. They may also be entrusted to NGOs, film studios, schools and universities, local authorities, economic entities, churches, religious associations and legal persons.

161. A programme of artistic events for children and young people is aimed at making art (such as theatre productions, concerts and exhibitions) available, inter alia for children lacking access to culture. The Cultural Education Programme provides support for educational activities and other activities of an inclusive nature. The objective of the Accessible Culture Programme is to facilitate access to culture for various groups, including persons with disabilities. Under that programme, co-financing is provided, for example to adapt means of communication and to purchase specialized equipment.

162. A programme for the promotion of sport for persons with disabilities is aimed at creating conditions for increasing participation by persons with disabilities, including children, in various types of sporting activity. Under this programme, NGO projects are being implemented with the aim of:

- Supporting the organization of sporting activities and events (tournaments, meets, regional, national and international championships and Polish championships and titles)
- Supporting the organization of sports camps
- Promoting sport among persons with disabilities

163. In 2018, 10,637 children participated in activities, events and camps.

164. The removal of barriers that prevent persons with disabilities from functioning independently and participating fully in society is achieved through funding provided by the State Fund for Rehabilitation of Disabled People for the purchase of rehabilitation equipment and the elimination of architectural, communication and technical barriers. In 2015, the co-financing scale for the purchase of equipment was increased from 60 to 80 per cent, and for the elimination of architectural, communication and technical barriers from 80 to 95 per cent.

165. The aim of the “User-Friendly Poland – Accessibility Plus” programme, implemented since 2018, is to create the conditions for independent living and to improve quality of life.

Solutions are being introduced in areas such as architecture, transport, education, health care, digitization and service provision.

23. Health care

Psychological disorders

166. The number of adolescents with suicidal tendencies admitted to psychiatric services is increasing. Accordingly, the National Health Programme makes provision for measures to prevent depression, suicide and other self-destructive behaviour.

167. Since December 2017, a support centre has been providing free assistance to people suffering from mental crises, seven days a week. The centre employs doctors, psychiatrists, psychologists, lawyers, social workers and education specialists.

168. In August 2016 the Public Health Council set up a working group on the prevention of suicide and depression.

169. An education and information campaign is being carried out within the framework of the Programme for Preventing Depression in Poland for the period 2016–2020; its aim is to increase knowledge about depression, to prevent and promptly diagnose it, to provide treatment for it, and to offer support to patients and their relatives.

170. In 2018, the Centre for Education Development organized training for 561 educational staff on the theme “Mental health protection – combating depression and suicide in children and youth”. Material on mental health is available on the Centre’s website.

Specialized care and preventive dental care

171. In 2017, 16 buses were purchased to provide dental care to children in communities where there are no dentists’ offices or where the distance to a dental office makes access difficult.

172. As part of a 2018 programme to improve access to dental care for children and young people in schools, 41 modern dental offices were set up, mainly in schools in small towns and rural areas. An educational project on oral health for pupils and parents was also implemented.

173. For access to specialized care, see section 22.

Roma children

174. Roma children who are citizens of Poland or another member State of the European Union or the European Free Trade Association have the same access to health care as Polish citizens.

175. The 2014–2016 Programme for the Integration of the Roma Community in Poland makes provision for improved access to health care and prevention through the organization of “white days” (free health-care days), the employment of nurses in primary health care, the organization of children’s vaccinations and dental check-ups, the holding of meetings with ophthalmologists and the provision of health counselling.

Nutrition

176. The following nutritional research has been conducted:

- Epidemiological studies on diet and nutritional status, identification of risk factors for nutritional disorders, and evaluation of physical activity, nutritional knowledge and health inequalities (2017–2020)
- Evaluation of health indicators and health-promoting behaviours and risk assessments in the area of drug abuse (2018–2019)

- The COSI Study:³ Overweight and obesity in 8-year-olds (2016–2017)

177. In October 2014, an agreement was signed between broadcasters on the rules for advertising and sponsorship of foods and beverages containing excessive amounts of non-recommended ingredients.

178. In accordance with the Regulation of the Minister of Health of 26 July 2016 on the classes of food for sale to children in schools and food standards for children at such establishments, access to foods high in sugar, fat or salt is restricted and it is prohibited to encourage the purchase of foods that are inappropriate for children.

179. In 2017, the Food and Nutrition Institute, the Polish Federation of Food Producers and professional associations signed a letter of intent to optimize the caloric value and/or composition of food products.

180. Since 2006, the Chief Sanitary Inspectorate has been implementing an educational programme for pupils and their families entitled “Keeping in Shape”. The aim is to promote the principles of an active lifestyle and a balanced diet.

181. In the 2017/18 school year, the School Fruit and Vegetables Programme and the School Milk Programme were replaced with the School Fruit, Vegetables and Milk Programme, under which children receive fruit, vegetables and dairy products and participate in lessons on agriculture, food product origins and healthy eating habits.

Drug abuse prevention and treatment of drug addicts

182. The objective of the programme entitled “ARS, or how to nurture love”, instituted in 2013, is to prevent and reduce the harmful consequences for health, reproduction and society in general of the use and abuse by young people of psychoactive substances such as alcohol, tobacco, drugs and doping agents.

183. The following measures have been taken under the National Programme for Drug Prevention:

- Knowledge has been disseminated on the treatment of drug addicts and users who are at risk.
- Programmes have been implemented for children at risk of using drugs and new psychoactive substances and at risk of other problematic behaviours.
- Programmes to reduce harm to health resulting from the use of drugs and new psychotropic substances have been implemented at clubs, discotheques and music festivals.
- A universal prevention programme under the title “My Life, My Choice” has been implemented for young people with intellectual disabilities.
- The Youth Leadership School has prepared young people for the role of prevention programme facilitators.
- Publications have been produced and a website has been set up for parents and young people.
- “FreD Goes Net”, an early intervention programme for 13- to 19-year-olds, has been implemented, along with seminars for the facilitators.
- A national campaign has been conducted on the risk of using new psychoactive substances and new narcotic drugs and psychotropic substances, entitled “Turned Bad – Changing the Setting”, aimed at young people between the ages of 16 and 20.

184. The National Programme for the Prevention and Resolution of Alcoholism encompassed the following initiatives:

³ European Childhood Obesity Surveillance Initiative.

- 2017:
 - Training sessions for staff implementing prevention programmes, educators and others working with children from families with alcoholism problems
 - Training for parents
 - An Internet game (phone app) and niebotak.pl, a website for young people
 - A prevention programme, “Good Behaviour Game”
 - New tools for therapeutic work with children from vulnerable families
 - A campaign for vendors on the prohibition against selling alcohol to minors
 - A telephone information and consultation hotline for parents
- 2018:
 - A website promoting knowledge about risk behaviours related to alcohol consumption and violence
 - Training for counsellors working with children from vulnerable families
 - “Prevention and sport. Research on coaches’ attitudes and their willingness to implement prevention programmes”
 - A campaign to educate parents about the damage caused to children by alcohol and to strengthen elements providing protection
 - Training for those responsible for implementing prevention programmes

185. In view of new health risks, in particular those posed by electronic cigarettes, in 2016, within the framework of the implementation of Directive 2014/40/EU of the European Parliament and of the Council 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, the sale of new tobacco products to children under 18 years of age has been banned. It is prohibited to smoke electronic cigarettes and new tobacco products in educational establishments, universities and playgrounds, just as it is prohibited to smoke ordinary tobacco products there. Distance selling, including cross-border sales, has been banned.

186. A campaign has been planned to raise awareness of the harmfulness of exposure to tobacco smoke and electronic smoking, particularly among young people under 18 years of age.

187. The Regulation of the Minister of National Education of 18 August 2015 on the scope and forms of educational, informational and preventive activities in schools and institutions of the educational system to combat drug addiction was amended in 2018. The amendment made it mandatory to pay special attention to the risks related to the use of psychotropic substances, substitutes and new psychoactive substances, and it expanded the list of institutions with which schools may cooperate in the implementation of activities to combat drug addiction. Schools act on the basis of a diagnosis of the risks associated with the use of such substances.

188. In 2018, the Centre for Education Development organized two training sessions on addiction prevention.

189. The Chief Sanitary Inspectorate implements the following programmes:

- “Clean Air around Us”, which is aimed at increasing the knowledge of preschool and primary school children and parents and guardians about protection against exposure to tobacco smoke and to develop assertive attitudes among them when they are exposed to tobacco
- “Race for Health”, intended for pupils in primary school year 4, which is aimed at raising awareness of the harmfulness of tobacco and electronic cigarettes.

190. A toll-free, 24-hour telephone line provides children and parents with information on the effects of new drugs and treatment options.

24. Sexual and reproductive health

Access to sexual and reproductive health education

191. In accordance with the Act of 7 January 1993 on Family Planning, Protection of the Human Foetus and Conditions of Admissibility of Abortion, curricula include information on human sexuality, the principles of conscious and responsible motherhood, family values, life during the prenatal phase, and means and methods of conscious reproduction. Sexual and reproductive health education, in line with the age, possibilities and educational needs of students, is provided in accordance with the basic syllabuses for courses on family life, nature, biology and physical education.

192. In 2015, a set of materials for teachers of family education was developed:

- “Family Life Education. Teacher’s guide”
- “Family Life Education. Course script”
- “Parents to children – talking about sex. Three steps, many problems, one challenge”
- “The threat of pornography. Threats to psychosocial development associated with access to pornography”

193. The teaching materials take into account the recommendations in the report of the Institute for Education Research entitled “Views and expectations of young adults (18 years of age) and students’ parents on psychosexual development and sex education”.

194. The campaign material of the Dajemy Dzieciom Siłę Foundation has been disseminated since 2017. It addresses threats related to child sexuality and pornography.

Access to services

195. Access to reproductive health services is guaranteed on the basis of general principles.

196. Under the Act on Health-Care Services Financed from Public Funds and the Regulation of the Minister of Health of 6 November 2013 on guaranteed services for specialized outpatient care, women are guaranteed health care in the fields of gynaecology and obstetrics, among others. Reproductive health care is provided as part of gynaecological consultations.

197. In accordance with the Act on Family Planning, Protection of the Human Foetus and Conditions of Admissibility of Abortion, public and local government bodies are obliged, in line with their respective competences, to ensure free access to means and methods of conscious reproduction.

Termination of pregnancy

198. Women covered by social insurance and women entitled to free medical care on the basis of separate provisions have the right to terminate their pregnancies free of charge under the conditions established by the Act on Family Planning, Protection of the Human Foetus and Conditions of Admissibility for Abortion. In the case of a minor, the person’s written consent is required, along with that of her legal representative. In the case of minors under 13 years of age, the consent of the guardianship court is required, and the minor has the right to express her opinion.

199. In accordance with the Medical Activities Act of 15 April 2011, medical entities are obliged to publish information on the extent and types of health care provided and, at the patient’s request, to provide additional information on such services.

25. Air pollution

200. Under the National Air Protection Programme for the period up to 2020, it is envisaged that the maximum levels of particles and other harmful substances in the air

stipulated by European Union legislation will be achieved as soon as possible and the levels indicated by the World Health Organization by 2030.

201. Under the Clean Air Programme of 2018, support is provided for the thermal modernization of single-family homes. Further programmes are being implemented to reduce the negative impact of business operations, heating installations and agriculture.

202. Since 2019, the Institute for Environmental Protection has been preparing daily air quality forecasts that warn of possible smog. The forecasts are available on the public Air Quality portal.

203. Other measures include:

- Regulation of the Minister of Development and Finance of 1 August 2017 on the requirements related to solid fuel boilers
- Act of 5 July 2018 amending the Act on the Fuel Quality Monitoring and Control System, which stipulates quality standards for coal and prohibits the sale of low-quality fuel
- Four regulations of the Minister of Energy of 27 September 2018 on the quality of solid fuel
- Regulation of the Minister of the Environment of 14 June 2019 on air protection programmes and short-term action plans

204. Information, education and awareness-raising measures concerning the effects of atmospheric pollution, public monitoring of pollution and means of reducing emissions of atmospheric pollutants causing harm to health have been in place since 2017.

26. Poverty and homelessness

205. For new measures, see section 2.

206. Pursuant to the Family Benefits Act of 28 November 2003, the levels of family benefits and the income conditions for entitlements are reviewed every three years, most recently in 2018. An amendment to the Act made in May 2015 introduced the “złoty for a złoty” mechanism, meaning that families whose income exceeds the cut-off receive the benefit minus the amount by which the income cut-off is exceeded.

207. The Act of 5 December 2014 on the Large-Family Card Programme provides for support to budgets and promotion of the large family model through the offering of discounts in various sectors.

208. Implementation of the State Aid for Nutrition Programme was completed on 31 December 2013. The 2014–2020 municipal support programme of the same name concluded at the end of 2018. Its objective was to reduce malnutrition among children from families with low incomes or in difficult situations, particularly in areas of high unemployment and rural areas. Assistance was provided until children started primary school, to students until the end of secondary school, and to individuals and families in the situations listed in the Social Welfare Act. Under the programme, assistance was offered in the form of meals, foodstuffs or a specific allowance to buy meals or food.

209. Under the “Meal at School and Home” programme for the period 2019–2023, assistance is provided to children from families in difficult situations and others; the municipalities are helped to provide assistance in kind (meals, foodstuffs) or an allowance to purchase meals or food. Part of the programme consists in providing students with a hot meal at school. Support is also provided to equip canteens.

210. A survey of the number of homeless persons is conducted once every two years. The study conducted in February 2017 identified 1,021 homeless children, more than one third fewer than in 2015. The view that the phenomenon is increasing is unfounded.

211. Among the homeless children identified, 881 were living in institutions, the majority in homes for mothers and children and pregnant women; 320 were living in empty houses, sheds or other unspecified places. No children were found in non-residential locations such as streets, stairwells, stations, waste disposal sites or cellars.

212. If a family with children is evicted, the municipalities are required to provide social housing, to which these families have priority access. Families with children in crisis may also obtain assistance from the crisis response centre, where they may stay for three months. During this time, the municipality must try to provide social housing. Homeless families may also stay in homes for mothers with children and pregnant women (fathers are allowed).

27. Education

Concerns about the reforms

213. The Education Act stipulates that the distance between home and school must not exceed 3 km for students in primary school years 1 to 4, or 4 km for students in years 5 to 8. If these distances are exceeded, the municipality is responsible for providing free transport or reimbursing public transport costs and, until the child reaches the age of 7 years, reimbursing public transport costs for the child's guardian.

214. Separate measures are in place to ensure free transport for children with disabilities to primary and post-primary schools and remedial centres.

Roma children

215. Roma children have access to education on an equal footing with all students in compulsory education. An increasing number of Roma students continue their studies after primary school.

216. Under the 2014–2020 Programme for the Integration of the Roma Community in Poland, education is recognized as a key area of intervention. The objective is to improve school attendance and to promote an improved level of education.

217. The activities most commonly undertaken by schools are the organization of catch-up classes, the employment of assistant teachers (trained to work with bilingual children) and the recruitment of Roma teaching assistants.

218. The Roma teaching assistants help children in their relationships at kindergarten and school and work with parents. The aim is also to build a positive image of school among Roma adults. The assistants are, by definition, Roma persons trusted by the local communities.

219. During the 2016/17 school year, 98 per cent of Roma students received a “school kit” containing textbooks, exercise books, school supplies and sportswear.

220. Funding is provided for bursaries for especially gifted school and university students, integrated and Roma childcare centres, preschool activities, catch-up and supplementary activities adapted to individual needs, holidays, sporting activities and school trips.

	2015	2016	2017	2018
Students given school kits	2 455	1 938	1 344	731
Students participating in actions organized by schools to maintain and develop a sense of ethnic identity and support education	2 359	2 348	2 370	2 237
Students receiving a grant for preschool education	174	218	171	117
Claimants of education bursaries	119	108	161	115
Claimants of higher education bursaries	42	42	46	41
Students participating in music groups	1 998	1 897	1 827	2 019

In row 1, the decrease is due to the introduction of the “Family 500 Plus” programme and the free textbooks programme, while the figures in rows 3 to 5 are the effect of demographic changes and individual decisions.

Discrimination against children with HIV/AIDS

221. The scope and type of activities undertaken are decided by schools according to an analysis of the school's needs and issues.

222. The objective of the health education provided by schools is for students to develop the skills they need to take care of their own health and that of others. The relevant content is included in the following subjects: physical education, biology, family life education, social studies, safety education and ethics.

223. In 2018, the Centre for Education Development organized training covering HIV/AIDS prevention.

Migrant, refugee and asylum-seeking children placed in secure centres

224. Child applicants for international protection must attend school under the same conditions as Polish citizens. These students receive a school kit, and the costs of their extracurricular leisure and sporting activities are covered where possible.

225. Children placed in secure centres follow compulsory schooling. The classes take place in the centre and the programme is adapted according to the children's ages and the length of their stay in Poland. If no school reports are available, the teachers set competency tests.

226. The organizational structure of secure centres includes educational teams who organize cultural, educational and remedial activities (languages, mathematics, geography, art, music, sport).

Early childhood education

227. The universal provision of preschool education, including in rural areas, is among the priorities for education. All children aged between 3 and 5 years have had the right to preschool education since 1 September 2017. Preschool is compulsory for 6-year-old children. Compulsory schooling begins at the start of the academic year that falls in the calendar year during which the child reaches the age of 7 years; at the request of their parents, children can begin primary school at the age of 6 years.

228. Fees charged by public kindergarten services outside the free hours are limited by law to Zł 1 per hour. Since the 2017/18 school year, all children in preschool education have received free foreign language teaching.

229. By enabling all children aged between 3 and 5 years whose parents so wish to receive preschool education, by limiting preschool education fees and abolishing them completely for 6-year-old children, the economic barriers to preschool education have been eliminated.

230. The "Toddler Plus" programme for the development of childcare facilities for children under the age of 3 years has been implemented since 2011. Its purpose is to support the establishment of childcare facilities and the improvement of their operating standards, allow children's parents and guardians to work and provide a childcare place for each child in difficulty. This resulted in the creation of 32,600 places in childcare facilities in the period 2017–2018.

28. Access to leisure

231. Educational, cultural, sporting and leisure activities are organized by schools and out-of-school education establishments.

232. In 2018, 2,349,893 students in 209,991 activity groups participated in extracurricular activities.

233. In 2018, there were 457 out-of-school education establishments: 14 youth palaces, 128 cultural centres for young persons, 60 out-of-school work centres, 54 interschool sports centres, 9 children's playgrounds, 32 specialized out-of-school establishments and 158 non-public education and training establishments.

234. Summer and winter holidays are subsidized from the government budget. Priority is given to children in alternative care, children from families living in difficult material conditions, from families with three or more children and from lone-parent families, children with physical illnesses confirmed by a medical certificate and children living in polluted areas.

29. Migrant children

Guaranteed non-placement in secure centres

235. Polish legislation is compatible with European Union rules on the detention of foreign minors.

236. Unaccompanied minor applicants for protection may not be placed in secure centres. Once the application to grant international protection to an unaccompanied minor has been lodged, the Border Guard Service or the Office for Foreigners (depending on the stage of proceedings) asks the court to place the child in a professional foster family providing emergency family care or in a care and education facility.

237. For families with children, alternative measures have been applied instead of an initial detention since 2014. It is only for subsequent detentions that the Border Guard Service requests the courts to place the family in a secure centre, if it considers that there is a flight risk and alternative measures are insufficient. The possibility of applying alternative measures is assessed at the judicial stage of proceedings. The court is guided by the best interests of the child.

Provision of information on rights, obligations, procedures and services for refugees

238. Foreign nationals applying for international protection receive the “Information for foreigners seeking international protection in the territory of the Republic of Poland”, which is available in 22 languages. On admission to a centre, foreign nationals are informed of their rights and obligations in a language they understand and can learn about the assistance mechanisms for foreign applicants for international protection (from the display boards).

239. After obtaining international protection, foreign nationals are supported to become independent by officials from the Office for Foreigners (through integration programmes and help with finding housing, registering, applying for personal identification numbers (PESEL) and enrolling with the employment office).

Legal assistance and family reunification

240. Legal assistance is available free of charge to all applicants for international protection.

241. The Office for Foreigners takes steps to find the parents of minor applicants or beneficiaries of international protection, informs minors of the possibility of finding their parents through NGOs and helps them to make contact with their parents.

Housing insecurity

242. Pursuant to the Act on the Protection Granted to Foreigners in the Territory of Poland, applicants for international protection have the right, inter alia, to stay in a centre for foreign nationals or to receive cash benefits to cover their accommodation costs.

243. Each family that has obtained refugee status or subsidiary protection is entitled to take part in a one-year individual integration programme. A social worker helps them find housing, and cash benefits are paid to cover accommodation and other costs.

244. The rules for the allocation of housing from the municipal stock are determined by the local authorities. Refugees and persons under subsidiary protection have access to social

and municipal housing on the same basis as Polish citizens if they meet the conditions set by the local authorities. Some local governments allocate apartments without waiting lists.

30. Roma children

Guarantees against forced evictions from illegal camps

245. The question probably concerns an illegal encampment in Wrocław – please see the July 2016 reply to the list of issues in relation to the report on implementation of the International Covenant on Economic, Social and Cultural Rights.⁴

246. Children belonging to the Roma minority enjoy the same legal protection against eviction as all children in Poland.

247. If it were ascertained that an illegal encampment existed, the guardianship court would consider whether the interests of the children were under threat. If a danger were identified, for example if a child was living in a dangerous place or his or her basic needs were not being met, the guardianship court would issue all the necessary orders to protect the child.

Access to social services

248. All persons in need, including persons of Roma origin, may receive social assistance if they meet the conditions set out in the Social Welfare Act. The Ministry of Family, Labour and Social Policy has no information about de facto barriers to access for persons from the Roma minority to social assistance.

249. Previously, foreign Roma (citizens of Romania) were not registered as resident in Poland and were therefore not covered by social welfare and did not benefit from support programmes for the Roma minority in Poland. The introduction in 2016 of the “Family 500 Plus” programme resulted in the majority of Roma registering as residents, which allowed them to receive services.

31. Child victims of trafficking

Guarantee not to prosecute children for activities they were involved in as a consequence of being trafficked

250. To avoid victims of offences being brought before the courts as defendants, the question of whether any of the conditions for withdrawing or discontinuing proceedings has been met is considered when the victim’s behaviour is assessed. Proceedings are dropped or dismissed if it is established that the act was not committed of the victim’s own free will (for example, the victim’s behaviour resulted from physical violence) or that the act was born of necessity (the victim’s behaviour resulted from a compelling physical or mental constraint). If such circumstances come to light during the judicial proceedings, the court declares an acquittal. If none of the circumstances precluding criminal proceedings is applicable, a pardon is possible.

251. If an offence is committed by a victim of trafficking in persons, the harmfulness of the act, the motive of the perpetrator, the relationship between the offence and trafficking in persons and the circumstances in which the offence was committed are examined to determine whether there is any reason to terminate the prosecution or refrain from prosecuting.

252. In February 2018, the law on foreign nationals was amended to abolish the obligation for minors who are victims of trafficking in persons to cooperate with the law enforcement authorities when applying for a temporary residence permit in Poland. The following

⁴ https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fARL%2fPOL%2f25035&Lang=en.

obligations remain in force and are applicable to all trafficking victims: residence in Poland, cessation of contact with the suspects and status of injured party in trafficking proceedings.

Identification and protection

253. Since mid-2015, police and border guard units have been using a procedure for the identification and processing of minors who are victims of trafficking in persons. The procedure:

- Indicates high-risk groups to which potential victims may belong
- Highlights the necessity of verifying the information provided by children in the light of all the circumstances uncovered
- Sets out the rules on how to respond

254. If it is necessary to question a minor, the interview takes place in child-friendly conditions.

255. After the initial identification, the police officer or border guard contacts the anti-trafficking coordinator at the police or border guard station. In the meantime, the minor must be separated from the suspected perpetrators of the offence.

256. The aims of the 2017 project for assessment and improvement of the system for effective identification of and support to child victims of trafficking are to increase the effectiveness of the system for identifying child trafficking victims, put in place a comprehensive support system and raise awareness of child exploitation among teachers, children and parents.

257. Minors who are victims of trafficking in persons are supported by the National Consulting and Intervention Centre. The Centre's tasks are as follows: the informal identification of trafficking victims, intervention, organization of safe shelter, health care, legal and psychological assistance, provision of an interpreter, preventive advice and consultations for institutions and individuals.

258. Girls over the age of 16 are placed in shelters managed by the National Consulting and Intervention Centre; boys and younger girls are placed in care and education facilities.

259. Training has been provided to build the capacity of judges and prosecutors to handle trafficking in persons cases.

260. In September 2018, a training course on practical aspects of combating trafficking in persons and trafficking-related offences was organized for the anti-trafficking coordinators of provincial police headquarters.

261. The Ministry of Family, Labour and Social Policy and the International La Strada Association organize training courses for the officials responsible for handling applications for international protection and for social workers.

262. The National Plan of Action to Combat Trafficking in Persons for the period 2019–2021 provides for measures including the implementation of a code of conduct to protect children against commercial sexual exploitation in tourism and the development of a support and protection programme for child victims of trafficking.

32. Children in conflict with the law

Upper age limit of the juvenile justice system

263. Pursuant to the Juvenile Criminal Justice Act of 26 October 1982, minors appear before the courts in proceedings concerning:

- Prevention and suppression of demoralization (persons under the age of 18 years)
- Punishable acts (persons who have committed such acts and are aged between 13 and 17 years)

- Execution of educational or corrective measures (persons under the age of 21 years)

264. Minors over the age of 15 years who commit certain offences may be held responsible under the Criminal Code if the circumstances of the case and the minor's maturity and personality so allow, in particular if the educational or corrective measures previously taken have proved ineffective.

Placement in educational centres and alternative measures

265. Pursuant to the Juvenile Criminal Justice Act, minors may be placed in educational centres for young persons, professional foster families or correctional facilities. If a minor has a mental disability, illness or disorder or is dependent on alcohol or drugs, the court may order placement in a psychiatric hospital or another health-care facility.

266. If a minor requires only educational measures, the court may order placement in an educational centre for young persons or, if the minor has a serious mental disability and only needs care, in a social assistance home. Before deciding, the court asks the opinion of a consultative team of specialists.

267. Pursuant to the Act, placement in an educational centre for young persons, professional foster family, health-care facility or social assistance home ends when the minor reaches the age of 18 years and other measures end when he or she reaches the age of 21 years.

268. Placement of a minor in a correctional facility may be suspended conditionally by the court if the personality and environment of the offender and the circumstances and nature of the act committed indicate that the educational objectives will be met despite the fact the correctional measure was not carried out. The suspension lasts for between one and three years, during which time the court applies educational measures (for example, reparation, study or work, participation in educational and therapeutic activities, supervision by parents, guardians, community organizations or trustees, and placement in an educational centre for young persons or a professional foster family).

269. The court may release the minor conditionally, if the progress made in his or her education indicates that he or she will obey the law and the rules of civic coexistence. Conditional release is only possible at least six months after placement in a facility.

270. If the minor's behaviour significantly improves between the decision to place him or her in a correctional facility and the actual placement, or following the postponement or interruption of the placement, the court may decide not to enforce the penalty on a conditional basis. The court then applies educational measures. If necessary, for educational reasons, the court may order placement of the minor in a correctional facility at any time.

Prohibition of interviewing in the absence of a lawyer or guardian

271. Police interviews take place in the presence of the minor's parents, guardian or lawyer or, if that is impossible, of a person indicated by the minor, a representative of the school, a family worker, an alternative care coordinator or the representative of a community organization tasked with supporting the education process for minors or their reintegration.

272. Minors appear before the courts with their parents or guardian as well as their lawyer.

Legal representation

273. Minors have the right to be assisted by counsel. The presiding judge appoints a lawyer if the minor does not have one and if:

- The minor's interests conflict with those of the parents or guardian.
- The minor is deaf, mute or blind.
- There is reason to believe that the minor might not be able to participate in the proceedings or defend himself or herself independently and reasonably, owing to his or her mental health situation.

- The minor has been placed in a youth shelter.

274. The minor may request to have a court-appointed lawyer. The request is approved if participation of a lawyer is required and if the minor or his or her parents are not able to pay the legal fees.

275. As from 1 July 2015, accused persons under the age of 18 years must be assisted by counsel at all stages of criminal proceedings and counsel must be present at the interview and any meetings that the accused person must attend.

33. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Definition of “child prostitution” and “sale of children”

276. Prostitution is not defined in the Criminal Code; the definition is contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the relevant provisions of these instruments are directly applicable).

277. Forcing, inciting or facilitating prostitution for gain and profiting from prostitution are punishable offences.

278. Pursuant to the 4 April 2014 amendments to the Criminal Code, it is a criminal offence to:

- Show pornographic content to a minor under the age of 15 years or provide the minor with such content or broadcast such content in a manner allowing the minor to see it
- Show the performance of a sexual act to a minor under the age of 15 years for one’s own sexual gratification or that of another person
- Advertise or promote the broadcast of pornographic content in a manner allowing a minor under the age of 15 years to see it
- Participate in the showing of pornographic content that includes a minor for the purposes of sexual gratification

279. Penalties have been increased for the dissemination, production, recording, import, storage, possession, distribution or showing of pornographic content that includes a minor.

280. The statute of limitations for sexual offences against children may not expire before the victim has reached the age of 30 years (previously it was five years after the victim’s eighteenth birthday).

281. In accordance with the Criminal Code, “trafficking in persons” means the recruitment, transport, delivery, transfer, housing or reception of a person, committed:

- Using violence or unlawful threats, abduction, fraud or deception
- Taking advantage of a person’s error or inability to understand actions
- Through the abuse of a relation of dependence, the exploitation of a situation of crisis or vulnerability, the granting or acceptance of a financial or personal advantage or the promise of such an advantage to a person with custody or guardianship of another person, in order to exploit that other person, even with his or her consent, including in prostitution, pornography or other forms of sexual exploitation, in forced labour or services, in begging, slavery or other degrading forms of exploitation, or for the removal of cells, tissues or organs in violation of the law

282. If the act involves a minor, it constitutes trafficking in persons even if the methods or means described are not used.

Protection and shifting of the burden of proof

283. To eliminate the ambiguity of criminal provisions that had made it possible for criminal liability to depend on which person had initiated the sexual contact, the words “has sexual intercourse” have replaced “causes to have sexual intercourse” in article 199 (3) of the Criminal Code. Consequently, if a person has sexual intercourse with a child in exchange for a financial or personal favour or in an abuse of trust, the perpetrator of the act cannot justify it by saying that the minor was the initiator.

284. In criminal proceedings, the accused person is not obliged to prove his or her innocence or supply evidence against himself or herself. His or her guilt must be proved and the authorities must examine and take account of all the facts, whether exculpatory or incriminating.

Legal aid and support for victims of offences

285. See section 18 on the Justice Fund.

Tourism sector

286. Sex tourism involving children is a marginal phenomenon in Poland; however, the police takes the necessary measures. The 2014–2018 campaign “Don’t Look Away” included the creation of a website for reporting suspected sex tourism involving children.

287. Under the Act on Combating Threats related to Sex Crimes, the perpetrators of paedophilia offences must inform the police of their movements; the countries concerned are informed of these persons’ presence in their territory. The police may also use an International Criminal Police Organization (INTERPOL) Green Notice to inform the authorities of other countries of the persons travelling there.

288. The police take part in European Union actions, including those on cybercrime and child sexual exploitation.

289. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism of 1998 is applied.

290. An amendment has been proposed to the Act of 29 August 1997 on Hotel Services and Tourist Guide Services to ensure compatibility as regards the supply of hotel services with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

291. The “Open Data Plus” project has been put in place, with the aim of establishing a system of public tourism registers containing information about hotels in Poland.

Accountability of business enterprises

292. The Act of 28 October 2002 on the Liability of Corporate Entities for Criminal Offences provides for the possibility of holding a corporate entity liable for the acts listed in the Act. The list includes acts against minors, including the offences against sexual freedom and decency specified in the Criminal Code.

34. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Criminalization of the recruitment and involvement of children in hostilities by the armed forces and non-State armed groups

293. There has been no change to the legislation on the universal duty to defend the Republic of Poland.

294. The Criminal Code establishes penalties for the recruitment of Polish nationals and of foreign nationals residing in Poland, including children, for military service in a foreign army or foreign military organization or to provide military services that are prohibited under international law.

Identification of victims

295. During the period under consideration, no children have been identified as having been involved in armed conflict abroad.

296. The identification of a person in need of special treatment may occur as soon as an application for international protection is submitted or at any point prior to the completion of the process if new circumstances come to light.

297. The Procedure for identifying persons with special needs among applicants for refugee status in Poland has been applied since July 2015.

298. In follow-up to the 2016–2017 project “I See, I Help”, which was aimed at promoting integration and developing the actions and procedures of the Office for Foreigners and the Border Guard Service for the identification of members of vulnerable groups among persons applying for international protection in the territory of Poland, a system for identifying members of such groups and meeting their needs has been brought into operation.

Statistical information

299. Some data for 2018 are not available or are not disaggregated in the manner requested.

37. Budgetary expenditure (millions of zlotys)

	2015	2016	2017
School education, higher education, health care, preschool education, support for gifted children, financial assistance for pupils and students	16 733.1	17 424.9	19 186.8
Early childhood care	11 656.5	12 804.0	13 453.0
Transportation	6 775.0	6 848.6	6 992.2
Tax credits	6 926.7	7 431.6	7 391.1
Financial support	4 601.1	22 299.9	28 119.3
Disability	3 051.0	3 184.1	3 393.4
Other: allowances, pensions and benefits; support for families with parenting issues; alternative care; violence prevention; rehabilitation; Nutrition Fund, holidays for children, grants for remote working	10 233.7	10 243.2	10 074.1
Total	59 977.2	80 236.3	88 609.9

38. Number of children, number who are married

	Thousands of children	Percentage of population
2015	6 902	17.96
2016	6 896	18.94
2017	6 921	18.01
2018	6 936	18.06

Females who are married

	<i>At age</i>	
	<i>16 years</i>	<i>17 years</i>
2015	18	173
2016	75	153
2017	48	109
2018	48	130

39. Discrimination, prosecutions and sanctions**Minors who were victims of recorded offences under the Criminal Code**

	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Art. 119 (1)	2	3	11	7
Art. 257	0	15	21	58

Article 119 (1) – violence or unlawful threats against a person or group of persons on account of their national, ethnic, racial, political or religious affiliation or lack of religious affiliation.

Article 257 – public insult of a person or group of persons on account of their national, ethnic, racial, political or religious affiliation or lack of religious affiliation, or violation of the physical integrity of another person for the same reasons.

300. There are no data on:

- Final judgments issued in respect of offences against minors
- Minors who were victims of offences in respect of which a final conviction has been handed down

40. Suicides

	<i>Suicide attempts</i>		<i>Resulting in death</i>	
	<i>7–12 years</i>	<i>13–18 years</i>	<i>7–12 years</i>	<i>13–18 years</i>
2015	12	469	5	114
2016	9	466	2	101
2017	28	702	1	115
2018	26	746	5	92

41. Number of stateless children and children of undetermined nationality

	<i>Stateless children</i>	<i>Children of undetermined nationality</i>
2015	32	4
2016	24	2
2017	14	3
2018	11	3

42. Reported cases of domestic violence against children

2015	2016	2017
46 969	60 846	63 970

301. There are no data on:

- Final judgments issued in respect of offences involving domestic violence against minors
- Minors who were victims of domestic violence offences in respect of which a final conviction has been handed down

Protection of children

Children removed from their families

2015	2016	2017
1 158	1 214	1 123

Child victims of violence

	2015	2016	2017	2018
Recipients of support from:				
Advice centres for victims of domestic violence	3 041	3 004	2 908	2 910
Crisis response centres	3 123	2 898	3 111	3 866
Specialized assistance centres for victims of domestic violence	1 625	1 466	1 677	1 011
Assistance centres	636	769	381	270
Homes for mothers and children and pregnant women	200	132	145	281
Recipients of assistance from:				
Interdisciplinary teams	37 843	43 955	47 883	51 157
Working groups	61 281	66 332	68 934	70 268

43. Support for families with children

Benefits, monthly average, thousands

Family benefits

	2015	2016	2017	2018
Total	1 810	1 921	1 939	1 945
Of which means-tested	1 047	1 118	1 119	1 116

“Family 500 Plus” programme

	2016	2017	2018
Childcare benefit	3 808.7	3 797.1	3 706.7
Childcare benefit supplement	46.9	46.3	46.1
Lump-sum supplement	1.5	1.5	1.3

Families receiving support from the Nutrition Fund, thousands

2015	2016	2017	2018
207	195	183	167

Families receiving social welfare

	2015	2016	2017	2018
Total	504 326	444 710	384 484	341 130
Percentage of all families	39.1	36.3	33.1	31.42

44. Children**Number left at hospitals for non-medical reasons**

2015	2016	2017	2018
762	709	544	472

Number receiving institutional care*Alternative care*

	<i>Facilities</i>					
	<i>Socialization centres</i>	<i>Intervention centres</i>	<i>Specialized and therapeutic care centres</i>	<i>Family-type institutions</i>	<i>Regional care and therapy centres</i>	<i>Pre-adoption intervention centres</i>
2015	15 387	1 576	444	1 885	182	43
2016	14 404	1 337	475	1 729	217	51
2017	13 779	1 145	511	1 669	247	56
2018	13 427	1 209	482	1 614	270	49

Institutional care

	<i>Inpatient treatment facilities, care and treatment facilities</i>	<i>Palliative care and hospice facilities</i>	<i>Social assistance homes</i>
2015	501	1 412	1 089
2016	509	1 512	1 051
2017	514	1 665	945
2018	491	2 206	893

Family-type care

	2015	2016	2017	2018
Total	56 986	56 544	55 721	55 288
Kinship foster care	31 951	31 647	30 816	30 185
Non-professional foster care	15 486	15 268	14 838	14 528
Professional foster care	6 371	6 270	6 355	6 572
Foster homes	3 178	3 359	3 712	4 003

45. Children with disabilities

Total

Population census, 2011

<i>0–15 years</i>	<i>16–17 years, degree of disability</i>	
184 849	severe	6 069
	moderate	9 688
	mild	5 987

European Health Interview Survey (EHIS) 2014 – 245,600 children with disabilities (aged 0–17 years), of whom 212,900 have a disability certificate.

Living with their families

Population census, 2011 – 210,407

Living in care and having a disability certificate

	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
In foster families	5 508	5 559	5 485	5 411
In foster homes	461	526	539	606
In residential care institutions	1 939	1 882	1 991	2 011
In family-type institutions	208	174	177	164

Attending regular and special schools and having a decision as to their needs

Special education schools	161 091	170 163	180 573	190 820
Remedial classes	10 085	9 940	9 670	9 525

46. Children with health insurance

	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Declared as family members	5 725 127	5 735 205	5 749 768	5 762 453
Entitled to health care, not declared as family members	1 076 772	1 124 837	1 286 949	1 350 247

Owing to the different methods of data collection, it is not possible to determine the ratio of children with health insurance to the total number of children.

Province	Paediatric clinics				Paediatric units in general hospitals			Children's psychiatric clinics			Children's psychiatric units in hospitals			Paediatricians, thousands		
	2015	2016	2017	2018	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Dolnośląskie	43	44	46	53	30	30	32	14	18	9	4	4	5	0.3	0.3	0.3
Kujawsko-Pomorskie	15	16	17	19	24	23	22	9	9	10	3	3	4	0.2	0.2	0.2
Lubelskie	35	35	36	39	25	24	22	8	8	8	2	2	2	0.1	0.1	0.1
Lubuskie	11	12	11	11	10	9	9	4	4	8	1	1	1	0.1	0.1	0.1
Łódzkie	44	46	47	48	24	24	24	10	13	14	3	3	3	0.3	0.3	0.3
Małopolskie	70	82	87	87	25	25	27	17	18	22	2	2	2	0.3	0.3	0.3
Mazowieckie	203	225	217	225	47	48	51	30	23	46	6	6	6	0.5	0.6	0.6
Opolskie	11	9	9	9	12	12	12	3	4	4	1	1	1	0.1	0.1	0.1
Podkarpackie	17	15	19	19	24	23	23	5	6	8	1	1	1	0.2	0.2	0.2
Podlaskie	16	20	20	21	19	19	19	5	6	7	1	0	1	0.1	0.1	0.1
Pomorskie	37	37	39	43	23	23	23	10	12	10	2	2	2	0.2	0.3	0.2
Śląskie	65	66	66	67	33	32	30	20	20	21	3	3	3	0.4	0.4	0.4
Świętokrzyskie	14	15	18	17	12	13	13	5	5	7	1	1	1	0.1	0.1	0.1
Warmińsko-Mazurskie	11	15	17	16	23	25	23	6	6	7	1	1	1	0.1	0.1	0.1
Wielkopolskie	44	47	49	60	34	34	35	5	4	5	2	2	2	0.2	0.2	0.2
Zachodniopomorskie	21	26	25	27	22	22	23	5	4	5	1	1	1	0.1	0.1	0.1

47. Mothers aged 17 years and under

2015	2 840
2016	2 718
2017	2 318
2018	2 107

Children with drug and alcohol abuse problems

The drug addiction treatment declaration system covers 90 per cent of treatment facilities and 17 per cent of clinics

Children presenting for treatment of

	Drug addiction	Alcoholism
2015	928	346
2016	862	521
2017	1 369	450
2018	1 270	-

European School Survey Project on Alcohol and Other Drugs (ESPAD), 2015 – over the previous 12 months, 72 per cent of 15-year-olds and 93 per cent of 17- to 18-year-olds had consumed alcohol.

Providers of obstetric and gynaecological advice, including to patients under the age of 18 years, 2017

<i>Province</i>	
Dolnośląskie	200
Kujawsko-Pomorskie	174
Lubelskie	99
Lubuskie	45
Łódzkie	147
Małopolskie	188
Mazowieckie	267
Opolskie	55
Podkarpackie	117
Podlaskie	44
Pomorskie	124
Śląskie	368
Świętokrzyskie	115
Warmińsko-Mazurskie	102
Wielkopolskie	225
Zachodniopomorskie	106

48. Poverty

Children aged 0–17 years at risk of relative poverty, European Union Statistics on Income and Living Conditions (EU-SILC)

	2015	2016	2017
Total, thousands	1 440	946	878
Percentage of all children	21.1	14.0	13.0
Aged 0–5 years	17.6	11.8	10.7
Aged 6–11 years	21.1	12.6	11.6
Aged 12–17 years	25.8	18.5	17.6

Poverty rate among children aged 0–17 years

<i>Poverty</i>	2015	2016	2017	2018
Extreme	9.0%	5.8%	4.7%	6.0%
Legally-defined level	19.3%	18.1%	14.8%	-

49. Children

In schools

	<i>Public</i>	<i>Non-public</i>	<i>Run by religious institutions</i>
2015/16	5 503 906	436 554	72 755
2016/17	5 379 431	509 202	78 294
2017/18	5 388 079	537 684	78 746
2018/19	5 416 874	548 975	78 744

Not attending school

	<i>Total</i>	<i>Aged 16–18 years</i>	<i>As percentage of children in compulsory education</i>
2015/16	246 492	53 822	5.4
2016/17	236 792	35 644	5.2
2017/18	255 749	68 646	5.7
2018/19	220 557	4 317	5.0

In special schools and special classes

		<i>Regular schools, type of class</i>			
		<i>Special schools</i>	<i>Regular</i>	<i>Integrated</i>	<i>Special</i>
2015/16	Total	77 862	5 679 368	160 135	2 651
	Including number with decision as to need for special education	76 564	60 889	32 968	2 651
2016/17	Total	76 330	5 630 176	159 135	2 809
	Including number with decision as to need for special education	75 158	70 345	34 446	2 809
2017/18	Total	75 547	5 659 208	168 559	2 942
	Including number with decision as to need for special education	74 380	79 882	36 299	2 942
2018/19	Total	75 790	5 693 864	175 302	3 062
	Including number with decision as to need for special education	74 634	89 279	37 362	3 051

In kindergartens

	<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>	<i>2018/19</i>
Total, thousands	1 140.6	1 299.1	1 361.2	1 392.8
Percentage of children aged 3–5 years	84.2	81.1	84.7	87.4
Percentage of children attending between the age of 4 years and the year in which school education starts	90.8	87.6	92.4	94.7

50. Children**Asylum seekers and refugees**

	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Applying for international protection	5 492	5 981	2 391	1 893
Covered by their parents' application for asylum or international protection	5 344	5 829	2 271	1 758
With refugee status	378	253	369	336

The number of unaccompanied minors applying for asylum or international protection is no more than 10 per year.

Migrants

Having the right to reside in Poland

2015	2016	2017	2018
18 682	23 985	27 123	32 573

Unaccompanied asylum-seeking minors not covered by child protection services

302. All these children are in alternative care.

Staying in secure centres (asylum-seeking children who are in the process of being returned)

	2015	2016	2017	2018
Total	159	316	298	248
Including number of unaccompanied children	31	24	17	19

303. No other children may stay in these centres.

Asylum-seeking, refugee and migrant children with access to education, health care, housing and legal assistance

304. All children have access to education, health care, housing and legal assistance.

51. Minors who are victims of trafficking

Identified by the Border Guard Service

2015	2016	2017	2018
6	1	0	2

Proceedings that have been closed, police data

2015	2016	2017	2018
0	3	2	4

Victims in cases in which there has been a conviction at first instance (it is not possible to determine whether the convictions have become final)

	2015		2016		2017		2018	
	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
Criminal Code, art. 189 a (1) (former art. 253 (1))	6	0	5	0	2	0	2	0
Criminal Code, art. 189 a (2)	0	0	0	0	1	0	0	0

305. There are no data on the number of victims in cases in which the convictions have become final.

Children who have been provided with access to rehabilitation programmes

2015	34
2016	19
2017	10
2018	13

52. Children deprived of liberty**Police emergency youth centres**

2015	5 884
2016	5 635
2017	4 964
2018	4 335

As at 31 December

	<i>In pretrial detention</i>	<i>Sentenced to prison terms</i>	<i>In correctional institutions</i>
2015	32	4	985
2016	30	9	861
2017	48	4	766
2018	38	3	676

Released on parole from correctional institutions, as at 31 December

2015	125
2016	114
2017	92
2018	71

53. Reported cases

For trafficking in children, see section 51 above.

Pornography and child prostitution, Criminal Code

	<i>Minors who are victims</i>				<i>Recorded offences</i>			
	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Art. 200 (3)	70	223	318	355	92	220	307	341
Art. 200 (4)	84	132	155	123	75	90	118	11
Art. 200 (5)	0	0	1	0	0	1	1	1
Art. 202 (2) (repealed)	17	8	1	1	20	13	9	9
Art. 202 (3)	101	0	0	0	365	1 648	1 576	3 076
Art. 202 (4)	16	0	0	0	24	45	56	72
Art. 202 (4) (a)	96	0	0	0	163	278	253	307
Art. 202 (4) (b)	1	0	0	0	8	13	33	24
Art. 202 (4) (c)	0	0	0	0	0	0	0	2
Article 204	0	0	0	0	6	5	2	10

Proceedings

Adults whose conviction has become final

	2015	2016	2017	2018
Article 200 (3)	4	24	33	56
Article 200 (4)	15	25	24	27
Article 200 (5)	0	0	0	0
Article 202 (2) (repealed)	4	2	0	0
Article 202 (3)	39	60	73	60
Article 202 (4)	6	7	7	17
Article 202 (4) (a)	62	110	105	108
Article 202 (4) (b)	2	0	1	2
Article 202 (4) (c)	0	0	0	0
Article 204	9	7	5	7

Victims in cases in which there has been a conviction at first instance (it is not possible to determine whether the convictions have become final)

	2015	2016	2017	2018
Article 200 (3)	16	39	48	61
Article 200 (4)	25	43	45	43
Article 200 (5)	0	0	0	0
Article 202 (3)	4	11	13	12
Article 202 (4)	1	9	12	20
Article 202 (4) (a)	9	14	15	72
Article 202 (4) (b)	1	9	8	1
Article 202 (4) (c)	0	0	0	0
Article 204 (3)	0	0	0	0

Article 200 (3) – showing pornographic content to a minor under the age of 15 years or providing the minor with such content, or broadcasting such content in a manner that allows the minor to see it.

Article 200 (4) – showing the performance of a sexual act to a minor under the age of 15 years for one's own sexual gratification or that of another person.

Article 200 (5) – advertising or promoting the broadcast of pornographic content in a manner that allows a minor under the age of 15 years to see it.

Article 202 (2) (repealed) – showing pornographic content to a minor under the age of 15 years or providing the minor with such content, or broadcasting such content in a manner that allows the minor to see it.

Article 202 (3) – producing, recording, importing, storing, possessing, disseminating or showing pornographic content that includes a minor.

Article 202 (4) – recording pornographic content that includes a minor.

Article 202 (4) (a) – storing, possessing or viewing pornographic content that includes a minor.

Article 202 (4) (b) – producing, disseminating, showing, storing or possessing pornographic content that includes a generated or processed image of a minor taking part in a sexual act.

Article 202 (4) (c) – participating in the showing of pornographic content that includes a minor for the purposes of sexual gratification.

Article 204 (3) – inciting or facilitating the prostitution of a minor for financial gain.

Children who have been provided with recovery assistance and compensation

306. Children constitute a significant proportion of those who receive assistance from the Justice Fund. The assistance provided is comprehensive. No data are available on children who have been provided with recovery assistance.

54. Migrant, asylum-seeking and refugee children from areas in which children are involved in armed conflict; children benefiting from physical and psychological recovery assistance

There have been no such cases.
