



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Poland\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Poland<sup>1</sup> at its 2544th and 2545th meetings,<sup>2</sup> held virtually on 13 and 14 September 2021, and adopted the present concluding observations at its 2562nd meeting, held on 24 September 2021.
2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee notes with appreciation the adoption of the following legislative, policy and administrative measures:
  - (a) Act of 23 March 2017 amending the Criminal Code, the Juvenile Criminal Justice Act and the Code of Criminal Procedure, which strengthened protection for minors;
  - (b) 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;
  - (c) Amendment, in 2018, of the Act of 13 June 2003 on the Protection Granted to Foreigners in the Territory of Poland, which improved the situation of unaccompanied minors seeking international protection;
  - (d) Student Health Care Act of 12 April 2019, ensuring equal access to health care at school, regardless of the student's place of residence or the type of school;
  - (e) Amendment, on 16 May 2019, of the Act of 6 November 2008 on Patient Rights and the Patient Rights Ombudsman, which provides that parents may stay free of charge in health-care facilities with their sick children;
  - (f) Act of 16 October 2019 amending the Act on the Criminal Code and the Act on the Code of Civil Procedure, which makes illegal or irregular child adoptions punishable offences;
  - (g) Adoption of the strategy for persons with disability, 2021–2030.

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\* Adopted by the Committee at its eighty-eighth session (6–24 September 2021).

<sup>1</sup> [CRC/C/POL/5-6](#).

<sup>2</sup> See [CRC/C/SR.2544](#) and [CRC/C/SR.2545](#).



4. The Committee also welcomes the development of the comprehensive family support programme and other measures for support for, and the inclusion of, children with disabilities and the progress made in reducing infant mortality.

### **III. Main areas of concern and recommendations**

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 18); freedom of thought, conscience and religion (para. 24); freedom from all forms of violence (para. 26); sexual exploitation and abuse (para. 28); health and health services (para. 33); and the administration of child justice (para. 45).

6. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

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

##### **Reservations**

7. **The Committee, in line with the recommendations contained in its concluding observations on the combined third and fourth periodic reports of the State party<sup>3</sup> and in the light of the Vienna Declaration and Programme of Action, encourages the State party to consider withdrawing its interpretative declaration regarding articles 12 to 16 and 24 (2) (f) of the Convention and to strengthen its awareness-raising activities on the principles and rights enshrined in the Convention.**

##### **Legislation**

8. While noting legislative work undertaken by the State party in several areas covered by the Convention, the Committee recommends that the State party conduct a comprehensive review of all its legislation to align it with the Convention and ensure the full applicability thereof.

##### **Comprehensive policy and strategy**

9. **The Committee, while noting the adoption of the State party's strategy for responsible development, in 2017, recommends that the State party:**

(a) **Develop a comprehensive policy and strategy on children that encompasses all areas covered by the Convention;**

(b) **Allocate specific and adequate budgets for the implementation, monitoring and evaluation of the policy and strategy, at all levels.**

##### **Coordination**

10. **While noting that the Ministry of Family and Social Policy oversees the activities related to the implementation of children's rights, the Committee recommends that the State party establish a clear mandate and allocate sufficient authority and human, technical and financial resources in order for the Ministry to coordinate all activities**

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<sup>3</sup> [CRC/C/POL/CO/3-4](#), para. 7.

relating to the implementation of the Convention across sectors at the national, regional and local levels.

#### **Allocation of resources**

11. The Committee welcomes the increased support for families with children. In the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee encourages the State party to:

(a) Employ a child rights-based approach in the elaboration of its budget and implement a tracking system and indicators for the allocation and use of resources for children in individual ministries;

(b) Take measures to ensure transparent and participatory budgeting through public dialogue, especially by encouraging the participation of children and building the capacity of children and of the authorities involved.

#### **Data collection**

12. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party develop a centralized and integrated data collection system, disaggregate data by age, sex, disability, residence, ethnic and national origin and socioeconomic and migration status and harmonize methodologies and procedures for the collection of data on children.

#### **Independent monitoring**

13. The Committee recommends that the State party provide the Office of the Ombudsman for Children with the resources necessary to ensure that it can effectively, independently and fully implement its mandate for the promotion, protection and monitoring of children's rights.

#### **Cooperation with civil society**

14. The Committee recommends that the State party involve civil society and organizations working for and with children in developing, implementing, monitoring and evaluating policies, plans and programmes concerning children's rights and in preparing periodic reports under the Convention and the Optional Protocols thereto.

#### **Dissemination, awareness-raising and training**

15. While welcoming the training courses offered by the National School of the Judiciary and Public Prosecution on several children's rights issues, the Committee notes that the level of awareness of the Convention in the country is insufficient, in particular among children, their parents and professionals working with and/or for children. The Committee therefore recommends that the State party intensify its awareness-raising and systematic training efforts targeting those groups.

#### **Children's rights and the business sector**

16. In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, the Committee recommends that the State party ensure that members of the business sector comply with international and national human rights, labour, environmental and other standards, in particular with regard to children's rights, and require impact assessments of, consultations on and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts.

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

17. **The Committee recommends that the State party amend its legislation to remove all exceptions that allow marriage for those under 18 years of age.**

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

18. The Committee is concerned that:

(a) Discrimination is not prohibited in legislation on all grounds, in all aspects of life and in all forms, including multiple forms of discrimination and the phenomenon of territories, workplaces or services declaring themselves as being “free from/unwelcoming to lesbian, gay, bisexual, transgender, queer and intersex persons”;

(b) There is a reported increase in the number of incidents of bullying and discrimination on the basis of ethnicity, religion or lack of religious affiliation, sexual orientation and gender identity and the response by the authorities to such incidents is insufficient;

(c) Gender stereotypes concerning the roles and responsibilities of women and men in the family and in society persist.

19. **The Committee reiterates its previous recommendations<sup>4</sup> and recommends that the State party:**

(a) **Amend the relevant legislation to ensure protection against all forms of direct, indirect, multiple and intersectional discrimination, including on the basis of sexual orientation and gender identity, disability and gender, and ensure that such incidents are thoroughly investigated and that perpetrators are brought to justice;**

(b) **Systematically undertake awareness-raising and education efforts on the issues of discrimination, intolerance and hate speech against children belonging to ethnic, religious and linguistic minority groups, refugee, asylum-seeking and children in situations of migration, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;**

(c) **Strengthen the measures to prevent and eliminate gender stereotypes, intolerance and discrimination among the general public and the national and local authorities;**

(d) **Provide in its next periodic report an update of the work relevant for children’s rights undertaken by the interministerial team referred to in paragraph 48 of the State party’s report.**

**Best interests of the child**

20. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Integrate and consistently interpret and apply the right of children, including children born to same sex parents, to have their best interests taken as a primary consideration in all legislative, administrative and judicial proceedings and all decisions concerning children, including in custody disputes and all policies, programmes and projects that are relevant to and have an impact on children;**

(b) **Develop procedures and criteria to provide systematic training and guidance for all relevant professionals to assess and determine the best interests of the child in every area, in particular in the areas of education, disability, alternative care,**

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<sup>4</sup> Ibid., para. 17.

migration and asylum and justice, and to give the principle due weight as a primary consideration.

#### **Respect for the views of the child**

21. While noting with concern the lack of clear rules of procedure for hearing a child, recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Ensure the adoption of regulations, and their effective and consistent implementation, on the right of children to be heard in all relevant judicial and administrative processes concerning them, including in civil and criminal court procedures, migration and asylum-seeking processes and parental and alternative care;

(b) Reinforce measures to ensure that professionals working with and for children systematically receive appropriate training on hearing children and taking into account children's views in all decisions affecting them.

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

#### **Birth registration and nationality**

22. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen the prevention of statelessness among children, including by extending protection to children born to undocumented stateless parents;

(b) Consider ratifying the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

#### **Right to identity**

23. The Committee reiterates its previous recommendations<sup>5</sup> and urges the State party to address the causes of the anonymous abandonment of children, strengthen family support measures and consider introducing, as a last resort, the possibility of confidential hospital births, in order to end the anonymous abandonment of children in “baby boxes”.

#### **Freedom of thought, conscience and religion**

24. The Committee is concerned about the role that the Catholic Church reportedly plays in public education. The Committee is also concerned that ethics classes are not available in all schools as an alternative to religion classes.

25. The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion in education, in accordance with international standards, that the secular public school system promote a culture of equality and inclusion and that ethics classes be available in all schools as an alternative to religion classes.

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

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

26. The Committee welcomes the measures taken by the State party to combat domestic violence but remains concerned about the following:

<sup>5</sup> Ibid., para. 21.

(a) The absence of a comprehensive national strategy aimed at preventing, and protecting children from, all forms of violence, including bullying and digital violence, and providing support to children who are victims of such violence;

(b) The expiration of several programmes, such as the national programme for countering domestic violence, 2014–2020, and the Wladyslaw Stasiak programme for the reduction of crime and antisocial behaviour, 2018–2020;

(c) The persistent practice of corporal punishment, mostly in the home, and domestic violence against children;

(d) The absence of the legal obligation for care and educational facilities to develop standards on safeguarding children from violence;

(e) The absence of safe, confidential and child-friendly complaint mechanisms for reporting abuse in police emergency youth centres, youth shelters, schools or any other facility for children.

**27. Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and general comment No. 25 (2021) on children’s rights in relation to the digital environment, as well as target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

**(a) Formulate, with the involvement of children, a comprehensive strategy for preventing, combating and monitoring all forms of violence against children, including bullying and digital violence;**

**(b) Consider extending the national programme for countering domestic violence that ended in 2020, with a view to the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;**

**(c) Strengthen measures to eradicate corporal punishment, in particular in the home, and domestic violence;**

**(d) Legally oblige care and educational facilities to develop internal standards for safeguarding children from violence;**

**(e) Encourage the reporting of all forms of violence against children and establish accessible, confidential, child-friendly and effective complaint and reporting mechanisms, including in police emergency youth centres, schools and care institutions;**

**(f) Ensure that all cases of violence against children are investigated and prosecuted and that perpetrators are brought to justice;**

**(g) Strengthen programmes and services for violence prevention and for the recovery and social reintegration of children who are victims of violence.**

#### **Sexual exploitation and abuse**

28. The Committee takes note of the adoption of the Act on the State Commission to Investigate Cases of Acts contrary to Sexual Freedom and Decency Committed against Minors under 15 Years of Age, on 30 August 2019, and the establishment of the independent commission to investigate cases of sexual abuse perpetrated against children under 15 years of age. The Committee remains concerned about the sexual abuse of children and the limited information on the investigation, prosecution and sanction, following the adoption of the Act, of cases of sexual abuse perpetrated by members of the clergy.

**29. The Committee reiterates its previous recommendations<sup>6</sup> and urges the State party to:**

**(a) Continue its efforts to ensure that all cases of the sexual abuse of all children under 18 years of age are reported, investigated and prosecuted, including**

<sup>6</sup> Ibid., para. 27.

such abuse perpetrated by those in the circle of trust, such as members of the family and of the Catholic Church;

(b) Collect data related to cases of sexual abuse perpetrated against children, including those involving the Catholic clergy, disaggregated by relevant factors, and provide in its next periodic report detailed information on reports of such abuse and associated investigations, prosecutions and convictions;

(c) Ensure a legal and budgetary basis for the child-friendly and multidisciplinary support centres (*barnahus*), with the aim of providing facilities for forensic interviews and appropriate therapeutic services for children who are victims of sexual abuse, and enhance access to such services for children living in all regions;

(d) Consider the withdrawal of the names of children who have committed sexual offences from the Register of Sexual Offenders and ensure that they receive appropriate therapeutic support aimed at addressing their developmental needs and sexual behavioural problems;

(e) Ensure appropriate remedies and support for children who are victims of sexual abuse and that perpetrators of such abuse are duly sanctioned and deterred from having contact with children in their professional capacity.

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

##### **Family environment**

30. The Committee recommends that the State party:

(a) Strengthen the family court system, expedite the court procedures for, and adopt regulations on, the enforcement procedure in family and guardianship cases;

(b) Undertake research on children left behind by parents who have migrated for work;

(c) Incentivize fathers to take full advantage of parental leave.

##### **Children deprived of a family environment**

31. Drawing the State party's attention to the Guidelines for the Alternative Care of Children,<sup>7</sup> the Committee recalls its previous recommendations<sup>8</sup> and recommends that the State party:

(a) Ensure that policies and practices are guided by the principle that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration;

(b) Take all measures necessary to avoid the out of home placement of all children, *inter alia*, by granting adequate support to parents and families in vulnerable situations and fully implementing the commitment in paragraph 143 of the State party's report not to place children under 10 years of age in institutions;

(c) Expedite the deinstitutionalization of children with disabilities by providing them with safe alternative care in family settings and inclusive services in the community;

(d) Extend and strengthen support for the family foster care system, including by increasing salaries and the number of foster care families;

(e) Ensure that local government authorities do not refuse the placement of children originating from outside their local area in foster families in their area.

<sup>7</sup> General Assembly resolution 64/142, annex.

<sup>8</sup> CRC/C/POL/CO/3-4, para. 33.

(f) **Ensure the periodic review of the placement of children in alternative care, monitor the quality of care, including by providing accessible channels for children to report violence and maltreatment, investigate reports of such cases, hold the perpetrators accountable and provide children with adequate remedies;**

(g) **Provide the premises and opportunities for children in alternative care to maintain direct contact with their parents;**

(h) **Develop detailed regulations on the principles and transparent procedures for adoption, including regarding adoption centres and international adoption.**

## **G. Children with disabilities (art. 23)**

32. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee reiterates its previous recommendations<sup>9</sup> and urges the State party to adopt a human rights-based approach to disability and to:**

(a) **Adopt a single definition of disability based on the Convention on the Rights of Persons with Disabilities and make use of the International Classification of Functioning, Disability and Health;**

(b) **Ensure accessibility, in line with the strategy for persons with disabilities, 2021–2030, and improve the quality of inclusive education;**

(c) **Strengthen early identification of disability and age-appropriate rehabilitation interventions, improve informational outreach for parents of children with disabilities and develop programmes to support children with disabilities in transition to adulthood to help them to start an independent life;**

(d) **Increase access to community services for children with disabilities, in particular health and rehabilitation services, transport, leisure activities and sports, in order to promote their inclusion in society;**

(e) **Strengthen support for parents of children with disabilities, to enable the children to grow up in a family environment, and develop family-based care solutions for children with disabilities who are deprived of a family environment;**

(f) **Organize the systematic and comprehensive collection of data on children with disabilities.**

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

33. **The Committee welcomes the adoption of the Law on Pupil Health Care in 2019, the new dental offices that were set up in small towns, rural areas and schools and the nutritional research and other measures aimed at improving food standards at schools. The Committee however remains concerned about the following:**

(a) **The growing number of children with congenital disorders and conditions beginning in the perinatal period;**

(b) **The increasing mortality rate among children due to cancer;**

(c) **The growing number of children in need of palliative care and the insufficient financial support provided;**

(d) **The limited availability of, and access to, specialized outpatient health care and the long waiting period for children in socially and economically disadvantaged situations, including children with disabilities and Roma children, in particular for neonatologic, paediatric and orthodontic treatment;**

<sup>9</sup> Ibid., para. 35.



- (e) The growing number of parents who refuse to allow the standard routine vaccination of their children;
- (f) The emergence of hospital infections and of drug-resistant strains of bacteria, and their impact on children's health;
- (g) The insufficient monitoring and information on breastfeeding and the lack of State financial support for the promotion of breastfeeding;
- (h) The incidence of childhood obesity and a poor diet lacking in fruits and vegetables among children.

**34. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and target 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Enhance the quality and coverage of maternal and child health services, to ensure proper screening for, detection of and the timely intervention for any complications targeting both the mother and child, and integrate proper counselling services for parents into the whole cycle of the pregnancy;**
- (b) **Improve access to cancer treatment for children and adolescents, raise awareness among doctors, children and parents of the early signs of cancer, improve access to treatment and provide sufficient financial resources to make it affordable;**
- (c) **Secure stable financial support for the provision of palliative care for children;**
- (d) **Ensure the availability of, and equitable access to, quality specialized outpatient health care, in particular neonatologic, paediatric and orthodontic care, for all children in the country, including those in socially and economically disadvantaged situations, especially Roma children and children with disabilities;**
- (e) **Adopt measures to increase the vaccination rate, including by conducting routine pro-vaccination campaigns, and ensure that health professionals and staff are trained to work with children and to establish effective communication with their parents and family;**
- (f) **Address the prevalence of hospital infections in children and the effect of drug-resistant strains of bacteria on children's health;**
- (g) **Strengthen support, including financial support, to promote best practices for breastfeeding and monitor the implementation of the International Code of Marketing of Breast-milk Substitutes;**
- (h) **Address the issue of childhood obesity, including by promoting a healthy diet consisting of the daily intake of fruits and vegetables and exercise.**

#### **Mental health**

**35. The Committee notes the increasing number of adolescents suffering from depression, anxiety and stress, often related to the school context, the increasing number of adolescents with suicidal tendencies who are admitted to psychiatric services and the insufficient number of child psychologist and psychiatrists in the State party. Recalling target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Conduct research into the root causes of suicide among children and, on the basis of the results of that research, develop a suicide prevention strategy, paying particular attention to children, that is focused on reducing stress, improving mental well-being, promoting healthy lifestyles and physical activity and strengthening social protection and community services, taking into account best practices implemented in other countries;**
- (b) **Allocate adequate human, technical and financial resources to mental health services and programmes to ensure that the number of qualified medical**

professionals, including child and adolescent psychologists and psychiatrists, and available beds for inpatient care are sufficient to meet children's needs.

#### Adolescent health

36. The Committee takes note of the efforts of the State party to prevent substance abuse and the measures taken under the national programme for drug prevention and the national programme for the prevention and resolution of alcoholism. Recalling its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and targets 3.5 and 5.6 of the Sustainable Development Goals, the Committee reiterates its previous recommendations<sup>10</sup> and urges the State party to:

(a) Expand the scope of the compulsory family life education course so that adolescents have access to comprehensive, age-appropriate, science-based and gender stereotype-free education on sexual and reproductive health and rights, including information on the prevention of adolescent pregnancy and high-risk sexual behaviour and the issues of sexual orientation and gender identity, family planning, contraceptives and the prevention and treatment of sexually transmitted infections;

(b) Ensure full access to sexual and reproductive health-care services, tailored to address the needs of adolescent girls, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(c) Ensure that a full range of modern contraceptives and related information and services, including emergency contraception, are readily accessible to adolescents;

(d) Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;

(e) Train health professionals to support children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(f) Strengthen its measures to prevent the use of tobacco, alcohol and drugs among adolescents and to provide rehabilitation services for those in need.

#### Impact of climate change on the rights of the child and environmental health

37. While noting the establishment of the Youth Climate Council and the Youth Ecological Council and recalling targets 3.9 and 13.3 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Adopt urgent mitigation measures in line with greenhouse gas emission targets and deadlines compliant with the international commitments set out in the Paris Agreement;

(b) Phase out the funding of coal-fired power plants and accelerate the transition to renewable energy;

(c) Expedite the implementation of the national air protection programme;

(d) Place the rights and participation of children at the centre of national and international climate change adaptation and mitigation strategies;

(e) Carry out an assessment of the impact of air pollution from coal-fired power plants and from transport on children's health, as a basis for designing a well-resourced strategy to remedy the situation, and strictly regulate the maximum allowed air pollutant emissions, including those produced by private businesses;

<sup>10</sup> Ibid., para. 39.

(f) Increase awareness among children and their preparedness for climate change and natural disasters by incorporating the subject into school curricula and teacher training programmes.

#### Standard of living

38. While noting the introduction of childcare benefits and recalling target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party should ensure an adequate and sustainable standard of living for all children within its territory, in particular the ones in the most vulnerable situations. It recommends that the State party:

(a) Apply the multidimensional child poverty approach to measuring child poverty and to developing a national poverty reduction strategy, with a particular focus on children and families in situations of vulnerability, and the appropriate budget for its implementation;

(b) Strengthen support programmes for single-parent families with a single child, parents of children with disabilities and children without parental care;

(c) Develop and enforce a mechanism for recovering child maintenance, in accordance with article 27 (4) of the Convention.

### I. Education, leisure and cultural activities (arts. 28–31)

#### Education, including vocational training and guidance

39. While welcoming the activities under the programme for the integration of the Roma community in Poland, 2014–2020, in particular the equipping of 98 per cent of Roma students with a school kit, doubling the day-care institutions for children up to 3 years of age and limiting preschool educational fees, the Committee recalls target 4.5 of the Sustainable Development Goals and recommends that the State party:

(a) Provide information, in its next periodic report, on how the institutional changes to the education system have affected the size of classes, distance to school and equality between students;

(b) Ensure access to education in the context of the coronavirus disease (COVID-19) pandemic, in particular by strengthening new methods of learning and by providing better information technology infrastructure in schools and at home;

(c) Take measures to improve access to education for children living in rural areas, including their access to extracurricular activities;

(d) Extend the programme for the integration of the Roma community and strengthen measures for the inclusion and retention of Roma children in education, in particular Roma girls, including by raising awareness of the importance of education and school registration requirements among the Roma community;

(e) Ensure that all children with disabilities, including children with autism, Asperger syndrome and attention deficit/hyperactivity disorder, have access to inclusive education, including by: (i) training and assigning the number of specialized teachers and assistants necessary to provide individual support to children with disabilities in order to keep them in inclusive education; (ii) providing assistive technologies and devices; (iii) developing individual education plans; and (iv) ensuring reasonable accommodation in school infrastructure and places for sport and leisure, school transportation and training;

(f) Improve the quality of teacher training;

(g) Address homophobic behaviour by students and teachers targeted at lesbian, gay, bisexual and transgender students and teachers, in particular in the context of religion classes;

(h) Expand the availability of preschool education, in particular for children under 3 years of age, especially in rural areas, assist local authorities in the establishment of “other forms of preschool education”,<sup>11</sup> strengthen specialized training for preschool teachers and reduce the number of children in the class;

(i) Increase funding and measures for the inclusion of Roma children in kindergarten with other children, instead of funding separate kindergartens for Roma children.

#### Rest, leisure, recreation and cultural and artistic activities

40. Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party strengthen its efforts to guarantee the right of children, in particular children with disabilities, to rest, leisure and sufficient time to engage in play and recreational activities that are safe, accessible, inclusive, reachable by public transport and age-appropriate. It also recommends that the State party address the excessive amount of homework that limits children’s opportunities for rest, leisure, recreation and cultural and artistic activities.

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

#### Asylum-seeking and refugee children and children in situations of migration

41. Recalling joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee reiterates its previous recommendations<sup>12</sup> and urges the State party to:

(a) Ensure that the best interests of the child is upheld in courts at all times as a primary consideration in all situations concerning children in the context of international migration, including unaccompanied and separated children, and that the courts express this in their decisions;

(b) Ensure that asylum-seeking children, refugee children, children in situations of migration and families with children are not placed in guarded detention centres;

(c) Ensure that children’s views are duly taken into account in all decisions concerning them, including in administrative procedures, and provide support to families with migration backgrounds to prevent family separation;

(d) Build the capacity of the authorities to determine and apply the best interests of the child in asylum and migration-related procedures;

(e) Ensure that child protection authorities are promptly informed and assigned to participate in procedures for the determination of the best interests of the child, once an unaccompanied or separated child crosses an international border, in accordance with international law, including by training border officials on the rights of the child and child-sensitive procedures, such as those that prevent family separation;

(f) Reunite families in the event of family separation;

(g) Ensure that all children in situations of migration, including undocumented and separated children, receive appropriate protection, are informed of their rights in a language that they understand, have access to education and health care, including psychosocial support, and are provided with interpretation and free legal aid;

<sup>11</sup> CRC/C/POL/Q/3-4/Add.1, annex, para. 1.

<sup>12</sup> CRC/C/POL/CO/3-4, para. 45.

- (h) **Develop comprehensive referral, case management and guardianship frameworks for unaccompanied and separated children;**
- (i) **Consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

#### **Children belonging to minority groups**

42. **The Committee reiterates its previous recommendations<sup>13</sup> and recommends that the State party:**

- (a) **Continue its efforts to remove barriers that hinder Roma children from gaining access to social services, social reintegration programmes and education;**
- (b) **Strengthen the role and competencies of Roma assistants at schools;**
- (c) **Ensure the publication and distribution of textbooks and educational materials for the children belonging to the Ukrainian minority group in the State party;**
- (d) **Ensure that school certificates can be obtained in a minority language.**

#### **Children in street situations**

43. **In the light of its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party ensure that all children in street situations receive adequate care and social support.**

#### **Sale, trafficking and abduction**

44. **The Committee welcomes the adoption of the national plan of action to combat trafficking in persons, 2019–2021, which provides for such measures as 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 children who are victims of trafficking. Recalling target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Increase the identification of children who are victims of sexual exploitation and trafficking, in particular children in vulnerable situations, such as unaccompanied asylum-seeking, refugee or children in situations of migration;**
- (b) **Strengthen the training of professionals concerned with identifying children who are victims of trafficking and referring them to the appropriate services;**
- (c) **Provide children who are victims of trafficking with services specific to their needs and ensure that all children who are victims are referred to appropriate services;**
- (d) **Allocate adequate resources to the implementation of the above recommendations and provide financial support to civil society organizations working with children who are victims of trafficking.**

#### **Administration of child justice**

45. **The Committee is concerned about the following:**

- (a) **The existence in legislation of a variety of minimum ages, between 13 and 15 years of age, at which children may enter the criminal justice system, which is in breach of article 40 (3) (a) of the Convention;**
- (b) **The possibility to subject a child between 17 and 18 years of age to criminal proceedings in the same way as an adult;**
- (c) **The fact that a child may enter the justice system for committing status offences, for which adults cannot be held criminally liable, or for “demoralization”;**

<sup>13</sup> Ibid., para. 47.

(d) The fact that children under the minimum age of criminal responsibility may be deprived of liberty, and the lack of clarity between the notion of deprivation of liberty and the limitation of liberty;

(e) The number of children detained in juvenile shelters for extensive periods of time prior to and during correctional proceedings;

(f) The different special protective conditions for hearings of children who are witnesses or victims and are under 15 years of age and children who are witnesses or victims and are over 15 years of age.

46. **In the light of its general comment No. 24 (2019) on children’s rights in the child justice system, and recalling its previous recommendations,<sup>14</sup> the Committee urges the State party to bring its child justice system fully into line with the Convention and to:**

(a) **Apply the minimum age of criminal responsibility of 15 years of age, below which a child cannot be held responsible in criminal law proceedings and cannot be detained in a child or youth detention centre;**

(b) **Increase the upper age limit of the child justice system to 18 years of age;**

(c) **Ensure the removal of all status offences from the law and strengthen the child-friendly and multidisciplinary responses to the first signs of behaviour that would, if the child were above the minimum age of criminal responsibility, be considered an offence;**

(d) **Strictly enforce the regulations that provide for a maximum stay of three months in juvenile shelters and provide legal safeguards for the exceptional extension of such detention with a clear limitation of the maximum period of the extension;**

(e) **Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, as a priority, the use of non-custodial sentences, such as probation or community service;**

(f) **Ensure that deprivation of liberty is used as a measure of last resort and for the shortest possible period of time and that it is regularly reviewed with a view to its withdrawal;**

(g) **Ensure that special protective conditions for the hearing of a child who is a witness or victim of crime, such as the mandatory presence of a psychologist, the holding of a single hearing and a hearing in a specially prepared room, are guaranteed for all such children, regardless of their age.**

## **K. Follow-up to the Committee’s previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

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

47. **In the light of its guidelines on the implementation of the Optional Protocol and recalling its previous recommendations,<sup>15</sup> the Committee recommends that the State party:**

(a) **Provide definitions of “child prostitution” and “the sale of children” in the Criminal Code and ensure that children between 15 and 18 years of age are explicitly protected from sexual exploitation in pornography and prostitution;**

(b) **Strengthen the provision of free legal aid and psychological, medical and social support for children who are victims of offences prohibited under the Optional Protocol;**

<sup>14</sup> Ibid., paras. 53 and 55.

<sup>15</sup> [CRC/C/OPSC/POL/CO/1](#).

(c) Strengthen the systematic training on the provisions of the Optional Protocol for all professional groups working with children in order to improve the identification of victims and their referral to appropriate services;

(d) Provide adequate support and recovery services for children who are victims of such exploitation and ensure access to compensation and redress;

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

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

48. Noting the information provided by the State party on the system for identifying members of vulnerable groups among persons applying for international protection, the Committee recalls its previous recommendations<sup>16</sup> and recommends that the State party:

(a) Take measures to provide children who are identified through such procedures with appropriate assistance for their physical and psychological recovery and social reintegration;

(b) Ensure that all national military personnel involved in United Nations peacekeeping operations receive training on respect for children's rights, in particular in the context of armed conflict.

### **L. Ratification of the Optional Protocol on a communications procedure**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights and access to justice, ratify the Optional Protocol on a communications procedure.

### **M. Ratification of international human rights instruments**

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

(a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) International Convention for the Protection of All Persons from Enforced Disappearance;

(c) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(d) Optional Protocol to the Convention on the Rights of Persons with Disabilities.

### **N. Cooperation with regional bodies**

51. The Committee recommends that the State party cooperate with the Council of Europe and the European Union on the implementation of the Convention and other human rights instruments and implement the children's rights strategies of those bodies, both in the State party and in other Council of Europe member States.

<sup>16</sup> [CRC/C/OPAC/POL/CO/1](#).

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

52. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

53. The Committee invites the State party to submit its seventh periodic report by 6 July 2026 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>17</sup> and should not exceed 21,200 words.<sup>18</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

54. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>19</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>17</sup> [CRC/C/58/Rev.3](#).

<sup>18</sup> General Assembly resolution 68/268, para. 16.

<sup>19</sup> [HRI/GEN/2/Rev.6](#), chap. I.