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## Committee on Economic, Social and Cultural Rights

### **Seventh periodic report submitted by Poland under articles 16 and 17 of the Covenant, due in 2021\*\* \***

[Date received: 29 October 2021]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are available from the web page of the Committee.



## Articles 1, 2, 4 and 5

### **Reply to the issue raised in paragraph 6 (a) of the concluding observations (E/C.12/POL/CO/6) concerning implementation of the Covenant and judicial remedy**

1. The explanations provided in the previous report and replies to the list of issues remain up to date.

### **Reply to the issue raised in paragraph 6 (b) of the concluding observations: training on the Covenant**

2. The National School for the Judiciary and Public Prosecution organized training courses on, among other things, the protection of human rights and prohibition of discrimination, selected issues of social security and labour law, the legal protection of whistle-blowers, the work of a probation officer and a family probation officer, parental authority and contact with children, alternative care, procedures in cases under the Convention on the Civil Aspects of International Child Abduction of 25 December 1980, domestic violence, violence against women and offences against sexual freedom.

### **Reply to the issue raised paragraph 8 of the concluding observations: funding of the Ombudsman's activities**

3. The explanations provided in the previous report remain up to date.

### **Reply to the issue raised in paragraph 10 of the concluding observations: amendment of the Equal Treatment Act**

4. According to the draft national action programme for equal treatment 2021–2030, consultations on the Act will be conducted by the end of 2024.

### **Reply to the issue raised in paragraph 12 of the concluding observations: enjoyment of Covenant rights by disadvantaged persons**

5. The explanations provided in the previous report and replies to the list of issues remain up to date. See also:

- Information on the implementation of other provisions of the Covenant
- The fourth report on the implementation by Poland of the Framework Convention for the Protection of National Minorities, 4 April 2019, (ACFC/SR/IV (2019)001) and third report on the implementation by Poland of the European Charter for Regional or Minority Languages, 4 October 2019, (MIN-LANG (2019) PR 8).

## Article 3

### **Reply to the issue raised in paragraph 14 (a) of the concluding observations**

- Sixth edition of the “I’m the boss” competition, aimed at breaking stereotypes about women and power and promoting a positive image of women leaders
- Report on women’s potential in the technology industry; a series of recommendations to support women’s careers
- Conferences:
  - 20 years after Beijing. Provisions adopted at the Fourth World Conference on Women – are they still relevant?
  - Equal opportunity media – the role of the media in shaping attitudes of tolerance and respect for diversity
  - Review of Polish and international jurisprudence on gender discrimination
- Meeting of the trade unions with the Government Plenipotentiary for Equal Treatment on gender equality in the workplace and in the trade unions

- Project entitled “Equality of Women and Men in Economic Decision-making – A Tool for Social Change”; “Equality in Business” media campaign
- 2016: Global Summit of Women on the theme: innovations by women in the Polish and global market, building an inclusive economy in the digital age
- 2016–2019: project entitled “Equal opportunities within the company – a practical tool for the implementation of the principle of equal opportunities for women and men in companies”
- 2019: Conferences:
  - Equal Opportunity Fund as a means of combating discrimination and social, economic and technological exclusion
  - Women’s participation in foreign missions
  - The role of women in the Prison Service on the occasion of the centenary of its establishment

#### **Reply to the issue raised in paragraph 14 (b) of the concluding observations**

- Anti-discrimination: establishment of an interministerial team to monitor the implementation of the programme; appointment of equal treatment coordinators and plenipotentiaries for equal treatment in the provinces (voivodeships); introduction of equal treatment issues into the curriculum of the preparatory service for members of the civil service corps and examinations for civil servants
- Labour market and social security system: campaigns and social actions on parents’ rights; support for the development of institutional childcare
- Combating violence: ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; amendment of the Criminal Code regarding sexual offences; training of health-care services and law enforcement institutions; conferences and training courses; launch of a national hotline for victims of domestic violence
- Education: consultation and training in anti-discrimination education; development of teacher training programmes; elimination of architectural barriers; support for the education of persons with disabilities, migrant children and children from Roma minority backgrounds
- Health: development of a procedure for dealing with a person who has been sexually abused; shortening of the pathway for a career in geriatrics; social campaigns; educational material
- Access to goods and services: introduction of the notion of universal design to building regulations; adaptation of institutions to the needs of older persons and persons with disabilities; ending the digital exclusion of older persons; training in combating racism and discrimination on grounds of origin; conferences on the empowerment of women in politics

#### **Reply to the issue raised in paragraph 14 (c) of the concluding observations**

6. Work on the programme is nearing completion. The programme includes activities in the following areas:

- Anti-discrimination policies
- Work and social security
- Education
- Health
- Access to goods and services
- Awareness-raising

- Data collection and research
- Coordination

7. The programme will cover a wide range of tasks in the field of public administration aimed at preventing unequal treatment and discrimination and raising public awareness. The majority of the actions will address all groups facing discrimination in a given area of social and economic life. The programme will be implemented by the central and regional government administration in cooperation with non-governmental organizations (NGOs) and social partners.

8. See also the information on the implementation of articles 6 and 7.

## **Article 6: right to work**

### **Employment policy**

9. Unemployment has been declining since 2014 (2.2 million people in late 2013, 0.9 million in late 2019); the unemployment rate fell from 13.4 per cent to 5.2 per cent. Thanks to the measures taken by the Government since the beginning of the coronavirus disease (COVID-19) pandemic, massive layoffs have been avoided and a sharp increase in unemployment has been prevented. The unemployment rate as of August 2020 was 6.1 per cent.

10. Despite this improvement, challenges include the situation of people in the mobile (18–44) age group, demographic processes, skills mismatch, labour market segmentation, the impact of the digital economy on the labour market, and migration.

11. The goals and targets of labour market measures have been set out in the national employment plans of action for 2012–2014, 2015–2017, 2018 and 2019.<sup>1</sup>

12. In the 2012–2014 plan, the goal was to increase the employment rate for people aged 20–64 to 66.5 per cent by the end of 2014 (achieved); in the 2015–2017 plan, to 68.1 per cent (with a rate of 70.9 per cent achieved in 2017). In the 2018 plan, the aim was to further increase the general employment rate and that of the youngest and oldest adult age groups, women and persons with disabilities; in the 2019 plan the goal was, in addition, to increase the employment rate of the long-term unemployed.

13. Priorities:

- 2012–2014 Plan: responsive labour market; strengthening of labour market services
- 2015–2017 Plan: increasing the efficiency of labour market management; enhancing labour market responsiveness
- 2018 and 2019 plans: efficient and reliable labour market; activation policies to integrate the hitherto untapped workforce into the labour market, including groups most vulnerable to social exclusion and long-term unemployment

14. The measures include:

- 2012–2014 Plan:
  - Extension of working life
  - Reform of the vocational training system
  - Support for the entry of young people and persons with disabilities into the labour market
  - Support for the development of the social economy
- 2015–2017 Plan:

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<sup>1</sup> A 2020 plan was not adopted given the factors and goals of employment policies during the pandemic.

- Bolstering of support for young people in the labour market
- Support for businesses affected by restrictions on the export of goods to other countries
- Support for creating partnerships for employment at the local level
- Support for farmers in entering the labour market
- Introduction of an integrated system of qualifications
- 2018 Plan:
  - Development of childcare facilities for children up to the age of 3
  - Support for the professional mobility of people leaving agriculture
  - Support for labour migration according to labour market needs
  - Raising awareness of regulations on employment among employers and workers
  - Improvement of the education and employment opportunities of members of the Roma community
  - Support for persons with disabilities and young people in the labour market
- 2019 Plan:
  - Activities for persons approaching retirement age
  - Support for the mobility of job seekers and the promotion of employment for people excluded from the workforce
  - Promotion of employment for people leaving agriculture
  - Support for young people in the labour market
  - Adaptation of employment agencies to the changing labour market
  - Development of vocational education

15. The amendment in 2014 of the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions introduced:

- A subsidy for telecommuting for the civil service and for the creation of a job for an unemployed parent returning to work or an unemployed person caring for a dependent person
- An activation (back-to-work) allowance, paid to the employer for 12 or 18 months, for the employment of a parent or caregiver of a dependent person who is re-entering the labour market
- A loan from the civil service for the creation of a business or job for the unemployed or graduates looking for a job; the creation of a job for the unemployed
- Supporting the employment of employees under the age of 30 by, among other things:
  - Reimbursement of social insurance contributions payable by the employer
  - Exemption of employers who hire unemployed workers referred by the employment office from paying contributions to the public service and the Guaranteed Employee Benefits Fund
- Training vouchers, internship vouchers, employment vouchers and job placement vouchers

16. The 2017 amendment to the Act on Employment Promotion and Labour Market Institutions introduced solutions to facilitate the return to work of caregivers of persons with disabilities:

- Preferential conditions for the establishment of economic activity by carers for dependent persons

- More favourable conditions for the creation of new jobs
- Subsidized employment
- Direct access to labour market services and instruments

**Reply to the issue raised in paragraph 16 of the concluding observations: promoting participation in the labour market**

17. The following were implemented:

- First Business – Start-up Support: a loan programme supporting the development of entrepreneurship and job creation for the unemployed, aimed at students and graduates and family members caring for children with disabilities and seeking employment
- Youth Guarantee Programme
- “Youth in Action” programme: NGO projects targeting young people under the age of 29 who are currently not in active employment or are underemployed
- National Programme for the Development of the Social Economy until 2023 – Social Solidarity Economy, aimed at supporting the economic activity of people at risk of social exclusion
- “Toddler Plus” (Bambin+) programme for the development of childcare facilities for children under 3 years of age
- Programme for the integration of the Roma community in Poland (2014–2020)

**Professional guidance and training**

18. Pursuant to the amendment in 2014 of the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions:

- The career guidance and information and active job search assistance services have been integrated into the career guidance service
- Client advisers have been put in place
- The amount of funds for the remuneration of employment office employees depends on the performance of the labour offices
- The National Training Fund has been created

19. Career counselling is governed by the following regulations of the Minister of Labour and Social Policy:

- Regulation of 11 April 2014 on vocational training
- Regulation of 14 May 2014 on the details of implementation and methods and procedures for the delivery of labour market services
- Regulation of 14 May 2014 on the allocation of funds from the National Training Fund

20. The “Euroguidance Poland” project was implemented: information on career guidance tools, methods and techniques has been disseminated; publications on the theory and practice of career guidance have been developed; and methods of working with the unemployed, job seekers and employers have been improved.

21. The classifications of occupations and specialties for labour market purposes have been updated (2014) and the Infodoradca Plus project for the development and updating of information on 1,000 occupations and the classification of occupations and specialties has been completed (2019).

## **Equal treatment in employment, including paragraphs 14 and 16 of the concluding observations**

22. See also the information on the implementation of articles 3 and 7 of the Covenant.
23. Measures taken by the National Labour Inspectorate:
  - Campaigns entitled “Before Taking up Employment” (2014–2015), “I’m Working Legally” (2017–2019), “Stress at Work? Finding a Solution” (2015–2016)
  - Programmes entitled “Countering the negative effects of stress and other psychosocial risks at work” (2014–2020)
  - Culture of Safety Programme for secondary school students (2014–2020)
  - Publications entitled “Stop Discrimination”, “Workers with Disabilities”, “Labour Law. A Guide for Pregnant Women”, “Labour Law. Rights of the Working Father” and “Temporary Work”, which are also available on the Inspectorate website
  - Training courses; legal advice
24. The Inspectorate performs checks on compliance with:
  - The prohibition of discrimination by labour offices
  - The principle of equal treatment in recruitment by entities other than labour offices
  - Labour regulations regarding temporary workers to investigate allegations of discriminatory practices by the employer

## **Article 7: Fair and favourable working conditions**

### **Right to work**

25. Conditions for telecommuting:
  - Telecommuting arrangements not binding on the employer are possible at the employee’s request.
  - The right to telecommuting arrangements binding on the employer at the employee’s request extend to:
    - The parent of a child with a certificate of severe and irreversible disability or incurable life-threatening illness that occurred during the prenatal period or during childbirth
    - The parent of a child with a certificate of disability or a certificate of moderate or significant disability and a child with either an opinion on the need for early developmental support for the child, a certificate on the need for special education or a certificate on the need for remedial classes.
26. Employment contracts:
  - The range of employment contracts has been modified to include the following types of contracts: probationary period; fixed term; and permanent (when actually employed contracts have been abolished).
  - Limits have been set for employment on the basis of a fixed-term employment contract – 33 months and a maximum of three such contracts, unless otherwise provided by law; the employer is required to notify the labour inspector of the conclusion of a fixed-term contract and the period of notice with respect to the period of employment.
27. The Act of 10 January 2018 on the Restriction of trade on Sundays and Holidays and Certain Other Days:

- Prohibits work in trade on Sundays and holidays, 24 December and the Saturday before the first day of Easter after 2 p.m.
- Concerns trade, trade-related activities or contracting work in trade and trade-related activities
- Prohibits the performance of work in trade, within the framework of an employment relationship and on the basis of civil law contracts (paid or unpaid)
- Provides for exemptions to the prohibition and a list of Sundays on which the prohibition does not apply

28. Previously, the Labour Code prohibited work in trade on public holidays (including Sundays) unless the work consisted of community service work and met the daily needs of the population.

29. In accordance with the law of 2 March 2020 on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and crisis situations caused by them, the possibility of working remotely was introduced.

**Reply to the issue raised in paragraph 18 of the concluding observations: increase in the minimum wage**

	<i>Minimum wage, zlotys (Zl)</i>	<i>Average wage in the national economy without profit sharing, %.</i>
2014	1 680	45.0
2015	1 750	45.3
2016	1 850	46.2
2017	2 000	47.8
2018	2 100	46.2
2019	2 250	46.2
2020	2 600	N.A.

30. Since 1 January 2017, a minimum hourly rate for civil law contracts has been in effect, which is negotiated annually by the Social Dialogue Council. The minimum hourly rate increases each year by an amount equal to the increase in the minimum wage.

31. The possibility of setting a wage below the minimum wage for workers with less than one year's work experience has been removed.

**Reply to the issue raised in paragraphs 18 and 21 of the concluding observations: reduction of temporary employment**

**Share of employees by type of employment contract, %**

	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Permanent	71.6	72.0	72.5	73.8	75.6	78.2
Fixed term	28.4	28.0	27.5	26.2	24.4	21.8

32. Amendment in 2017 of the Act of 9 July 2003 on the Employment of Temporary Workers and certain other laws, including:

- Clarification and expansion of provisions relating to work that cannot be assigned to temporary workers
- Clarification of the provisions governing the maximum period of temporary work
- Setting of reasonable pay for temporary workers in a non-discriminatory manner made easier

- Strengthening of the protection of pregnant temporary workers (in the event an employment contract expires after the third month of pregnancy, it is to be extended until the birth)
- Temporary work under a civil law contract is considered temporary work; provisions on the maximum period of temporary work for a given employer to which a temporary worker is referred (“user employer”) are applicable, and the condition that the worker will not be employed by the employer at the end of the temporary work is prohibited.

**Reply to the issue raised in paragraph 21 of the concluding observations: labour and social protection of workers in the informal economy**

33. The main purpose of the amendments made to the Labour Code in 2016 is to prevent illegal employment: an obligation has been introduced for the employer to confirm in writing to the employee the basic provisions of an employment contract originally concluded in a form other than writing before the employee is allowed to work.

34. Illegal workers are not registered or declared by employers for social insurance. Anyone who is not subject to compulsory insurance can voluntarily apply for the pension and disability insurance, which means that illegally employed persons have access to social insurance.

**Reply to the issue raised in paragraph 21 of the concluding observations: protection of migrant workers**

35. The Labour Code guarantees all workers equal protection against all forms of exploitation and abuse. The protection of migrant workers from exploitation is also supported by:

- Pay thresholds required for work permits
- The obligation to establish, in the work permit or temporary residence permit, the working conditions of the foreigner
- The obligation of the employer to include in the employment contract the conditions specified in the work permit
- The obligation to enter into a contract with a foreigner in writing and to provide the foreigner with a translation of the contract into a language he or she understands before it is signed
- Penalties for employers who assign work under conditions or a worker to a position different from those specified in the work permit or temporary residence permit
- More severe penalties for assigning a foreigner with work in particularly exploitative conditions or taking on a foreign worker who is a victim of human trafficking
- Higher fines for employing a foreigner under conditions or in a position different from those specified in the work permit or temporary residence permit

36. The National Labour Inspectorate monitors employers, and contractors and other undertakings that are not employers, for whom foreigners provide work, regardless of the basis on which the work is provided. The Inspectorate also monitors employers from third countries who send workers to Poland, labour offices that send foreigners to work in entities operating in Poland, user employers who assign temporary work to foreigners or for which orders are fulfilled or services provided.

37. Checks on the lawfulness of employment are generally carried out during each inspection of an entity in which a foreigner from outside the European Economic Area or Switzerland is working. Checks are carried out in the entities where the employment of foreigners is expected to be the most significant and following complaints or requests from foreign nationals or on the basis of notifications from other authorities. During inspections, the following are examined:

- Legality of the assignment and performance of work
- Enrolment in social insurance scheme

- Compliance with the provisions of labour law, in particular those relating to safety at work and the principle of equal treatment with regard to working conditions and other terms of employment
38. Foreign nationals have access to hotlines in Ukrainian and Russian.
39. One of the main reasons for the irregularities committed when assigning work to foreign nationals is ignorance of the legislation in force, which is why the Labour Inspectorate:
- Mounted the “I Work Legally” campaign (2017–2019)
  - Provides free publications: “Legality of Employment of Foreigners. Information Booklet for Employers”, “Legality of Employment. Guide for employers and employees”, “Working in Poland? Work legally!” (in Ukrainian), which are also available on the website of the Inspectorate
  - Participated in the International Organization for Migration Migrant Info project to support migrants and their introduction to Polish life
40. The Inspectorate cooperates with the Border Guard, the provincial authorities, district employment offices and the Social Insurance Institution in carrying out inspections, and joint activities are carried out among employers and foreign nationals to improve their knowledge of the law.
41. The project entitled “Monitoring of the work and stay of foreign nationals in the territory of the Republic of Poland for gainful employment” (2017–2020) led to the creation of a central public employment service database concerning foreign nationals, which contains, among other things, registers of work permits, seasonal work permits and declarations of intent to employ a foreign national.
42. The Border Guards carry out checks on the legality of the employment, the exercise of economic activity and the contracting of foreign nationals for work. In 2019, 4,028 checks on legality of the performance of work and contracting of work to foreign nationals were carried out, which involved 124,659 foreign nationals; 14,669 foreign nationals were found to be illegally performing work.
43. Illegal employment of a foreign national is punished, and a foreign national performing illegal work may be obliged to leave the territory of Poland or be subject to a fine. The employer is also liable when he or she demands a financial benefit from a foreign national in exchange for obtaining a work permit or other document authorizing work, and when he or she induces another person to contract the foreign national to perform illegal work by means of a false declaration, taking advantage of an error or failure to grasp the document.

**Reply to the issue raised in paragraph 21 of the concluding observations: powers of the National Labour Inspectorate**

44. The scope of the work, rights and organization of the Inspectorate are defined in the National Labour Inspectorate Act of 13 April 2007. The Inspectorate monitors all employers and also, in the field of occupational health and safety and reviews of the legality of employment, contractors and other undertakings for which work is provided by individuals, regardless of the basis for the provision of work, entities providing placement services, personal counselling, professional counselling and temporary work, and entities referring persons for internships and apprenticeships. The checks are carried out regardless of area of activity, size and form of ownership.
45. The Inspectorate carries out inspections and preventive actions mainly in entities where there is the highest number of accidents and a high level of occupational hazards, and also among employers and contractors that do not comply with labour laws and regulations on the legality of employment. Notifications from other authorities, complaints from workers and trade unions are taken into account; the media is also a source of information.
46. Checks on the legality of employment and other gainful activity are carried out in the sectors in which irregularities were most frequently found in previous years (including transport and storage, construction, manufacturing, trade and repairs), temporary

employment agencies, building cleaning services and the management of green spaces and in entities that, according to representations (complaints and claims, media reports), commit violations of the law against foreign nationals. Checks are also carried out in entities in specific sectors where there is a risk of undeclared work and in entities that contract out seasonal work.

47. The effectiveness of monitoring activities is improved by the training of labour inspectors and cooperation with other monitoring bodies and services responsible for monitoring the regularity of the contracting and performance of work by foreign nationals, including the Border Guards.

### **Health and safety at work**

48. The following amendments have been made to the Labour Code:

- The obligation to carry out an initial medical examination has been removed for persons who are rehired by the same employer, for the same position or one subject to the same working conditions, within 30 days of the termination or expiration of the previous employment relationship with that employer. This obligation has also been removed for persons who are rehired by a different employer within 30 days of the termination or expiration of their previous employment relationship, provided that they present the employer with a valid medical certificate stating that there are no contraindications preventing them from working under the conditions set out in the request for the medical examination and the employer states that these conditions correspond to those of the position in question. This amendment does not apply to persons engaged to carry out particularly dangerous work.
- A ban has been introduced to prevent pregnant or breastfeeding women from carrying out certain types of arduous, dangerous or harmful work. This ban, which previously applied to women employees in general, has been amended to meet the requirements of European legislation on equal opportunities and equal treatment of women and men in matters of employment and occupation.

49. The following regulations have been issued by the Minister of the Family, Labour and Social Policy:

- Regulation of 29 June 2016 on health and safety at work involving exposure to electromagnetic fields, as subsequently amended
- Regulation of 25 April 2017, amending the regulation of 14 March 2000 on health and safety in jobs involving manual handling or other jobs involving physical effort
- Regulation of 12 June 2018 on the maximum permissible concentrations and intensities of agents harmful to health in the work environment, as subsequently amended, and the regulation of the Council of Ministers of 3 April 2017 on the list of jobs that are arduous, dangerous or harmful for pregnant and breastfeeding women

50. In 2020, stage V (2020–2022) of the programme to improve safety and working conditions was launched. Its purpose is to devise innovative organizational and technical means for developing human resources and new products, technologies, methods and management systems that will help to significantly reduce the number of persons exposed to dangerous, harmful and arduous conditions in the workplace and the number of work-related accidents and occupational diseases linked to such conditions.

### **Equal treatment in the workplace**

51. In 2019, articles 113 and 183a (1) of the Labour Code were amended to provide for an open-ended list of prohibited grounds for discrimination. Currently, any unequal treatment of workers that cannot be justified on objective grounds may be considered a form of discrimination. The right to claim compensation from employers has been established in order to ensure equal protection for all workers who are victims of psychological harassment, including those who have not terminated their working relationship with their employer.

## Gender pay gap

### Pay gap, Eurostat, %

2015	7.3
2016	7.1
2017	7.0
2018	8.5
2019	8.5

European Union average: 15.0%.

52. The pay gap is low in the public sector (3.8 per cent in 2018, 2.8 per cent in 2017) and higher in the private sector (15.7 per cent in 2018, 15.4 per cent in 2017). The pay gap was highest in 2018, when it stood at 30.8 per cent in the finance and insurance sector, 28.9 per cent in other services, 28.2 per cent in information and communications, 24.4 per cent in wholesale and retail trade and 20 per cent in mining and quarrying. The pay gap was negative in construction (-8.7 per cent) and in transport and storage (-5.6 per cent).

#### **Reply to the issue raised in paragraph 23 of the concluding observations: implementation of provisions on equal remuneration**

53. The National Labour Inspectorate conducts inspections to investigate unequal treatment and discrimination in connection with working conditions and remuneration. Following the inspections, the inspectors issue opinions, including on the obligation to ensure that workers benefit from provisions on equal treatment in employment.

54. The inspectors inform complainants of their findings and advise them that they can initiate proceedings against an employer in a labour court.

55. See also the information on the implementation of article 6.

#### **Reply to the issue raised in paragraph 23 of the concluding observations: assessment of compliance with the principle of equal pay for work of equal value**

56. In 2017, a free computer application known as Equal Pay was launched to make it easier for employers to check whether they are paying equal pay for equal work. The application assesses differences in employees' pay, taking into account their sex, age, education, and other characteristics. As part of the "Good Climate for Quality Jobs" project, plans are in place to update the application and disseminate it more widely among employers.

#### **Reply to the issue raised in paragraph 23 of the concluding observations: promotion of gender equality policies in the workplace**

57. See the information on the implementation of articles 3 and 6.

## Work-life balance

58. With regard to care for family members, see the information on the implementation of article 10.

59. In 2016, the following rights were established:

- The right of workers to take part of their parental leave (up to 16 weeks) by the end of the calendar year in which their child reaches the age of 6 years
- The right of workers to take paid time off (including on an hourly basis) to raise at least one child under the age of 14 years
- The right of workers, or other members of the immediate family, to take part of their maternity or parental leave

- The right of the parents of a child to exchange their leave entitlements

60. In 2018, flexible working arrangements were introduced, including intermittent working hours, individual work schedules, flexible working hours and telecommuting (see the information on labour law).

61. The “Family and Work – It Pays!” project (2015–2017) promoted instruments for improving work-life balance. The website [www.rodzinaipraca.gov.pl](http://www.rodzinaipraca.gov.pl), which was developed as part of the project, is a free and comprehensive source of information on this subject.

## **Article 8: right to form trade unions**

### **Reply to the issue raised in paragraph 25 of the concluding observations: implementation of the judgment of the Constitutional Court in case No. K 1/13**

62. In 2018, the Trade Union Act of 23 May 1991 was amended. The right to form and join trade unions is now granted to persons undertaking a professional activity, that is, to employees and persons carrying out paid work who are not classified as employees, provided that they do not employ others for that work, on any terms whatsoever, and have rights and interests related to the performance of the work that can be represented and defended by a trade union. As a result of this amendment, the right to form and join unions was extended to the following persons:

- Persons working under civil law contracts (e.g., agency contracts or contracts for the performance of a specific task) and sole traders (self-employed persons)
- Persons undertaking subcontracted work (previously, such persons only had the right to join unions that were already active in the workplace)

63. The right to join a union has also been extended to volunteers, interns and other persons carrying out unpaid work in person.

64. As part of efforts to extend the subjective scope of trade union rights, mechanisms have been introduced to provide employment security for trade union activists who are not workers within the meaning of the Labour Code.

65. In accordance with the Act of 24 July 2015 on the Council for Social Dialogue and other social dialogue institutions, the Council for Social Dialogue was established, at the central level, as a forum for dialogue and tripartite cooperation between employees, employers and the Government. The Council replaced the Tripartite Commission for Social and Economic Affairs.

66. In 2019, it became possible for the State budget to be used to subsidize contributions made to international workers or employers’ organizations by trade unions or employers’ organizations belonging to the Council for Social Dialogue.

### **Right to collective bargaining**

67. No change has been made to the substance of the legal provisions related to this area.

### **Right to strike**

68. Following the establishment of new services, a ban on organizing strikes was introduced for employees of the National Tax Administration (2016) and the State Protection Service and Guard of the President of the Sejm (lower chamber of parliament) (2018) owing to the nature of the work carried out by these services.

## **Article 9: right to social security**

69. The Social Security System Act of 3 October 1998 has provided for the following changes:

- In 2016, the principle of concurrent social insurance entitlements was established for persons fulfilling an agency contract while undertaking other gainful employment and for persons simultaneously fulfilling several agency contracts.
- In 2018:
  - Electronic contributions were introduced to streamline the processing of payments into an individual account.
  - Relief was provided to start-up companies in the form of exemptions from paying social security contributions for six months and the possibility of making reduced contributions for two years.
- In 2019, lower social security contributions were introduced for small businesses under the so-called Small ZUS programme of the Social Insurance Institution (ZUS). The size of the contribution paid by entrepreneurs is linked to the amount of average monthly income that they received in the previous calendar year.
- In 2020, the “Small ZUS Plus” programme was introduced. The size of the contribution paid by entrepreneurs is linked to the amount of real income that they received in the previous calendar year.

70. In 2017, the Act of 17 December 1998 on Social Security Fund Pensions was amended to reinstate the retirement ages that had been in force until 2013 (60 years for women and 65 years for men).

71. In addition to the annual benefit adjustments carried out, the lowest disability pensions and benefits were increased in 2017, 2019 and 2020.

72. The Act of 25 June 1999 on social insurance cash benefits in case of sickness or maternity has provided for the following changes:

- In 2015, the right to a maternity allowance was established for a child’s father or another insured member of the immediate family in cases where the child’s mother is dependent on a third party and her state of health prevents her from caring for the child.
- In 2016:
  - It became possible for a child’s mother or the person who adopted the child to request the maternity allowance for the entire period of maternity and parental leave and for the mother to share the allowance with the insured person (i.e., the child’s father).
  - The maternity allowance may be increased up to an amount equal to parental allowance if the maternity allowance is lower than the parental allowance.

73. The following laws are also worth mentioning:

- Act of 4 April 2019 on the single cash benefit for retirees and pensioners, which provides for the granting of a single benefit (Zł 1,100 gross) to all retirees and pensioners
- Act of 31 July 2019 on supplementary benefits for dependent persons, which provides for annual supplementary benefits of up to Zł 500 for persons receiving an old-age pension or disability allowance; the total amount of benefits may not exceed Zł 1,772.08 (2021)
- Act of 9 January 2020 on the annual supplementary cash benefit for pensioners and retirees, under which supplementary benefits equal to the lowest old-age pension were made available

**Reply to the issue raised in paragraph 27 of the concluding observations: unifying the pension system**

74. There are two pension systems: the universal pension system and the farmers' pension system. In addition, there are non-contributory, State-funded pension systems for officers of the uniformed services, military personnel and judges.

75. There is no justification for unifying the existing pension systems, as they are each tailored to the specific requirements of a particular activity.

**Reply to the issue raised in paragraph 18 of the concluding observations: social security for persons working under civil law contracts**

76. Persons working under an agency contract are covered by mandatory old-age, disability and accident insurance and may voluntarily join the health insurance scheme. Such persons therefore have access to all social security benefits.

77. Persons working under a contract for services are not covered by mandatory social insurance owing to the special nature of these contracts and their relatively short duration. However, if a contract for a specific service amounts to an employment contract, the employer is required to pay contributions to the contractor (in other words, the contractor is treated as an employee for social insurance purposes). This requirement also applies in cases where persons working under a contract for services have concluded the contract with an employer with whom they have an employment relationship or are carrying out work for their own employer under such a contract.

78. Any person who does not have a social insurance entitlement (because he or she is not working) or who is working under a contract not covered by insurance (e.g., a contract for a specific service) may, on request, join the voluntary old-age and disability insurance scheme.

79. From 1 January 2021, payers of contributions or persons contracting a service are required to inform the Social Insurance Institution of the conclusion of each contract for a specific service.

**Reply to the issue raised in paragraph 27 of the concluding observations: coverage of all workers and payment of non-contributory benefits to disadvantaged persons**

80. In accordance with the Act on the Social Insurance System, all legally employed workers are covered by mandatory old-age, disability, accident and health insurance, with the exception of secondary school pupils and students up to the age of 26 years. For information on persons working under agency contracts or contracts for services, see the reply to the issue raised in paragraph 18 of the concluding observations.

81. See also the information on the implementation of article 6.

82. Since 2019, a supplementary parental benefit has been paid to mothers who have given birth to and raised at least four children (or to fathers, if applicable), provided that they are not entitled to an old-age pension and the benefit due to them is not higher than the lowest pension. The amount of the benefit corresponds to the minimum pension or the difference between the pension received and the minimum pension, depending on the situation.

**Access to social security for foreign nationals: new agreements**

- Agreement with the Republic of Moldova, entry into force on 1 December 2014
- Agreement with Mongolia, entry into force on 1 July 2019
- Agreement with Israel, signed on 22 November 2016 and pending ratification by Israel
- Agreement with Turkey, signed on 17 October 2017 and pending ratification by Turkey
- Agreement with Belarus, signed on 13 February 2019 and pending ratification by Poland

## **Social assistance**

83. The following amendments were made to the Social Assistance Act of 12 March 2004:

- In 2015, separate provisions were introduced for different forms of assistance for homeless persons (homeless shelters, night shelters and heating facilities).
- In 2018, a homeless shelter with care services was established to provide temporary shelter, care and services promoting social activities for persons who are dependent but do not require 24-hour care.
- In 2019, conditions in 24-hour care facilities were improved and penalties for entities operating facilities without the required authorization were increased.

84. The regulation of 27 April 2018 of the Minister of the Family, Labour and Social Policy on minimum standards for night shelters, shelters for the homeless and shelters for the homeless with care services and warming facilities sets out the standards for the services provided.

### **Reply to the issue raised in paragraph 27 of the concluding observations: calculation of social assistance benefits based on accurate assessments of poverty levels**

85. Under the Social Assistance Act, individuals and families are means tested in accordance with income thresholds to determine their entitlement to benefits. The income thresholds are reviewed every three years and are based on a basket of goods and services corresponding to minimum consumption standards and the periods of use of the goods and services, adjusted according to patterns of behaviour in specific types of low-income households.

86. To ensure that the income thresholds are not lower than the subsistence level, the Minister responsible for social security submits information on the subsistence level to the Council for Social Dialogue every year. If the income thresholds are equal to or less than the subsistence level, the Council may ask the Council of Ministers to review them.

### **Response to paragraph 27 of the concluding observations: addressing the problems that the most vulnerable persons face when they apply for social assistance**

87. Social workers employed by social assistance centres are responsible for identifying the needs of individuals and families and adjusting the forms of assistance provided.

88. The situation of beneficiaries is followed up by regularly updating the replies to the questionnaire administered in connection with the application for benefits. For permanent beneficiaries, the information in the form is updated at least every six months.

## **Article 10: right to protection and assistance for the family**

### **Marriage, starting a family, parental authority**

89. The following amendments have been made to the Family and Guardianship Code and the Code of Civil Procedure:

- In 2015, amendments were made to guarantee the right of the child to education and contact with parents who do not live together. Parental authority is granted to both parents if this is in the interests of the child. Alternatively, the court may confer the exercise of parental authority to one parent and restrict the parental authority of the other parent.
- In 2019:
  - The child's father, mother and descendants acquired the right to establish or deny maternity or paternity and to render an acknowledgement of paternity null and void after the death of the child (previously, only the prosecutor could do so). The provisions applicable to the custodians of minors have been

extended to strengthen their contact with the child and cooperation with the parents.

- It became possible for a lawyer or legal adviser with special knowledge of children's issues to be appointed as the custodian representing the child. If the complexity of the case does not warrant such a measure, another person with advanced legal training and knowledge of the child's needs may be appointed as his or her guardian.

90. In 2016, an amendment was made to the Family and Guardianship Code to ensure that a child cannot be placed in alternative care solely because his or her parents are poor. Such placements may be carried out only when other measures previously ordered by the court have not been effective or when a child needs to be placed in care immediately.

## Childcare

91. The following are the most significant amendments made to the Act of 4 February 2011 on care for children under 3 years of age:

- The list of entities that may establish a children's nursery or club has been expanded to include local government entities other than municipalities (*gminas*) and public institutions; the list of persons who may act as nursery schoolteachers has also been expanded, including self-employed persons.
- The qualifications that must be held by staff employed in nurseries or children's clubs as nursery schoolteachers have been broadened.
- The number of children who may be cared for by a nursery schoolteacher has been changed for situations where the parents have given their consent, or the care is being provided by one of the parents together with the teacher.
- The regulations concerning meals in nurseries and children's clubs have been clarified.
- With regard to the subsidizing of nurseries, children's clubs and nursery schoolteachers by the municipalities, there has been a three-fold increase in the funds allocated to the implementation of the Ministerial Programme for the Development of Childcare Facilities for Children under 3 Years of Age.

92. Activities aimed at deinstitutionalizing the alternative care system are continuing (see the combined fifth and sixth periodic reports submitted by Poland on the implementation of the Convention on the Rights of the Child and the Optional Protocols thereto (CRC/C/POL/5-6)). As of the end of 2019, 21 per cent of children in alternative care were in institutions. Furthermore, improvements have been made in relation to satisfying children's needs and opening up institutions to the local area.

## Cash benefits

93. In 2015, the following amendments were made to the Act of 28 November 2003 on Family Benefits:

- The "zloty for a zloty" mechanism has been changed to ensure that families whose income exceeds the cut-off for family benefits receive the benefit minus the amount by which the cut-off is exceeded.
- For 52 weeks after childbirth, a parental allowance of Zł 1,000 per month is paid to persons who have given birth to a child but do not receive maternity allowance or a maternity benefit. Persons who have given birth to more than one child may receive the allowance for up to 71 weeks irrespective of their income.

94. In 2015, the income thresholds for entitlement to family allowances, the amounts of these allowances and the supplements to the allowances were reviewed. The thresholds stand

at Zl 674 (up by Zl 100) and Zl 764 (up by Zl 100) for families with children with disabilities or persons claiming a special care allowance.

95. Supplements to family allowances for the education and rehabilitation of a child with disabilities, the education of a child in a school outside the local area and the education of a child in a large, single-parent family have been increased.

96. The Act of 11 February 2016 on State assistance for raising children provided for the introduction of the “Family 500 Plus” programme, which constitutes the basic form of assistance for families raising children. Childcare benefit is universal and is paid in the amount of Zl 500 per month for each child under the age of 18 years, irrespective of the family income. (Until 30 June 2019, this benefit was paid for the second child and each subsequent child, irrespective of the income per family member, and for the first child if the family’s monthly income per person did not exceed Zl 800, or Zl 1,200 in the case of families with children with disabilities).

97. In 2018, the “Good Start” programme was launched to promote equal educational opportunities for children. At the start of each academic year, a one-time payment of Zl 300 per child is made to schoolchildren and students aged from 7 to 20 years (or up to 24 years, in the case of children or adults with disabilities). The benefit is payable irrespective of the family’s income.

98. In 2016, a supplement equal to childcare benefit, payable for each child up to the age of 18 years, was introduced for foster families and persons managing a foster home. Since 1 July 2019, the supplement has been paid for each child under 18 years of age in a socialization facility providing care and education, an intervention facility, a specialized and therapeutic care facility, or a pre-adoption intervention centre.

99. In 2018 and 2020, the income threshold for entitlement to receive maintenance fund benefits was raised.

#### **Reply to the issue raised in paragraph 31 of the concluding observations: child custody**

100. The following measures have been taken to ensure high quality, inclusive and affordable preschool education:

- Efforts have been made to develop networks of establishments offering preschool education and various forms of preschool education.
- Educational support has been introduced.
- Psychological, educational and specialized support is provided to promote children’s development and education, remedy developmental delays and disharmonies and treat disorders.
- Local authorities are provided with support from the State budget.
- An appropriate legal framework has been developed.

101. Children aged from 3 to 5 year have the right to preschool education while children aged 6 years are required to attend a preschool preparation course for one year.

102. Preschool education for a minimum of five hours per day is free of charge. School meals are not covered. Fees for services provided by State preschool institutions have been restricted: from 1 September 2013, such fees may not exceed 1 Zl per hour for activities taking place outside the free childcare period. In 2017, subsidies were introduced for children in preschool aged 6 years and over and fees for preschool teaching taking place outside of the free childcare period were eliminated.

#### **Domestic violence**

103. For detailed information on this issue, see the report submitted by Poland on the implementation of the Council of Europe Convention on Preventing and Combating Violence

against Women and Domestic Violence (<https://www.coe.int/fr/web/istanbul-convention/poland1>).

104. On 1 October 2019, a national, free, 24-hour helpline was launched, which offers support from psychologists, educators and lawyers by telephone, instant messaging or email. Children may use the service without their parents' consent or knowledge. Action is taken in response to reports of domestic violence.

105. The National Programme for Counteracting Domestic Violence for 2021 has been implemented.

106. The COVID-19 pandemic has not had an adverse impact on the provision of assistance to persons affected by domestic violence or on the actions taken in respect of perpetrators. Instructions have been drawn up for social workers, the staff of shelters and interdisciplinary teams responsible for combating domestic violence. A free Internet application called Your Umbrella has been launched to support victims of domestic violence. Users of the application can discreetly contact support services by email or quickly dial the emergency number.

**Reply to the issue raised in paragraph 29 of the concluding observations: orders against perpetrators of domestic violence**

107. In 2020, the Code of Civil Procedure and several other laws were amended to ensure that perpetrators of domestic violence could be swiftly separated from their victims. As a result, perpetrators may be ordered to leave, and stay away from, jointly occupied dwellings and their immediate surroundings, including in cases where the perpetrator is the sole owner of the dwelling. Immediately enforceable orders or bans are issued by the police. They are valid for 14 days and can be extended by a court. Appeals against such orders or bans are heard by the courts. Any person who fails to comply with an order or ban is liable to receive a punishment.

108. When a court is informed by the police that an order or ban has been issued against a perpetrator of violence who lives with children, the court is required, on its own initiative, to initiate proceedings to regulate the custody arrangements for the children, including the perpetrator's contact with them.

**Reply to the issue raised in paragraph 29 of the concluding observations: campaigns on domestic violence**

109. In the light of the COVID-19 pandemic, the goals of the 2020 campaign were to motivate the public to take action on domestic violence and to raise awareness of the problem and its symptoms, especially during the lockdown imposed in response to the pandemic. Information on how to contact the relevant services was disseminated. The campaign was also aimed at increasing the sense of safety of children threatened or affected by domestic violence, enhancing knowledge of domestic violence and its destructive impact on victims and witnesses, raising awareness of ways in which victims can oppose domestic violence by seeking professional help and taking action to improve their situation, and publicizing the communication and support tools, including the "Blue Card" procedure and the helplines.

**Reply to the issue raised in paragraph 29 of the concluding observations: criminalizing marital rape**

110. Criminal liability for rape is regulated by article 197 of the Criminal Code, which states that anyone who uses unlawful violence, threats or deception to induce another person to have sexual intercourse is liable to a custodial sentence of between 2 and 12 years. It is an offence, punishable by 6 months to 8 years' imprisonment, to use unlawful violence, threats or deception to induce a person to submit to or perform another sexual act. Offenders who, inter alia, cooperate with other persons are subject to a more severe penalty, i.e., 3 to 15 years' imprisonment, or 5 to 15 years' imprisonment in cases where the offender has acted with particular cruelty. The decision to prosecute is at the discretion of the public prosecutor's office. The authorities responsible for detecting and prosecuting offences initiate proceedings irrespective of the victim's wishes.

111. The acts described in article 197 of the Criminal Code are penalized irrespective of the nature of the relationship between the perpetrator and the victim. With regard to the criminal responsibility of perpetrators and the penalties that they face, no distinction is made between husbands who commit an offence against their wives and perpetrators who are not related to the victim. There is therefore no need to introduce a new offence of marital rape.

### **Working conditions of pregnant women and women who have given birth**

112. Since 2017, the fixed-term contracts of female workers who have been posted by an employment agency to perform temporary work for at least 2 months are extended until the date of childbirth.

### **Maternity leave and cash benefits**

113. See the information provided on the implementation of article 7, in respect of work-life balance, and article 9, in respect of the granting of the maternity allowance.

### **Paternity leave, childcare leave and cash benefits for fathers**

114. In 2016, the following changes were made to paternity leave:

- The period during which it may be taken was extended until the child is 24 months old.
- It may be taken either in one go or in two parts, neither of which may be less than one week.

115. Fathers are entitled to the maternity allowance:

- For the period of paternity leave
- If they have obtained the right to maternity leave or have interrupted their professional activity to take care of the child

116. They may also receive the maternity allowance if:

- The mother waives her entitlement to the maternity allowance after receiving it for 14 weeks after the birth
- A mother with disabilities certificate stating that she is unable to live independently waives her entitlement to the maternity allowance after receiving it for at least 8 weeks after the birth
- The mother is admitted to hospital owing to a health condition that prevents her from caring for the child, having received the maternity allowance for at least 8 weeks
- The mother has died or abandoned the child

### **Support for families of children with disabilities**

117. The Government increased the financial support for the following:

- Medical care allowance (in 2018 and 2019)
- Nursing benefit (in 2014 and 2020)
- Special attendance allowance (in 2018)
- Caregiver allowance (in 2018)

118. Since 2017, the nursing benefit has been indexed to annual minimum wage growth.

119. In 2016, the Family Benefits Act and the Act of 4 April 2014 on the Determination and Payments of the Allowances for Caregivers were amended so that each person caring for a person with disabilities, in families raising more than one child with disabilities, would be entitled to the caregiver allowance.

120. A supplementary benefit for dependent persons was introduced in 2019. It is paid in addition to retirement pensions, the social pension and social assistance benefits and is intended to provide extra resources to meet the needs of dependent persons given the increasing costs of nursing, rehabilitation and medical care.

121. The aims of the “For Life” comprehensive family support programme adopted in 2016 are to facilitate the full and genuine social integration of persons with disabilities and to provide psychological, social, practical and economic support to their families. The programme covers:

- Early support for child development
- Prenatal diagnosis and therapy or rehabilitation for children certified as having a serious and irreversible impairment or incurable life-threatening illness that developed before or during childbirth, and support for their parents
- Support for pregnant women and their families in the event of a complicated pregnancy and coordinated care, including psychological care, for pregnant women
- Palliative and hospice care, including for the comfort of newborns and their protection from the use of intensive treatment
- Assistance in meeting the special needs, including the housing needs, of families of children with disabilities
- Coordination, advice and information

122. Between 2017 and 2020, Zł 2,416,925,000 were allocated for the implementation of the “For Life” programme.

123. The Act of 23 October 2018 on the Solidarity Fund for Persons with Disabilities established an instrument for the financing of respite care programmes, care and accommodation centres, care services, personal assistance and, in the area of health support, the supplementary benefit for dependent persons.

## **Employment of children and young people**

124. In 2018, the legal working age was lowered to 15 years.

## **Protection against unsafe behaviour, social marginalization and violence**

125. One of the aims of the education reform launched in 2017 is to strengthen the schools’ role in helping children to grow and develop and preventing problem behaviour. Each school is required to implement an education and prevention programme based on an annual assessment of pupils’ needs and developmental problems, taking into account protection and risk factors such as the use of new psychoactive substances. These programmes are adopted by the parents’ council in agreement with the teachers’ council.

126. A document entitled “Safe School: Threats and Recommended Preventive Measures for the Physical and Digital Safety of Students” was drawn up in 2017 and updated in 2020. It is addressed to principals, teachers and parents and consists of a compendium of knowledge on threats to safety in schools and institutions and a set of recommendations for preventive measures.

127. The Władysław Stasiak Programme for the Reduction of Crime and Antisocial Behaviour: Safer Together 2018–2020 followed on from the equivalent programme in 2007–2017. It included activities to:

- Prevent minor offences
- Mobilize local communities, local authorities, security and law enforcement services and other institutions
- Improve child safety
- Reduce antisocial personality disorders and behaviours

128. Projects by local authorities and NGOs were co-funded under the Programme.

129. Between 2015 and 2018, the Government implemented the “Safe Plus” programme in order to support school governing bodies in providing safe conditions for teaching, education and care. Activities included the prevention of threats arising from students’ use of the Internet.

130. The Centre for Education Development provides training on the Blue Card procedure applied in cases of suspected or actual domestic violence and has developed information and education materials on domestic violence and the steps schools are required to take.

131. In 2017 and 2018, two universities offered postgraduate courses, two semesters in duration, for teachers and educators with the aim of improving their educational skills and ability to recognize and address difficult situations.

132. In 2019, the Fundacja Instytut Edukacji Pozytywnej (Institute of Positive Education) organized training for educators, teachers and parents on communication and mediation at school and among peers as methods for resolving conflict and preventing aggression and violence. A school and peer mediation outreach programme was implemented in 60 schools. Online training materials have been prepared and a website with materials for school mediation has been developed.

133. In 2020, the Minister of Education prepared guidelines for schools and educational establishments to cooperate with the police and the National Health Inspectorate on drug prevention.

134. See also the information provided on the implementation of article 12, with regard to preventing and combating addiction.

### **Rights of persons applying for refugee status, family reunification of migrants**

135. Major amendments have been introduced to the Act of 13 June 2003 on the Protection Granted to Foreigners in the Territory of Poland and some other acts, relating to the social assistance and medical care that are provided to foreign applicants for international protection:

- Since 2015, foreign nationals admitted to centres:
  - Must be informed of their rights and obligations in a language they understand and must have access to information about the assistance mechanisms for foreign applicants for international protection and the rules of stay in the centre
  - Have the right to communicate privately with their lawyer
- In 2018, the procedure concerning unaccompanied minors seeking international protection was simplified, improving the protection of their rights.

136. The Regulation of the Minister of the Interior of 23 October 2015 on stays in centres for foreign nationals deals, inter alia, with security in such centres.

137. In 2017, Polish language learning material (A1 level (beginner) in the Common European Framework of Reference for Languages, with elements of A2) was developed for adult foreigners, taking into account the specific communication needs of applicants for international protection. In 2020, A2-level material, with elements of B1 (intermediate), was developed.

138. The Government has introduced Polish language courses for children starting school. A programme taking into account the specific communication needs of children seeking international protection has been implemented since 2019.

139. In 2019, education and adaptation classes for 3- to 6-year-old children were introduced in centres for foreign nationals seeking international protection. The classes address children's rights and protection from violence and abuse, in accordance with the policy on the protection of children from abuse in centres for foreign nationals.

140. The Act of 12 December 2013, the Aliens Act, has been amended in respect of family reunification in order to implement the Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer and the Directive (EU) 2016/801 of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

141. Following the entry into force of the Aliens Act and its 2018 and 2019 amendments, family members of foreign nationals have the right to obtain a permanent residence permit if the foreign national:

- Has obtained a residence permit on humanitarian grounds
- Is a resident on the basis of a temporary residence permit granted for the purpose of work within the framework of an intra-corporate transfer
- Is a resident on the basis of a temporary residence permit granted for the long-term mobility of a manager, specialist or trainee employee within the framework of an intra-corporate transfer
- Is a resident on the basis of a temporary residence permit granted to foreign nationals who, directly prior to submitting the application, were residing in Poland on the basis of a temporary residence permit in order to conduct research, have conducted scientific research or development work and are seeking employment or planning to commence an economic activity in Poland

### **Trafficking in human beings: regulations and medical, social and legal assistance for victims**

142. The National Action Plan against Trafficking in Human Beings 2016–2018 was implemented until the end of 2019. A new plan was implemented for the period 2020–2021.

143. The administration of the National Intervention and Consulting Centre for Victims of Trafficking was entrusted, following a competitive process, to La Strada – Foundation against Trafficking in Human Beings and Slavery and the Mary Immaculate Association for Women and Children. The Centre:

- Operates a 24-hour helpline to provide preventive counselling for victims and witnesses of trafficking in human beings
- Meets basic needs, performs crisis interventions and supports social reintegration
- Manages shelters and arranges safe accommodation
- Consults with public institutions and local authorities on work with victims of trafficking in human beings

144. In 2020, in the context of efforts by the expert group on victims of trafficking, two tools were upgraded to help identify presumed trafficking victims, including adults and children.

145. Under the Act of 5 August 2015 on Free Legal Aid, Free Citizens' Advice and Legal Education, trafficking victims are entitled to free legal aid if they cannot afford it and to compensation from the Justice Fund.

146. Victims of trafficking in human beings may, in addition to asserting their rights in criminal proceedings, seek compensation and reparation for the harm and emotional distress that they have suffered. Foreign nationals can obtain compensation and pursue other legal remedies through an attorney or prosecutor, even if they have left the country.

147. Border guards have continued to receive basic and specialized training on trafficking in human beings, as mentioned in the previous report, including in cooperation with the European Border and Coast Guard Agency and the European Union Agency for Law Enforcement Training.

## **Article 11: right of everyone to an adequate standard of living**

### **Reply to the issue raised in paragraph 33 of the concluding observations: support for persons living in poverty or at risk of poverty**

148. In 2019, the extreme poverty rate reached a low of 4.2 per cent, with children, single parents, large families, households living on unearned sources of income, farmers' and pensioners' households and residents of small towns and villages among the main beneficiaries of the improved situation.

149. Poverty has decreased as a result of a very strong labour market, legislative changes and family support activities. Measures included:

- The introduction of benefits, including child benefit, the annual "Good Start" benefit, the supplementary benefit for dependents, the supplementary parental benefit (Mama Plus) and the "thirteenth pension" (an extra annual financial benefit for retired persons and persons receiving disability pensions)
- The raising of income thresholds and increases in family and social assistance benefits and in the minimum amounts of old-age and disability pensions
- The "For Life" programme
- Labour market solutions, including regular increases in the minimum wage and the introduction of minimum hourly rates for agency contracts
- Changes to the tax system, including an increase in the tax-free allowance, the introduction of the solidarity tax, the exemption from income tax of persons aged under 26 years whose earnings are below the tax threshold and the reduction of the basic personal income tax rate from 18 per cent to 17 per cent

150. The National Programme to Combat Poverty and Social Exclusion by 2020 – A New Dimension of Active Inclusion was adopted in 2014. It included the following activities:

- Addressing the social exclusion of children: support, development of childcare, preschool education, prevention, assistance for families of children with disabilities
- Ensuring the coherence of educational, social and vocational activities: development of schools' social and early intervention functions, preventive and sociotherapeutic services, vocational training, digital skills, digital inclusion, initial employment
- Actively including people at risk of social exclusion: development of social and professional reintegration services, services provided by the social economy sector, inclusion of persons with disabilities, foreigners and Roma in social and professional life
- Promoting the safety and activity of older persons: development of day care and community care, creation of conditions for an active, safe and dignified life
- Preventing homelessness and developing social housing: strengthening of the assistance system, support for moving out of homelessness, street work
- Changing the work system of social welfare centres: separation of social work and social services from administrative activities, upgrading the qualifications of social workers

**Reply to the issues raised in paragraph 35 of the concluding observations: housing policy and accessibility and improvement of housing**

151. The National Housing Programme adopted in 2016 identifies housing policy priorities and basic tools for addressing housing issues. Its main goals are to:

- Improve access to housing for persons who cannot afford to buy or rent a home on the open market, with the number of housing units per 1,000 inhabitants reaching the European average by 2030
- Meet the basic housing needs of persons at risk of social exclusion, so that by 2030 local authorities are able to meet the housing needs of all households waiting for municipal housing
- Improve the technical condition and the energy efficiency of dwellings, reducing the number of people living in substandard conditions from 5.3 million to 3.3 million by 2030

152. The following measures are designed to improve access to housing for persons who cannot afford to buy or rent an apartment on the open market (the “Housing Plus” package):

- Programme for the construction of rental apartments, including with an option to purchase the property
- Programme for the construction of social rental housing

153. These investment activities are supplemented by the “Apartment for a Start” rental subsidy programme for those in the early years of their tenancy.

154. The Act of 10 December 2020 amending Certain Acts Supporting the Housing Industry introduced rental subsidies for tenants or subtenants who have lost income owing to COVID-19.

155. Since 1 April 2021, the new “Premises for Land” aid instrument makes it possible for developers to acquire municipal real estate, with a partial settlement of the price in the form of a transfer of the residential or commercial development to the municipality.

156. Efforts are under way to regulate the activities of social rental agencies, which specialize in negotiating with property owners to offer long-term leases with discounted rent to persons who cannot afford, or whose situation does not allow them, to rent an apartment on the open market.

157. Since 2007, a programme to support the construction of social and municipal housing has allowed municipalities, districts, intermunicipal associations and NGOs to apply to the Subsidy Fund, which is financed by appropriations set aside in the State budget, for support for the construction and renovation of housing. The amount of support available to applicants increased between 2018 and 2021.

158. Persons in difficult circumstances who cannot afford to buy an apartment are given the opportunity to rent municipal housing or are provided with social rental housing.

159. In 2019, by an amendment to the Act of 21 June 2001 on the Protection of the Rights of Tenants, Housing Resources of Municipalities and on Amendments to the Civil Code, a solution was introduced whereby the courts will rule on the right of persons who have unlawfully occupied a premises to conclude a social lease agreement if this is particularly justified in the light of the principles of social coexistence. A “social lease” has been introduced that allows municipalities to rent any housing unit that meets the requirements in terms of size and technical conditions.

160. As 92 per cent of Roma are urban dwellers and they are dispersed throughout the country, there is no problem of their spatial segregation (except in two localities). Since 2001, measures have been taken to improve their housing situation. Between 2014 and 2020, 188 housing targets were achieved, with support provided to 2,291 Roma persons. Save for a single case, no tensions were reported as a result of the purchase of housing for Roma families.

**Reply to paragraph 35 of the concluding observations: evictions**

161. The protection of tenants' rights and the eviction procedure were reformed in 2019. When enforcing an obligation to vacate a premises on the basis of a writ of execution that does not grant the debtor the right to conclude a social rental agreement or the right to replacement housing, the bailiff must remove the debtor to another premises or room to which he or she is legally entitled and where he or she can live. If the debtor is not legally entitled to another premises, the bailiff must refrain from action until such time as the municipality designates temporary accommodation for the debtor (previously the bailiff, after a six-month suspension pending the designation of temporary accommodation, could take the debtor to a night shelter or other establishment offering overnight accommodation). Eviction to an overnight accommodation centre, shelter or similar facility is authorized if the debtor is not entitled to temporary accommodation – for example, if the eviction order was issued because of domestic violence, flagrant or persistent breaches of domestic order, behaviour impairing the use of other properties within the building, or unlawful occupation of the premises.

162. During the COVID-19 pandemic, writs of execution ordering individuals to vacate housing have not been enforced unless they were issued as a result of domestic violence.

**Homelessness**

163. A national survey of the number of homeless persons is conducted every two years.

**Number of homeless persons, 2015–2019**

	2015			2017			2019		
	<i>Children</i>	<i>Women</i>	<i>Men</i>	<i>Children</i>	<i>Women</i>	<i>Men</i>	<i>Children</i>	<i>Women</i>	<i>Men</i>
	1 892	5 351	28 918	1 201	4 891	27 316	992	4 437	24 901
<b>Total</b>	<b>36 161</b>			<b>33 408</b>			<b>30 330</b>		

164. Homeless persons may join individual programmes to move out of homelessness and obtain employment. The number of people assisted by these programmes has remained steady (3,155 in 2014, 3,635 in 2016 and 3,498 in 2018).

165. Two programmes to address homelessness, which supplement the activities of the municipalities, have been implemented: the first from 2015 to 2017 and the second, entitled "Overcoming Homelessness", since 2018. Under this programme, the Government provides subsidies for NGOs that offer intervention services and carry out activities for the promotion of employment ("activation") and integration of homeless persons. The programme also seeks to put into practice new ways of working with homeless persons and activation programmes for them, and to develop and standardize shelters.

**Safe food**

166. The Agricultural and Food Quality Inspectorate monitors food quality from field to table. Thus, it monitors farm retail and the restaurant business with the aim of uncovering unfair practices in relation to ingredient labelling and producers' declarations. The Inspectorate supervises the certification bodies and monitors the organic farming system and the system for protecting the names of products registered as protected designation of origin, protected geographical indication and traditional speciality guaranteed. It also monitors genetically modified foods, pet food in the retail sector and materials and articles intended to come into contact with food.

167. The National Health Inspectorate monitors food safety, nutrition and articles used in connection with food, including the conditions in which food is produced, transported, stored and sold. The controls it imposes concern food of non-animal origin produced and placed on the market, food of animal origin placed on the market and the retail trade. As the national

contact point of the Rapid Alert System for Food and Feed of the European Union, it coordinates following activities:

- Issuing notifications about unsafe food and animal feed
- Verifying compliance with food safety legislation
- Ensuring consumer safety
- Eliminating non-compliant products and preventing them from entering the market
- Detecting abusive practices in the production and marketing process
- Authorizing the launch of food production or marketing activities
- Penalizing operators who fail to respect the legislation in force

**Reply to the issue raised in paragraph 40 of the concluding observations:  
dissemination of knowledge on nutritional principles**

168. Measures have been implemented under the National Health Programme 2016–2020 aimed at improving diet, nutritional status and physical activity. The Programme focused on education to raise awareness of the importance of a balanced diet and the benefits of regular physical activity.

169. Through a health-promoting kindergartens and schools programme, the Government supports establishments that create the conditions for health and well-being and that help students and staff develop health-related skills. In 2020, 3,310 institutions participated in the programme.

170. The National Health Inspectorate implemented the “Keep Fit” programme in order to build knowledge about the impact of nutrition and physical activity on health. In 2019, the Inspectorate carried out health promotion and health education activities in kindergartens with the goals of shaping children’s ability to choose healthy, environmentally friendly and good quality products and promoting healthy lifestyles and the formation of good health and hygiene habits.

171. The aim of the Programme for Schools, which in the 2017/18 school year replaced earlier programmes for the distribution of fruit, vegetables and milk in schools, is to promote healthy eating habits in children by increasing their consumption of fruit and vegetables and milk and dairy products.

172. In accordance with the Regulation of the Minister of Health of 26 July 2016 regarding groups of foodstuffs intended for sale to children and adolescents in the education system, and with school food standards, access to junk food and sugary drinks is restricted and the advertising and promotion of unhealthy foods in schools is prohibited.

173. The value added tax rate on food is 5 per cent, 8 per cent or 23 per cent. Most food products (staple, unprocessed and minimally processed foods) are taxed at 5 per cent. The 8 per cent rate is applied to certain processed food products while the 23 per cent rate concerns alcoholic beverages, tea, coffee, certain other beverages and chocolate.

174. Since January 2021, a “sugar tax” has been levied on beverages that contain:

- Sugars that are monosaccharides or disaccharides and the sweeteners referred to in Regulation (EC) No. 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives
- Caffeine and/or taurine

**Reply to the issue raised in paragraph 40 of the concluding observations: support for breastfeeding**

175. The following activities in support of breastfeeding were carried out within the framework of the National Health Programme 2016–2020:

- Creating local breastfeeding support groups and informing women who have given birth in maternity hospitals of the existence of these groups

- Disseminating knowledge about breastfeeding and its benefits
- Promoting initiatives for appropriate infant feeding
- Helping women experiencing breastfeeding difficulties
- Enhancing the knowledge and skills of medical staff caring for mothers and children in respect of lactation
- Raising awareness among medical staff of the principles of the International Code of Marketing of Breast-milk Substitutes

176. In the realm of public statistics, data on the feeding of newborns are collected on the day of their discharge from hospital and during their first year of life.

### **Reply to the issue raised in paragraph 38 of the concluding observations: combating malnutrition**

177. The objective of the State Aid for Nutrition Programme, implemented until the end of 2018, was to reduce malnutrition among children from families with low incomes or in difficult situations, particularly in areas with high unemployment and rural areas, and among adults, especially older persons and the sick. Assistance was provided in the form of meals, a targeted allowance for the purchase of meals or food items, and benefits in kind (food products).

178. Under the “Meals at School and at Home” programme for the period 2019–2023, assistance is provided to children from disadvantaged families, older persons, persons with disabilities and persons with low incomes. Municipalities receive financial support so that they may provide assistance, including meals, cash benefits for the purchase of meals or food items, and benefits in kind (food products). Support is also provided for setting up canteens and dining areas in schools.

179. Under the Food Aid Operational Programme 2014–2020, co-financed by the Fund for European Aid to the Most Deprived, NGOs each year distributed food packages and meals worth more than Zl 300 million to individuals and families (1.3 million people).

180. Food assistance is accompanied by activities to promote social integration, strengthen independence and household management skills and increase knowledge of healthy nutrition.

## **Article 12: right to health**

### **Replies to the issues raised in paragraph 42 of the concluding observations: health care for all and adequate funding for health care**

181. The Act of 11 September 2015, the Public Health Act, defines public health objectives, the entities in charge of fulfilling them and funding rules. The objectives include:

- Monitoring and evaluation of population health, public health risks and public health-related quality of life
- Provision of health education aligned with the needs of different social groups, particularly children, young people and older persons
- Health promotion
- Prevention of diseases
- Identification, elimination and mitigation of physical and mental health risks and harm in the home and in places of learning, work and recreation
- Analysis of the adequacy and effectiveness of health-care services to establish whether they meet the health needs identified in the population
- Research and international cooperation on research in the area of public health
- Development of human resources for public health
- Reduction of health inequalities caused by socioeconomic factors

- Measures in the area of physical activity
182. The Public Health Act:
- Set out the role of the National Health Fund in the public health system, including the possibility of financing health policy programmes from the Fund
  - Introduced the National Health Programme as a strategic document for public health
  - Established the Public Health Council, which serves as an advisory body to the Minister of Health
183. The National Health Programme 2016–2020 defined the responsibilities of government bodies and local authorities in order to:
- Improve the nutrition and diet of the population and increase physical activity
  - Prevent and address problems related to the use of psychoactive substances, behavioural addictions and other unsafe behaviours
  - Prevent mental health problems and improve the mental well-being of the population
  - Reduce public health risks linked to physical, chemical and biological hazards in the outdoor, work, residential, recreational and learning environments
  - Promote healthy and active ageing
  - Improve reproductive health
184. For other activities within the framework of the National Health Programme, see below and the replies to the issues raised under article 11.
185. The budget allocated to activities under the Public Health Act stood at ZI 3.9 billion in 2016, ZI 4.5 billion in 2017, ZI 5.5 billion in 2018 and ZI 6.2 billion in 2019.
186. The Act of 27 October 2017, the Primary Health Care Act, introduced a new organizational model for primary health care, which will be implemented gradually until 2024. Patients receive coordinated care from primary health-care teams composed of a physician, a nurse and a midwife and are assisted by an administrative coordinator who oversees the process of providing health-care services.
187. As a result of amendments to the Act of 27 August 2004 on Health-Care Services Financed from Public Funds:
- In 2016, free medicines were made available to people aged over 75 years; and a list of medicines was published by the Minister of Health
  - In 2017, a new basic inpatient care system was set up to deliver more comprehensive, better coordinated health care; and principles for emergency access to medicine were introduced
  - In 2020, free medicines were made available to pregnant women; a list of medicines was published by the Minister of Health; and limits on children's health care were removed
188. In 2019, the provisions of the Act of 6 November 2008 on Patient Rights and the Patient Rights Ombudsman regarding additional nursing care for patients who are minors or have a certificate of severe disability were clarified.
189. A new standard for the provision of perinatal care entered into force on 1 January 2019, which covers the following: health care during pregnancy, childbirth and puerperium; newborn care; prenatal education; support for breastfeeding; relief of labour pain; and principles for staff dealing with particularly difficult cases for women and their families (miscarriage, stillbirth or seriously ill child). The standard places emphasis on cooperation between medical personnel and parents. All care and procedures for newborns are performed in the presence and with the consent of the mother. To avoid any negligence in the care of the infant, medical staff are required to inform social support services of behaviours that could endanger the infant's safety.

190. The Act on Support for Pregnant Women and their Families (the “For Life” Act) regulates support for pregnant women and their families, with an emphasis on women who experience complications of pregnancy or stillbirths and children with serious and irreversible impairments or incurable life-threatening illnesses that developed before or during childbirth. Support includes prenatal testing, specialized inpatient and outpatient treatment including intrauterine procedures, psychological support, therapeutic rehabilitation, the provision of medical devices, palliative and hospice care and breastfeeding advice.

191. Health-care and pharmacy services are provided free of charge to pregnant women, children diagnosed with a serious and irreversible impairment or incurable life-threatening illness that developed before or during childbirth and beneficiaries who hold:

- A medical certificate of severe disability
- A medical certificate attesting to the disability and indicating the need for the permanent or long-term assistance of another person due to a significantly reduced ability to lead an independent life, and the need for the constant participation of the child’s guardian in the treatment process

192. Families of women who have experienced a miscarriage, stillbirth, death of an infant after birth or birth of an infant with disabilities are guaranteed appropriate maternal and child health care, including psychological care.

193. The law provides for the management and treatment of symptoms in the context of palliative and hospice care (medical, nursing, psychological and rehabilitative care) for children with incurable, untreatable, progressive or life-limiting diseases. Palliative care benefits extend to the family members of ill children, who may receive 24-hour respite care in a hospice for 10 days.

194. Under the Act of 9 May 2018 on Special Arrangements to Support Persons with Severe Disabilities, such persons are entitled to: priority access to health-care services including hospital treatment; specialized services and therapeutic rehabilitation; consultations with specialists without a referral from a family doctor; and unlimited access to refunded medical devices.

195. The Act of 12 April 2019, the Student Health Care Act, provides for the comprehensive health care of children in schools, including preventive health care and dental care. The Act establishes the coordinating role of the school nurse and areas of cooperation between the entities and persons that provide care (school nurses or hygienists, dentists, primary physicians), those that organize it (principals and school authorities) and parents, teachers and other school employees.

196. Between 2016 and 2019, strategic health-care infrastructure of national significance, including emergency medical services and highly specialized supraregional medical centres, was expanded to improve and eliminate inequalities in access to health care.

197. To improve the functioning of the medical rescue system, hospital emergency departments, trauma centres and air ambulance teams have been established and strengthened. Funding is provided for medical rescue teams that operate 24 hours a day, 7 days a week.

198. Supraregional projects have been carried to improve the efficiency of the health-care system in key areas in the light of epidemiological and demographic trends (support for hospital services in medical centres of supraregional importance specializing in diseases of the circulatory, musculoskeletal and respiratory systems, tumours and mental illness). Investments have been made in mother and childcare, including infrastructure investments in areas such as obstetrics, gynaecology, neonatology and paediatrics. Financial support has been provided for laboratories and other hospital units that perform patient diagnostics.

### **Fight against the COVID-19 pandemic**

199. In March 2020, the Government introduced measures to reduce the number of infections (health checks at borders, suspension of classes in schools, kindergartens and nurseries, new rules for public spaces).

200. The following measures have been taken in the health-care sphere:

- Introduction of regulations to limit the spread of infections (amendments to the Act on the Prevention and Control of Infections and Infectious Diseases in Persons and other legal acts and the adoption of regulations of the Council of Ministers on the establishment of certain restrictions, orders and prohibitions in connection with the occurrence of an epidemic)
- Adoption of recommendations and guidelines related to the COVID-19 pandemic in different economic sectors and the organization of health services
- Conversion of general hospitals (so-called single-name hospitals) into institutions hospitalizing only COVID-19 patients; the provision of adequate equipment for these hospitals; the introduction, in the second half of 2020, of three levels of hospital care (multi-specialty hospitals, infectious disease and infectious disease observation services and other hospitals); and the opening of temporary hospitals
- Provision of personal protective equipment and sanitizing materials
- Expansion of oxygen rooms
- Reassignment of medical personnel to units with staff shortages
- Laboratory testing of samples from patients suspected of being infected
- Creation of additional medical rescue teams
- Payment of bonuses to medical staff (doubling their regular salary)

201. Facilities for the diagnosis and treatment of patients infected with SARS-CoV-2 have sufficient space and equipment, including intensive care beds and ventilators.

**Replies to the issues raised in paragraphs 44 and 46 of the concluding observations: reproductive health and eligibility requirements for abortion**

202. The National Health Programme 2016–2020 provided for education, information and prevention activities aimed at different groups, including health professionals, for the inclusion of reproductive health issues in the curricula of medicine, biology, psychology and teaching faculties and in the professional development programmes of doctors, nurses and midwives, and for research on reproductive health.

203. For other activities within the framework of the National Health Programme, see the replies to the issues raised under article 11.

204. The main objective of the comprehensive reproductive health-care programme implemented from 2016 until 2020 was to increase the availability of high-quality services for the diagnosis and treatment of infertility. Sixteen reference centres for infertility treatment were set up to provide couples with a full diagnosis, psychological care and referral to complementary treatments within the programme or in the health system.

205. Regarding contraceptives, products containing the following active substances are refunded: cyproterone acetate, ethinyl oestradiol and levonorgestrel. In 2014, users could be refunded for five contraceptive and eight combined contraceptive and acne vulgaris medications (in 2020, nine and eight respectively). The National Health Fund also covers the cost of fitting and removing intrauterine devices. Other hormonal contraceptives (oral pills and transdermal patches), spermicide suppositories and condoms are available without a prescription.

206. Conscientious objection is regulated to ensure respect for physicians' right to refrain from performing a procedure that goes against their conscience and to ensure that patients may receive the health care and information to which they are entitled. According to the Act of 5 December 1996 on the Professions of Physician and Dentist, a doctor may refrain from providing health-care services that are contrary to his or her conscience but is obliged to provide care in all cases where a delay could entail a risk of loss of life, serious injury or serious health disorder. Physicians must record the exercise of conscientious objection in the medical documentation. Those who practise on the basis of an employment relationship or in a hospital department are obliged to inform their superiors in advance in writing. Under the

Act of 15 April 2011, the Medical Activities Act, medical entities must publish information on the extent and types of health care provided. If a physician, invoking conscientious objection, refuses to provide care, the health-care provider – the entity in which the physician refused to provide care – incurs an obligation to inform the patient of another entity where that care can be obtained. This is a general procedure that applies to all health-care services. Conscientious objection is a physician’s right; it cannot be invoked by a medical entity.

207. The bills amending the Act of 7 January 1993 on Family Planning, Protection of the Human Fetus and Conditions of Admissibility of Abortion were citizens’ initiatives. The decision on whether to continue work on these bills lay with the Sejm.

### **Prevention of infectious diseases, and vaccination programmes**

208. The following changes have taken place in the preventive vaccination programme:

- In 2014, a cell-free diphtheria/pertussis/tetanus vaccine, administered by intramuscular injection, was introduced for premature infants; a pertussis booster at the age of 14 years was recommended
- In 2015, a combined pentavalent vaccine was introduced for the primary immunization against pertussis of children in at-risk groups
- In 2016, live oral polio vaccine for children aged under 6 years was withdrawn and replaced with an inactivated polio vaccine; pertussis vaccination at 14 years was made compulsory
- In 2017, mandatory pneumococcal vaccination was introduced for children born after 31 December 2016
- In 2019, the age at which the measles, mumps and rubella (MMR) booster is administered was lowered from 10 years to 6 years of age; the rules on the tuberculosis vaccination of newborns were changed
- In 2020, a recommendation was made for the vaccination of children and adolescents against seasonal influenza, using an attenuated vaccine administered intranasally

209. In 2020, all children underwent mandatory vaccination against diphtheria, tuberculosis, pertussis, polio, measles, rubella, mumps, tetanus, hepatitis B and invasive *Haemophilus influenzae* type b and *Streptococcus pneumoniae* infection. In addition, people in certain at-risk groups were vaccinated against chickenpox.

### **Preventing and combating alcohol, tobacco and other addictions**

210. Surveys conducted in 2015, 2017 and 2019 indicated that the proportion of regular smokers has fallen (from 24 per cent of the population in 2015 to 21 per cent in 2019) and the proportion of people trying to quit is increasing.

211. The Chief Sanitary Inspectorate implements the following programmes:

- “Clean Air around Us”, which is aimed at increasing the knowledge of children, parents and caregivers about protection against exposure to tobacco smoke and at developing assertive attitudes among them when they encounter smokers
- “Race for Health”, aimed at raising primary school pupils’ awareness of the harmfulness of tobacco and e-cigarettes.

212. In 2019, the Government launched the following initiatives within the framework of the National Health Programme 2016–2020:

- The “I Don’t Smoke Because” education and information project, aimed at reducing smoking in the workplace
- The #StopFejkFriends campaign, whose goals are to reduce the consumption of tobacco and related products, especially among young people, to promote quitting and

support people who want to quit, and to promote tobacco-free cigarettes and new tobacco-related products (e-cigarettes).

213. In 2016, the Act of 9 November 1995 on the Protection of Health against the Consequences of the Use of Tobacco and Tobacco Products was amended to implement Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 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. Accordingly:

- The marketing of cigarettes with distinctive flavours was prohibited.
- A requirement was introduced for tobacco packaging to carry warnings that cover 65 per cent of the external surface of the packaging.
- The advertising of e-cigarettes and refill containers was banned.
- A ban on the smoking of e-cigarettes in public places similar to the ban on traditional tobacco products for smoking was introduced.
- The distance selling (for example, over the Internet) of tobacco products, e-cigarettes and refill containers was prohibited.

214. The Act was amended in 2019 to bring it into line with European Union implementing acts regarding the establishment of a track and trace and security system for tobacco products.

215. Further to the 2018 amendments to the law of 26 October 1982 to promote sobriety and address alcoholism and the Act of 20 March 2009 on Safety during Mass Events, municipal councils can set restrictions on the overnight sale of alcohol intended for consumption outside the place of sale. They will also be able to put a cap on the number of licences to sell alcohol that are issued, and such licences will be required to sell beer and beverages with an alcohol content of less than 4.5 per cent.

216. The Act of 14 February 2020 amending Certain Acts in Connection with the Promotion of Healthy Consumer Choices established an additional tax for alcoholic beverages sold in containers with a capacity not exceeding 300 ml. Half of the revenue goes to the National Health Fund to finance education and prevention activities, psychiatric care and addiction treatment; the other half goes to the municipalities to combat the negative effects of alcohol consumption at the local level.

217. Within the framework of competitions announced by the National Agency for the Resolution of Alcohol Problems, activities are undertaken in the areas of health promotion, prevention, harm reduction, rehabilitation, diagnosis and research into alcohol problems. Other activities include the monitoring of local government measures for the prevention and resolution of alcohol problems, and the enforcement of alcohol advertising regulations.

218. The objective of the “ARS, or How to Nurture Love” programme 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.

219. Efforts to tackle behavioural addiction are underpinned by the Act of 19 November 2009, the Gambling Act, and, since 2016, by a programme to combat behavioural addictions.

220. The National Bureau for Drug Prevention:

- Trains addiction prevention professionals and therapists, physicians, students and gambling operators
- Carries out information and education activities and conducts national campaigns for the prevention of behavioural addictions
- Operates a helpline service
- Runs an online advice centre that provides users with access to a therapist, psychologist and lawyer via the website [www.uzaleznieniabehawioralne.pl](http://www.uzaleznieniabehawioralne.pl).

- Undertakes universal and selective prevention activities for children, young people, parents, educators and persons at risk of behavioural addiction
- Supports scientific research on gambling and other behavioural addictions to make advances in the field
- Funds programmes that provide various types of assistance to drug addicts and their families

221. The National AIDS Centre has undertaken the following activities within the framework of the National Programme for Combating AIDS and Preventing HIV Infections:

- HIV prevention: campaigns, training, prevention programmes, information materials, website, helpline, information hotline, online advice centre, patient education portal
- Prevention of HIV infection among persons engaging in risk behaviours: counselling and testing sites, epidemiological data collection, education and outreach programmes
- Support and health care for people living with HIV/AIDS: an antiretroviral treatment programme, prevention of non-occupational HIV exposure, prevention of mother-to-child transmission using antiretroviral drugs, antiretroviral treatment for children
- Follow-up activities: research, training of professionals responsible for implementing the National Programme, electronic tracking database, online drug database

222. The main objective of the antiretroviral treatment programme is to prevent and reduce the impact of the HIV/AIDS epidemic by providing access to antiretroviral drugs. All patients living with HIV/AIDS have access to medical care and modern highly active antiretroviral therapy, including continuous access to antiretroviral drugs. One per cent of these patients receive periodic inpatient treatment; the rest are treated on an outpatient basis. Prophylaxis against vertical transmission (administration of antiretroviral drugs to the mother and newborn) has reduced the rate of neonatal infection from 23 per cent before 1989 to less than 1 per cent today. Thanks to the use of antiretroviral drugs in post-exposure prophylaxis, no HIV infections as a result of occupational accidents have been recorded since 2001.

**Reply to the issue raised in paragraph 51 of the concluding observations: preventing drug addiction**

223. Following amendments of Act of 29 July 2005 on the Prevention of Drug Addiction and Act of 14 March 1985 on the State Sanitary Inspectorate, the possession of new psychoactive substances for personal use is now a criminal offence punishable by a fine, while the manufacture, processing or conversion of new psychoactive substances is punishable by a fine or up to 3 years' imprisonment.

224. The Regulation of the Minister of Health of 17 August 2018 on the list of psychotropic substances, narcotic drugs and new psychoactive substances includes both individual substances and generic groups of new psychoactive substances with intoxicating effects on the central nervous system.

225. The National Programme on Countering Drug Addiction 2016–2020 included actions in the following areas:

- Reducing the use of narcotic drugs, psychotropic substances, “legal highs” and other substitutes, and new psychoactive substances
- Development of human resources engaged in efforts to counter drug addiction
- Prevention
- Rehabilitation and social reintegration
- Monitoring the use of narcotic drugs, psychotropic substances and new psychoactive substances

226. The National Bureau for Drug Prevention has carried out activities related to:

- Children's and youth programmes, including: prevention in schools; a behavioural learning programme; the “FreD Goes Net” programme; the “Taste of Life”

programme; a general prevention programme aimed at young people with intellectual impairments and deaf and hard-of-hearing persons; and a campaign aimed at 16- to 20-year-olds entitled “An Error Has Occurred – Change the Settings”

- Publications, a guide to support services and an educational film on the risks of drug use
- An educational portal ([www.dopalaczeinfo.pl](http://www.dopalaczeinfo.pl)) on the dangers of new psychoactive substances
- An educational platform for physicians, teachers and educators; conferences and educational projects
- Early intervention and targeted prevention
- A national helpline and an online drug advice centre

227. A system has been developed to track information on legal highs and other substitutes, and new psychoactive substances, and thus reduce the risk that they pose.

228. A toll-free, 24-hour helpline provides callers with information on the effects of new medications and treatment options.

**Reply to the issue raised in paragraph 49 of the concluding observations: improving mental health services**

229. During the implementation period of the National Mental Health Programme, from 2011 to 2015:

- Funding for psychiatric nursing and addiction treatment services increased from Zł 2.023 billion to Zł 2.397 billion
- Funding for community-based care increased by 126.5 per cent
- The number of people benefiting from community-based care increased from 10,628 to 27,102

230. Psychiatric nursing was reformed in 2018. A pilot programme for community-based psychiatry has been implemented on the basis of mental health centres that offer comprehensive psychiatric care, including emergency, outpatient, day and 24-hour care.

231. A new model of mental health care for children and adolescents was introduced in 2020. It is applied by community-based psychological and psychotherapeutic care centres for children (280 centres as of April 2021), staffed by psychologists, psychotherapists and environmental therapists. Patients do not require a referral from a psychiatrist. In terms of secondary health care, mental health centres for children and adolescents, staffed by psychiatrists, provide for a higher level of care in a day unit. At the tertiary level, patients may be referred to highly specialized psychiatric care centres that are open 24 hours a day.

232. The following measures were taken within the framework of the National Health Programme:

- Dissemination of mental health knowledge via:
  - Outreach and education campaigns
  - Training for representatives of teacher training centres and psychological and educational counselling centres, psychologists and educators
  - A publication entitled “Don’t be afraid of the psychiatrist”
  - A document on mental health priorities for the period 2016–2020
- Skills training of medical personnel
- Prevention of depression, suicide and other self-destructive behaviour through a website (<https://liniawsparcia.pl>), an education and information programme and the creation of a working group on the prevention of suicide and depression

233. The education and outreach campaign *Depresja. Rozumiesz – Pomagasz* (Depression. You Understand – You Help) was conducted within the framework of the Programme for Preventing Depression in Poland for the period 2016–2020. Its objective was to raise awareness of the prevalence of depression and the possibility of recognizing and preventing it at an early stage. An educational kit was developed for use in secondary school classes.

234. The Act of 19 August 1994, the Mental Health Protection Act, and other laws were amended in 2017 to clarify the provisions relating to, inter alia, the use of institutional coercive measures, video surveillance, involuntary admission to a psychiatric hospital and judicial oversight. Treatment for drug addiction is voluntary, except in the cases described in the above-mentioned sobriety and alcoholism law, when such treatment may be ordered by the courts.

235. A programme has been developed to support child and adolescent psychiatry in view of the need to counter the effects of the COVID-19 pandemic. The programme includes the upgrading of infrastructure and facilities, the establishment of a 24-hour toll-free helpline, funding of a treatment programme for children and adolescents with problematic use of new digital technologies, and measures to enhance the status of psychiatric services.

## Environment

236. In 2014, the Environmental Protection Act of 27 April 2001 and certain other laws were amended to incorporate Directive 2010/75/EC of the European Parliament and of the Council of 24 November 2010 on industrial emissions into national law.

237. The regulation of the Minister of the Environment of 27 August 2014 on the types of facilities that may cause significant pollution of specific natural elements or the environment as a whole expands the list of facilities for which an integrated environmental permit is required.

238. The regulation of the Council of Ministers of 22 December 2017 on the unit rates for charges for the use of the environment has been adopted.

239. In order to strengthen the air quality management system, the Environmental Protection Act and the Crisis Management Act of 26 April 2007 were amended in 2019. Operating rules for the air quality management system have been introduced, as follows:

- The time frame for preparing air protection programmes and short-term action plans has been reduced from 18 to 15 months.
- Remedial action must lead to the reduction of the exceedances of the permissible levels of the standardized substances in “the shortest possible time”.
- A requirement to prepare annual reports on the implementation of remedial measures has been introduced.
- The time frame for implementation of air protection remedial measures has been shortened, in the medium term, from 5 to 4 years, in the long term, from 10 to 6 years, and, in the short term, no more than 2 years.

240. Remedial action to improve air quality is specified in air protection programmes and short-term action plans and primarily consists of replacing high-emission coal-fired heating appliances with low-emission stoves (oil, gas, biomass).

241. The national air protection programme until 2020 (in preparation for 2030) provides for measures to improve air quality in accordance with Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe. The programme defines the courses of action, at the central, voivodship and local levels in order to rapidly improve the state of air quality.

242. The National Air Pollution Reduction Programme sets out guidelines for action in the energy, agriculture, industry, transport sectors leading to the reduction of pollutant emissions into the atmosphere by 2030 with respect to Directive (EU) 2016/2284 of the European Parliament and of the Council (EU) of 14 December 2016 on the reduction of national

emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC. The Clean Air for Europe (CAFE) programme, which has been implemented since 2018, aims to increase the energy efficiency of individual buildings and provide for their thermal modernization.

243. The Stop Smog Programme, implemented from 2019, includes replacing equipment or heating systems to meet low-emission standards and the complete thermal modernization of buildings.

244. The “My Power” programme supports photovoltaic installations in households.

245. The “Powiat Heating” programme concerns the modernization and extension of district heating networks and the connection of new consumers; the “Energy Plus” programme finances investments in energy and resource efficiency.

246. The City with a Climate Project aims to improve quality of life and support cities in their transformation towards climate neutrality and resilience.

247. In 2017–2019, the project “Development of Climate Change Adaptation Plans in cities with more than 100,000 inhabitants” was implemented, and 44 plans were prepared.

248. In order to support the development of transport based on alternative fuels, the Act of 11 January 2018 on Electromobility and Alternative Fuels was enacted, defining the rules of operation and support for the development of transport based, among other things, on natural gas.

249. In 2014, 98 per cent of the population had access to water from a public network whose quality meets the requirements set by law; in 2019, the figure stood at 99.6 per cent of the population. As a result of investments in the national urban wastewater treatment programme, 92,899 km of sewer lines and 439 treatment plants have been built since 2003. There were a further 1,890 investments in the expansion or upgrading of wastewater treatment plants.

## **Article 13: right to education**

250. Teaching and education priorities have been set out in the Act of 14 December 2016 on Education Law and included in the core curricula: preschool and general education for primary schools (2017) and general education for secondary schools (2018). The focus is on training in students’ social and civic skills, initiation to the world of values (generosity, cooperation, solidarity, altruism) and building social relations conducive to the development of the student. The content of teaching and education in the field of human rights and anti-discrimination education refers to the fostering of attitudes to oppose discrimination, xenophobia and other forms of intolerance.

251. Education law has changed the structure of education, including vocational education. Key elements of the reform include:

- Change in the structure of the system: introduction of eight years of primary school (replacing six years of primary school and three years of lower secondary school)
- Extension by one year of general and vocational education in secondary schools (four years of general secondary school, five years of technical secondary school)
- Introduction of a lower vocational school with the possibility of preparing for the secondary school-leaving examination in a vocational school at the upper secondary level
- One-year compulsory preschool preparation for 6-year-olds
- Provision of free textbooks

252. New types of vocational schools have been introduced in the school years:

- 2017/18: three-year stage I vocational school, the completion of which allows for pursuing studies in a stage II vocational school

- 2019/20: five-year technical secondary school
- 2020/21: two-year vocational upper secondary school
- 2017/18: post-secondary school shorter-term studies not exceeding 2.5 years

253. In 2018, the Act on Education Law and the Education System Act, among others, were amended, introducing instruments to strengthen the link between education and the labour market. In order to implement these solutions, the Minister of National Education has adopted the following regulations:

- Regulation of 15 February 2019 on the general objectives and targets for vocational education and training and the classification of occupations for vocational education defining a new structure of classification of occupations for vocational education while taking account of the division of jobs into sectors
- Regulation of 16 May 2019 on core curricula for teaching vocational education occupations and additional vocational skills for certain vocational education occupations

254. A new structure of basic education programmes has been defined, taking into account the criteria for verification of learning outcomes, and additional occupational competencies have been defined for certain vocational education occupations.

255. Other changes in vocational education include:

- Since 2019, a forecast is made each year of demand for occupations taught on the market at the national level and level of voivodships.
- Employer influence on vocational education, including agreements and understandings between the school and the employer, is a condition for starting training for a given occupation.
- The practice of teaching in real working conditions, including the introduction of internship contracts with students at technical secondary schools and stage I vocational schools who are not adolescent workers, has become more widespread.
- Students are guaranteed the educational opportunity to acquire the necessary vocational skills to practise a profession.
- The minimum share of adolescent workers' earnings reimbursed to employers has increased.
- Co-financing for employers of the costs of training adolescent workers in occupations that are particularly in demand in the national labour market has increased, from Zł 8,081 to Zł 10,000.

256. Since 2017, work has been done to come up with solutions to ensure that each child and student will receive comprehensive support tailored to their needs. The work is done in cooperation with, among others, the European Agency for Special Needs and Inclusive Education.

257. The Education Act and its implementing regulations allow for tailoring education to meet the individual needs of students with special educational needs, in accordance with the following regulations of the Minister of National Education of 9 August 2017:

- Regulation on the mandatory annual individual preschool preparation of children and individual instruction of children and adolescents
- Regulation on the conditions for the organization of the teaching, education and care of children and adolescents with disabilities and children and adolescents experiencing or at risk of social maladjustment
- Regulation on the principles of organization and provision of psychological and educational assistance in kindergartens, schools and public institutions; every student is provided with comprehensive support in kindergartens, schools and education institutions

258. The education of children with disabilities and children experiencing or at risk of social maladjustment is organized on the basis of an assessment of the need for special education in accordance with an individual education and therapy programme. Students who have not been assessed for special education whose state of health allows them to attend school but who face difficulties in functioning can benefit from a learning path tailored to their individual needs based on the opinion of a psychological and educational counselling centre.

259. Solutions to the problem of employing additional teaching and non-teaching staff have been developed.

260. The Government's programme to support students with disabilities through grants for textbooks and educational and training material for the period 2020–2022 is being implemented.

261. Detailed information on education of children with disabilities has been provided in the combined fifth and sixth periodic reports submitted by Poland on the implementation of the Convention on the Rights of the Child (CRC/C/POL/5-6).

### **Religious instruction, freedom of parents to choose a school, guarantee of religious and moral education according to the choice of parents, freedom of management of public schools**

262. The right to establish and manage schools by a local authority, other legal entity or individual is guaranteed by the Act of 14 December 2016 on Education Law.

263. No other changes have been introduced.

### **Reply to the issue raised in paragraph 53 of the concluding observations: Equality of opportunity for children from marginalized rural backgrounds**

264. In the years 2002–2019, a school kit programme was implemented and financial assistance for the purchase of school textbooks was available if the income criterion was met or if the family met at least one of the other criteria for social assistance.

265. In 2018, the “Head Start” programme was introduced with a benefit of Zł 300 given once a year for each child in school at the start of the school year. The benefit is paid irrespective of the family's income.

266. Children from marginalized backgrounds are entitled to scholarships and school allowances.

267. According to the regulation of the Minister of National Education of 20 March 2020 on specific solutions during the period of temporary restrictions on the operation of parts of the educational system in connection with efforts to prevent, counteract and combat COVID-19, school equipment may be lent to students for the purposes of distance education.

### **Reply to the issue raised in paragraph 53 of the concluding observations: education of Roma children**

268. All Roma children complete compulsory education at the primary school level. The problem is the low participation in secondary and higher education, despite the scholarship system.

269. Some 297 educational projects were implemented, including support for preschool education, school kits and the operations of day integration centres and funding for summer camps and field trips.

270. There were 128 scholarship recipients at the primary school level, 346 at the secondary school level and 253 at the higher education level.

271. About 10 per cent of Roma students study in special schools (17 per cent in the previous reporting period). The vast majority of Roma students have certificates to study in mainstream schools, but parents choose to place their children in special schools.

272. See also the fifth and sixth combined periodic report submitted by Poland on the implementation of the Convention on the Rights of the Child.

### **Access to higher education**

273. The Act of 20 July 2018 on Higher Education and Science did not introduce any changes regarding access to higher education.

### **Article 14: right to free primary education**

274. There has been no change.

### **Article 15: right to take part in cultural life**

275. The website [www.kulturadostepna.pl](http://www.kulturadostepna.pl) provides information on free and low-price cultural events.

276. Improved access to culture includes the following programmes and projects:

- Free visits to royal residences in November, Museum Night and the “See More of Poland – Half-Price Weekends” campaign
- Polish theatre project, which facilitates access to performances for people in towns where there is no theatre

277. Libraries have been made more attractive by transforming them into modern cultural centres through:

- Modern computer equipment, access to the Internet
- National Reading Development Programme (2016–2020): purchase of new publications, development and transformation of library functions in rural municipalities, urban-rural municipalities and small urban municipalities, the promotion of reading among children and making publications available in digital format

278. Examples of initiatives for people with disabilities include:

- Libra Light digital platform aimed at making books available in accessible formats
- Condition to qualify for grants: compulsory production of an audiovisual tape and subtitles by a film producer
- Support for making cinemas accessible
- Training for employees of cultural institutions
- Workshops for performers with disabilities
- Polish audiovisual heritage made available in accessible formats on Internet portals

279. In 2018, Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonization of certain aspects of copyright and related rights in the information society was implemented.

280. Examples of activities for older persons include:

- 60 Plus Culture, Older Persons Weekend with Culture
- Discounted tickets, accessible infrastructure, one day per week of free admission to museums, volunteer programmes

## Copyright protection

281. The following directives have been implemented:

- In 2015:
  - Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights (extension of the term of protection for phonograms and for performances that are fixed in phonograms from 50 to 70 years, measures to strengthen the position of performers vis-à-vis producers)
  - Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works
- Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission
- 2018: Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market

282. Work is under way to implement Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, which contain solutions to facilitate the use of works in the digital environment and strengthen the protection of creators in the digital environment.

## Protection of cultural heritage

283. In the period 2014–2020, 56 monuments, 29 holy sites, residential complexes, monuments to technology and other monuments were recognized as historical monuments (objects of particular tangible and intangible value). Two sites have been inscribed on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The national list of intangible cultural heritage includes 46 elements.

284. The National Programme for the Protection and Maintenance of Monuments supports the protection of monuments, strengthens the activities of monument protection organizations and sets in place the necessary conditions for active participation in culture, education in cultural heritage and its promotion.

285. Work on ratification of the following is ongoing:

- UNESCO Convention on the Protection of the Underwater Cultural Heritage (ratified on 7 December 2020)
- Council of Europe Framework Convention on the Value of Cultural Heritage for Society, Faro, 2005

## Reply to the issue raised in paragraph 56 of the concluding observations: protection and promotion of cultural identity

286. The Folk and Traditional Culture Programme is under way: patronage of folk culture heritage of all ethnographic and ethnic regions and national minorities and projects for the protection and dissemination of tangible and intangible cultural heritage of national and ethnic minorities are being carried out or co-financed.

287. Support is given to national and ethnic minority culture festivals, documentary film festivals and film projects for the preservation and dissemination of Jewish, Kashubian, Vietnamese and Ukrainian culture.

288. National and ethnic minority organizations receive funds for their operation and for the implementation of cultural activities.

289. Information on education in a national or ethnic minority language is provided in the third report on the implementation by the Republic of Poland of the European Charter for Regional or Minority Languages, 4 October 2019 (MIN-LANG (2019) PR 8).

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