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## Committee on Economic, Social and Cultural Rights

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Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

### Replies of Poland to the list of issues in relation to its seventh periodic report\*

[Date received: 20 October 2023]

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



## **I. Implementation of the Covenant**

### **A. Measures implemented in addition to those presented in the following sections**

1. With the Act of 14 October 2021 amending the Act of 10 January 2018 on the restriction of trading on Sundays, public holidays and certain other days, amendments have been introduced to prevent circumvention of the Act's provisions, to allow the use of unpaid help from family members and, with regard to agriculture, to modify the exemptions to the prohibition of trade.
2. The Act of 6 December 2018 amending certain laws to improve the effectiveness of alimony enforcement and the Act of 24 June 2021 amending certain laws on family benefits were adopted in order to improve the collection of alimony payments.
3. Regulations have been adopted:
  - By the Minister of Family, Labour and Social Policy, on 29 May 2019, to amend the regulation on training in the field of occupational safety and health
  - By the Minister of Family and Social Policy, on 4 November 2021, to amend the regulation on general occupational safety and health rules
4. In 2020, the Programme for the Social and Civic Integration of the Roma in Poland for 2021–2030 was adopted.
5. In 2022, the provisions of the Aliens Act of 12 December 2013 were clarified in respect of minor family members entitled to a residence permit for the purposes of family reunification and unaccompanied minor aliens with refugee or subsidiary protection status residing in Poland who can be joined by family members.
6. In 2021, the Prevention 40+ screening programme was introduced for the early detection of disease in people over the age of 40. In 2022, coordinated primary care was introduced for the diagnosis and treatment of hypertension, heart failure, chronic ischemic heart disease and atrial fibrillation, diabetes, bronchial asthma, chronic obstructive pulmonary disease and hypothyroidism.
7. Access to psychological and educational assistance:
  - From 1 March 2022 to 20 December 2022, public and private elementary schools, secondary schools and art schools held psychological and educational assistance classes, including remedial classes, classes addressing emotional and social skills development and other therapeutic classes.
  - Regulation of the Minister of Education and Science of 22 July 2022 on the list of courses for students or pupils or for their benefit provided by teachers of psychological and educational counselling centres and by teachers: teaching staff, specialist teachers, psychologists, speech therapists, educational therapists and career counsellors
  - Standards for the employment of specialist teachers in kindergartens and public and private schools will be implemented from 1 September 2022.
8. Thanks to the Laboratories of the Future Programme, state-of-the-art technical equipment has been available to elementary schools since 2021.

### **B. Court cases in which the Covenant has been invoked**

9. For the period from 1 January 2014 to 1 March 2023, the following have appeared in databases of judicial decisions:
  - Three Constitutional Court rulings that referred to the Covenant (<https://ipo.trybunal.gov.pl>). For example, in the grounds of its judgment of 25 September 2019, case No. SK 31/16, the Court referred to article 9 of the Covenant

as “international legal guidelines for the social security system with regard to persons unable to work”.

- Thirty Supreme Administrative Court and voivodeship administrative court cases (<https://orzeczenia.nsa.gov.pl>) in which violations of the Covenant were alleged in the complaints or in which the grounds for the judgment referred to the Covenant. For example, in case No. II SA/Ke 295/22, a violation of article 11 (1) of the Covenant was alleged in the complaint, but in the judgment of 14 September 2022 the voivodeship administrative court in Kielce made no reference to this allegation.
- Twenty-four judgments or orders of ordinary courts in which the Covenant was invoked (<http://orzeczenia.ms.gov.pl>). For example, in case No. VIII Pa 56/14, the Gliwice regional court, in the grounds of its judgment of 10 July 2014, cited the provisions of the Covenant, stating that they allow for possible restrictions on freedom of association, taking into account the need to guarantee State security, public order, the protection of health and public morals or the protection of the rights and freedoms of others.

### C. Financing of the Office of the Commissioner for Human Rights

10. See the national report on human rights for the universal periodic review, August 2022, <https://www.ohchr.org/en/hr-bodies/upr.pl-index>, paragraphs 10 and 11.

#### State budget funding for the Office

|      | <i>Thousands of zlotys (Zł)</i> | <i>Year-on-year increase, per cent</i> |
|------|---------------------------------|--|
| 2017 | 37 182                          | 4.4                                    |
| 2018 | 39 433                          | 6.1                                    |
| 2019 | 40 883                          | 3.7                                    |
| 2020 | 45 214                          | 10.6                                   |
| 2021 | 53 699                          | 18.8                                   |
| 2022 | 59 144                          | 10.1                                   |
| 2023 | 68 624                          | 16                                     |

### D. Guarantees of the independence of courts ruling on cases involving social rights, execution of judgments of the European Court of Human Rights

11. Poland fully respects the principles of the democratic State governed by the rule of law, including the principle of the separation of executive and judicial powers, the independence and security of tenure of judges and independent and effective judicial oversight.

12. Judicial independence derives from a vast system of constitutional guarantees that ensure that judges rule independently of any external instruction. The guarantees include appointment for an indefinite period, security of tenure, judicial immunity, the obligation to refrain from politics and a prohibition against holding any additional employment, with the exception of teaching and research.

13. The independence of judges is guaranteed among other things by the appointment procedure. Judges are appointed by the President of Poland, on the recommendation of the National Judicial Council. To become a judge, a person must meet high standards in terms of knowledge and experience. The executive branch has no direct influence on the selection of judges, apart from the issuance of the appointment document by the President. The President's prerogative to appoint judges is an essential element in the system of checks and balances.

14. In the administration of justice, the legislative and executive branches are prohibited from interfering in the operation of the courts and tribunals.

15. The independence of courts and judges is ensured by a constitutional body, the National Council of the Judiciary, which is not part of the judiciary. The composition of the Council is mixed, with 17 of the 25 members being judges. Citizens have the right to nominate candidate judges to the Council (2,000 citizens or 25 judges). The judges who are members of the Council are elected by the Sejm, the lower house of the parliament.

16. It follows from the case law of the Court of Justice of the European Union that the involvement of a body such as the National Council of the Judiciary, a majority of the members of which are elected by the legislature, in the appointment of judges cannot in itself lead to doubts about the independence of the judges who are selected (Court of Justice of the European Union judgment of 22 February 2022, in joined cases C-562/21 PPU and C-563/21 PPU).

17. Any shortcomings in the appointment of judges do not give rise to doubts about their independence and impartiality or about the fact that the bench on which they sit is an “independent and impartial court previously established by law” within the meaning of European Union law. To establish a breach of the requirement of prior establishment by law and the consequences of such a breach, it is necessary to examine all the circumstances likely to raise a reasonable doubt as to the independence and impartiality of the judges sitting in that court (Opinion of Advocate General Collins of 15 December 2022, in joined cases C-181/21 and C-269/21, G. and Others).

18. Implementation of the Strasbourg Court’s rulings on justice reform is subject to supervision by the Committee of Ministers of the Council of Europe. As regards the judgments of the European Court of Human Rights in cases 4907/18, 43447/19 and 26691/18, the Polish Government informed the Committee of Ministers of the Council of Europe in 2022 of the Constitutional Court’s judgments of 24 November 2021 (K 6/21) and 10 March 2022 (K 7/21) concerning these judgments (<https://hudoc.echr.coe.int.eng>).

## **II. Implementation of the national action plan for the implementation of the United Nations Guiding Principles on Business and Human Rights (2017–2020)**

19. The final report (2021) deals with the dissemination of standards for responsible business activity and human rights in the business world, as found in documents of the Organisation for Economic Co-operation and Development, the United Nations, the International Labour Organization, the European Union and the Council of Europe, the dissemination of information on business ethics, responsible supply chains and non-financial reporting. The Catalogue of best practices for business and human rights missions abroad is appended to the report.

20. Some of the activities that have been implemented:

- Introduction of legislation to prevent the sexual exploitation of minors in hotels
- Investment strategy and profile of the ideal investor, company formation, guidelines for State-owned enterprises, supply chain due diligence arrangements for European Union importers of tin, tantalum and tungsten and their ores and for gold from conflict and high-risk areas
- Implementation of Directive 2018/957 of the European Parliament and of the Council amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services
- Introduction of legislation on the liability of collective entities for criminal acts and of Internet intermediaries for hate speech and violations of freedom of expression
- Measures against unfair exploitation of a contractual advantage

- Act of 17 November 2021 on combating the unfair exploitation of contractual advantages in the trade of agricultural and food products
- Code of ethics for foods
- The “I work legally” campaign (2017–2019)

### III. Climate change

#### A. Adapting to the effects of climate change, contributing to the emission reductions set by the Paris Agreement

21. The aim of the Strategic Adaptation Plan for climate-vulnerable sectors and areas up to 2020 with a view to 2030 (of 2013) is to ensure the sustainable development and proper functioning of the economy and society under the conditions of climate change by supporting the actions of the regions, *gminas* and voivodeships to adapt to climate change and make key sectors of the economy more resilient to its effects. The Plan was updated in February 2021, specifically as part of the project to strengthen the coordination by local, regional and national authorities of climate change adaptation policies.

22. A project for the central Government entitled Knowledge Base on Climate Change and Adaptation to its Impacts, and the knowledge bases’ dissemination since 2020 to increase economic, environmental and social resilience to climate change and to address and reduce extreme risks, is aimed at spreading knowledge on climate change.

23. Projects that have been implemented include:

- Development of adaptation plans for cities with more than 100,000 inhabitants in Poland (2017–2019), with a focus on groups particularly vulnerable to climate change (older persons and persons living alone, persons with disabilities and chronically ill and homeless persons)
- CLIMCITIES, addressing climate change in small and medium-sized towns, with adaptation plans for five *gminas* drawn up, taking into account the needs of different socioeconomic groups, including homeless persons, persons directly exposed to the weather and older persons, who are particularly vulnerable to temperature extremes

24. The Adaptation to Climate Change Programme, which includes implementation of the Eliminate Concrete in City Centres Initiative (since 2022), is aimed at providing public and local administrations with tools to strengthen climate resilience.

25. Under the 2021 draft amendment to the Environmental Protection Act of 27 April 2002 and certain other laws, towns with populations of 20,000 or more will be required to draw up adaptation plans.

26. Support programmes for renewable energy and heat pumps are being implemented. In January 2021, consumer photovoltaic capacity was 3 GW; by September 2022 it exceeded 8.3 GW (see also section C, below).

#### B. Reduction of greenhouse gas emissions

27. See the Eighth National Communication and Fifth Biennial Report under the United Nations Framework Convention on Climate Change, December 2022, <https://unfccc.int/documents.624748>.

#### C. Disaster response

28. The Strategic Adaptation Plan for climate-vulnerable sectors and areas up to 2020 with a view to 2030 defines adaptation measures in the following sectors: water, agriculture, forestry, biodiversity and legally protected areas, health, energy, construction, transport, mountainous and coastal areas, land use and urban areas.

29. Strengthening capacity to prevent natural disasters through sustainable rainwater management is supported by a 2014–2020 infrastructure and environment programme for the subsidized purchase of equipment for volunteer fire brigades and also by programmes of the National Fund for Environmental Protection and Water Management, the European Economic Area and Norwegian foundations.

30. In 2021, a project to increase the effectiveness of rescue operations in the long term was completed and the Modernization Programme for the Police, Border Guards, State Fire Corps and State Protective Service was adopted for 2022–2025.

31. The draft law on civil protection and natural disasters is nearing completion. It aims to reduce the risk of natural disasters and other threats in times of both peace and war and to strengthen response capacity.

#### **D. Institutions responsible for implementing climate change adaptation policies**

32. Local governments are responsible for implementing the local climate change adaptation plans. The Ministry of Climate and Environment coordinates the implementation of the Strategic Adaptation Plan for climate-vulnerable sectors and areas up to 2020 with a view to 2030, and it takes measures to combat extreme events resulting from climate change.

33. The Government Centre for Security is responsible for analysing risks of natural disasters and for drawing up a national crisis management plan and emergency response solutions. The Centre is the United Nations focal point for the implementation of the action programme for the Sendai Framework for Disaster Risk Reduction 2015–2030.

34. The National Fire and Rescue System coordinates the activities of institutions responsible for responding to natural and man-made disasters, fires and other threats to life, health, property or the environment.

### **IV. Maximum available resources (art. 2 (1))**

#### **A. Taxes (see data in the annex)**

##### **Public revenue generated by taxes, direct and indirect taxes, corporate tax revenue**

35. See Eurostat: Government revenue, expenditure and main aggregates [https://ec.europa.eu/eurostat/databrowser/view.gov\\_10a\\_main.default.table?lang=en](https://ec.europa.eu/eurostat/databrowser/view.gov_10a_main.default.table?lang=en).

##### **Public revenue generated from income tax on the richest 10 per cent of the population**

36. In 2021, taxpayers in the second bracket of the two-tier tax scale (7.27 per cent of taxpayers) contributed 40 per cent of personal income tax revenues. Following the increase in the tax threshold in 2022, this group represented 3 per cent of taxpayers and contributed 39 per cent of personal income tax revenues.

##### **Amount of tax evasion and avoidance**

37. Estimates: Irregularities in recording sales using cash registers and issuing receipts – 33 per cent in 2022, taxpayers who inaccurately declared income: 2017–2018 – 4 per cent; in 2020–2021 – 3 per cent.

##### **Cost of the main tax benefits**

38. An answer can be provided if the question is clarified.

## **B. Response to the coronavirus disease (COVID-19) pandemic**

39. The response focused on protecting jobs, the financial security of companies and the health security of citizens. The economy was stimulated so that there would be a return to growth as quickly as possible. Temporary exemptions or reductions in tax rates and temporary exemptions from social security contributions were introduced.

40. Expenditure to counter the effects of the COVID-19 pandemic and to support affected entities amounted to Zł 105.198 billion in 2020, Zł 63.281 billion in 2021 and Zł 22.640 billion in 2022. Funding was provided from public finances and by the Polish Development Fund and the Fund to Combat COVID-19.

## **C. Anti-corruption efforts (see data in the annex)**

41. The police take action against:

- Crime in the customs administration and tax oversight services, border guard services and fire departments, municipal police, law enforcement and justice authorities and other institutions employing public officials
- Violations of the law in the awarding of concessions, licences and business permits and in the issuing of administrative decisions and permits in the following sectors: architecture, construction, land use planning, environmental protection, agriculture, forestry, communal property management, communications, education and property transfers
- Corruption in public procurement and the distribution of European Union funds in the medical services, social security and health-care sectors

42. In the period from 2021 to 2023, a task aimed at increasing police effectiveness in fighting corruption in key sectors of the public administration was implemented and an anti-corruption effectiveness index was introduced (to track the number of perpetrators of so-called hard-core corruption offences committed by or against public officials and persons exercising public functions).

43. The police are involved in the following projects: AP Corruption (a European Union Agency for Law Enforcement Cooperation (Europol) analysis project), for the collection and analysis of criminal information from European Union member States and third countries, and the International Criminal Police Organization (INTERPOL) Match-Fixing Task Force, supporting efforts against corruption in sport.

## **D. Whistle-blower protection**

44. A law on the protection of whistle-blowers is currently being drafted to implement the European Parliament and Council Directive of 23 October 2019 on the protection of persons who report breaches of Union law.

## **E. Implementation of Financial Action Task Force (FATF) recommendations**

45. Following the fifth round of assessments of national systems for anti-money laundering and combating the financing of terrorism (AML/CFT) by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) of the Council of Europe, the assessment report on the Polish AML/CFT system was adopted in December 2021. The deadline for the submission of the report on implementation of the recommended amendments is December 2023.

46. Work on amendments is under way to move the level of technical compliance with the FATF recommendations from partially compliant to substantially or fully compliant.

## **V. Non-discrimination (article 2 (2))**

### **A. Implementation of the prohibition on discrimination**

47. The Act on the implementation of certain European Union provisions concerning equal treatment covers the prevention of violations of the principle of equal treatment on grounds of sex, race, ethnic origin, nationality, religion, beliefs, convictions, disability, age and sexual orientation. Other laws, such as the Labour Code, the Employment Promotion Act and the Labour Market Institutions Act, prohibit discrimination on any grounds whatsoever.

48. Actions to implement the principle of equal treatment are envisaged in the National Equal Treatment Programme 2022–2030, in the following areas: anti-discrimination policy, labour and social security, education, health, access to goods and services, awareness-raising, data collection and research and coordination.

49. The main objective of the Strategy for Persons with Disabilities 2021–2030 is their full integration into society and working life on an equal basis with others. The Strategy is based on a comprehensive, horizontal and cross-sectoral approach to supporting persons with disabilities. The actions it envisages address areas such as independent living, accessibility, education, work, living conditions and social protection, health, awareness-raising and coordination.

50. Hate crime prevention is implemented in line with the priorities of the Commander-in-Chief of the police for 2021–2023.

51. The Police Headquarters monitors hate crime proceedings and implements the training programme of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe entitled Training against Hate Crimes for Law Enforcement (TAHCLE). In 2021, 12,840 police officers and civilians took part in 530 training courses.

52. The Border Guard service has a network of authorized human rights advocates who monitor incidents to detect possible human rights violations. Exceptional events that may involve human rights violations are reported to the Commissioner for Human Rights. Officers and civilians are trained in ways to combat discrimination, racism and intolerance (basic courses and further training for non-commissioned officers). Anti-discrimination training is part of the courses for the staff of the foreigners division and covers inter alia the development of intercultural skills, knowledge of religions and cultures and the psychological aspects of dealing with foreigners.

### **B. Implementation of the National Equal Treatment Programme for 2022–2030**

53. In the first few months of the Programme's implementation, efforts were made to secure European Union funding to implement its tasks and an analysis was commissioned to determine where legislation was urgently needed in the field of equal treatment. The Government Plenipotentiary for Equal Treatment follows up on the measures taken by the ministries concerned. Implementation of the Act of 3 December 2010 on certain regulations of the European Union regarding equality of treatment will be analysed and monitored by the end of 2024.

### **C. Implementation of the Programme for the Integration of the Roma Community in Poland 2014–2020**

54. The Programme's annual budget was Zł 11.4 million. An average of 350 measures were carried out each year:

- Additional support in preschool education was received by 919 children, 869 scholarships were awarded, 9,035 children took part in music classes, 90 people



were employed as Roma teaching assistants and postgraduate studies were carried out on the history, culture and situation of the Roma.

- A total of 2,791 people were able to refurbish or purchase their homes.
- In all, 937 people found jobs, 828 people took part in courses and training to improve their qualifications.
- Preventive medical examinations and vaccinations were provided for 7,076 people (not including vaccinations for COVID-19).

55. The Programme for the Social and Civic Integration of the Roma in Poland for 2021–2030 is being implemented, with a budget of Zł 11.4 million per year.

#### Activities

|   | 2021  | 2022  |
|---|-------|-------|
| Measures implemented                                    | 246   | 245   |
| Donations by Roma non-governmental organizations (NGOs) |       | 30%   |
| Local governments                                       |       | 60%   |
| Non-Roma organizations                                  |       | 10%   |
| Total beneficiaries                                     | 6 597 | 8 094 |
| Support for education                                   | 4 694 | 5 190 |
| Including preschool support                             | 146   | 196   |
| Health  | 846   | 1 222 |
| Vocational training                                     | 132   | 125   |

#### D. Cases of discrimination in the enjoyment of economic, social and cultural rights heard by the courts

56. For the period from 1 January 2014 to 1 March 2023, there were 147 cases heard by the Constitutional Court, 9,250 cases heard by the administrative courts and 3,352 cases heard by the ordinary courts in which discrimination was raised. Given the number of cases, it is not possible to present an analysis.

## VI. Equal rights for women and men (art. 3) Equality of treatment of women and men

### A. Actions

57. The National Equal Treatment Programme for 2022–2030 includes activities to raise awareness and combat stereotypical perceptions of women, particularly of a sexual nature (objectification of women), and the collection of data on women in sport and on cases where the principle of non-discrimination has been violated.

### B. Representation of women in political and public life

58. Since the electoral laws were amended in 2011 the number of women parliamentarians has steadily increased.

## **VII. Right to work (art.6)**

### **A. Measures to prevent an increase in unemployment linked to the COVID-19 pandemic**

59. There were no mass dismissals. The unemployment level rose in 2020, but by 2021 the situation had improved, with the unemployment rate at the end of November 2022 at 5.1 per cent (the same as at the end of 2019). In 2021, the labour force participation and employment rates were higher than before the pandemic.

60. In view of the temporary rise in unemployment, a package of crisis measures was launched in March 2020 to protect jobs and workers' security and to support the liquidity of entrepreneurs. Aid amounting to Zł 35.5 billion was granted, thus protecting over 8 million jobs.

### **B. Combating unemployment (see data in the annex)**

### **C. Implementation of the National Recovery and Resilience Plan in the field of employment**

61. Labour market measures:

- Introduction of measures to increase access to high-quality childcare for children under 3
- Implementation of provisions to support development of the social sectors of the economy
- Job flexibility, including the introduction of teleworking, and new arrangements for reconciling family and working life (2022 and 2023)
- Support for longer careers and promotion of work beyond the legal retirement age
- Increased participation of certain groups in the labour market thanks to the development of long-term care
- Reduction of labour market segmentation
- Modernization of public employment services

## **VIII. Right to just and favourable conditions of work (art. 7)**

### **A. Access to basic services and social protection for undeclared workers**

62. Workers in the parallel economy are not registered or declared by their employers for social insurance purposes. They can join the insurance scheme voluntarily or report a breach of the law to the relevant institutions. If an infringement is found, the social insurance institution initiates proceedings against the employer and establishes the obligation to take part in social insurance for persons who have worked irregularly.

63. Irregularly employed people may be covered by compulsory health insurance for other reasons, as students, recipients of permanent social assistance benefits or family members.

64. Pregnant women, women in childbirth and women who have recently given birth, as well as people who meet the income criteria defined in the social assistance provisions, are entitled to health care financed by the State budget.

65. The nature of employment is not a criterion for access to social assistance.

## **B. Rights of refugees from Ukraine**

66. The law of 12 March 2022 on assistance for Ukrainian citizens in connection with the armed conflict in Ukraine covers inter alia the principles for their employment, assistance provided by the voivodeships, local administrations and other entities and certain rights of Ukrainian citizens, and it creates an assistance fund.

67. Ukrainian nationals can work without a work permit (a simple notification of employment at [www.praca.gov.pl](http://www.praca.gov.pl) is sufficient) and have access to employment agencies. Workers benefit from comprehensive social and health insurance, while people who register as unemployed are covered by health insurance.

68. The following documents have been published in Ukrainian: a brochure on labour regulations and information on health and safety at work and legal labour protection. The website of the National Labour Inspectorate provides information in Ukrainian on legal employment, replies to frequently asked questions and video tips, and employment contract forms in Polish and Ukrainian. Legal advice is provided via a helpline in Ukrainian and Russian. In September and October 2022, labour inspectors carried out 1,400 inspections in the sectors of the economy where Ukrainians were reportedly most often employed and verified the legality of work of 5,300 people. They detected 261 cases of irregular work.

69. Ukrainian citizens are entitled to family assistance for child support, a childcare benefit under the Family 500+ Programme, a headstart benefit under the Government's Headstart Programme, family benefits and a subsidy to help cover day-care, children's clubs and after-school centre fees.

70. The Act on Assistance to Ukrainian Citizens guarantees the protection of foster children evacuated from Ukraine. For children who arrive in Poland without a legal guardian, a temporary guardianship status has been created. Temporary guardians are appointed by the guardianship court, whose task is to represent and care for the person and property of the child. Temporary guardians are entitled inter alia to childcare benefits, day-care subsidies, Headstart benefits, assistance from volunteers and interpreters and in handling official matters, free legal aid and civic advice and psychological assistance.

71. Ukrainian citizens are entitled to health care under the same conditions and to the same extent as persons insured in Poland. On 25 February 2022, vaccination was made possible for Ukrainian citizens under the National Vaccination Programme against COVID-19. Vaccination of newborns against tuberculosis and hepatitis B, as well as the other vaccinations provided for by it, are compulsory for children born in Poland. People under 19 staying in Poland for more than three months are covered by the compulsory vaccinations.

72. Ukrainian citizens are eligible for food aid under the Food Aid 2014–2020 operational programme co-financed by the Fund for European Aid to the Most Deprived, provided they meet the income criterion. In 2022, 142,000 people benefited from food aid.

73. In 2022, 43,644 children were enrolled in preschool education, 118,761 in primary school and 21,609 in secondary schools. Due to the increase in the number of pupils, the schools received financial support. To help Ukrainian students, it is possible to employ Ukrainian citizens as teaching assistants.

## **C. Implementation of legislation on fair and favourable working conditions**

74. The tasks of the National Labour Inspectorate are commensurate with the scale and nature of the labour law violations that occur.

## **D. Harmonization of working conditions for labour inspectors and other civil servants performing similar tasks**

75. Since 1 January 2022, labour inspectors of the National Labour Inspectorate employed for at least 10 years have been entitled to additional leave of 6 working days, and after

20 years of service to 12 working days, according to the same rules as those applied to inspectors of the Supreme Audit Office.

## **E. Equal remuneration for women and men**

### **Wage gap, Eurostat, %**

|      |     |
|------|-----|
| 2019 | 6.5 |
| 2020 | 4.5 |
| 2021 | 4.5 |

76. Workers in identical posts are entitled to equal pay if they perform their duties in the same way and have the same qualifications and experience. Workers whose employers have violated the principle of equal treatment are entitled to compensation in an amount not less than the legal minimum wage.

77. According to the National Equal Treatment Programme 2022–2030, salary transparency provisions are to be adopted by the end of 2024.

78. Poland participates in work on European Union directives concerning the following: the gender pay gap, gender balance among directors of listed companies and implementation of the principle of equal treatment of persons irrespective of religion or belief, disability, age and sexual orientation.

## **F. Gender pay gap in the civil service**

79. The civil service statute does not allow base salary and other remuneration to be differentiated on the basis of gender. Certain components of remuneration, other than basic pay, are differentiated on the basis of seniority, rank, periodic increases in workload or intensity of the work, the nature of the tasks performed and the position held.

### **Average civil service pay, Zł**

|   | 2021  |       | 2022  |       |
|---|-------|-------|-------|-------|
|   | Women | Men   | Women | Men   |
| Total: Base salary and allowances, bonuses, retirement benefits, gross additional annual salary | 7 125 | 8 154 | 7 796 | 8 841 |
| Base salary   | 4 484 | 5 007 | 4 925 | 5 458 |

## **G. Pay discrimination cases handled by the courts, examples since 2014**

80. Only data on the overall number of employment discrimination cases are available.

## **IX. Right to form trade unions (art. 8)**

### **A. Prospects for ratification of the Collective Bargaining Convention, 1981 (No. 154) of the International Labour Organization (ILO)**

81. At present, there are no plans to ratify the Convention, as Polish legislation is incompatible with its provisions (there is no provision for concluding collective agreements in the State administration).

## **B. Solutions adopted to meet strikers' demands in respect of working conditions**

82. Wages and working conditions can be the subject of labour disputes. The Act of 23 May 1991 on the resolution of collective disputes sets out the stages for the resolution of disputes aimed at satisfying workers' claims: negotiation and mediation (both of which are mandatory), arbitration and strikes. A strike may be declared only once all legal dispute resolution options have been exhausted.

83. In 2021, there were 712 collective disputes, 125 collective disputes at the mediation stage and 7 strikes, involving 1,400 workers (32 per cent of the workers at units where strikes were organized). In 2022, 122 collective disputes were recorded at the mediation stage. However, data on collective disputes recorded by the district labour inspectors are not yet available.

## **X. Right to social security (art. 9)**

### **A. Issues related to reduced social security contributions for start-up companies and small businesses (2018–2020)**

84. On 1 January 2019, social security contributions were lowered for people engaged in small-scale economic activities. The reduced contributions can be paid for 36 months. The payment of reduced contributions does not affect the employees' social insurance contribution base, thus protecting their future employee benefits.

85. The new provisions have helped to reduce illegal employment.

### **B. Solutions to ensure adequate social security contributions**

86. The amount of pension and disability insurance contributions depends on the basis, which is the income from the performance of an employment contract or a service contract. For people working under service contracts or other contracts, the basis for calculating contributions is the amount declared, which cannot be less than the minimum remuneration. For persons engaged in non-agricultural economic activity, the basis for calculating contributions is, for 24 calendar months from the start of the activity, the declared amount, which must not be less than 30 per cent of the minimum remuneration, and subsequently the declared amount, which must not be less than 60 per cent of the projected average monthly remuneration. The method for calculating the contribution basis has been in place for years. It respects the principle whereby the contributions paid correspond with the amount of future benefits.

### **C. Social coverage for persons working under civil law contracts**

87. Persons performing work under service contracts are subject to compulsory social insurance for retirement, invalidity and accidents. They can register voluntarily for health insurance. In 2022, just over 0.4 per cent of people working under a service contract had no other social insurance entitlement and paid no contributions.

88. The performance of a contract for services is generally not the sole or main source of income. The nature and small scale of these contracts justifies the fact that the people who enter into them are not subject to compulsory social insurance. In 2022 the median annual income from such contracts was estimated at Zł 2,315; the value of around 15 per cent of these contracts was Zł 200. These people may, on request, voluntarily join the pension and disability insurance scheme.

**D. Number of people without entitlement to social security**

89. Data are unavailable on this question.

**E. Measures to supplement or replace social insurance for people who have not voluntarily taken out pension and disability insurance**

90. If the criteria for social assistance are met, it is possible to receive the benefits set out in the Social Assistance Act, both in cash and in kind.

**F. Access to social insurance for foreigners not covered by bilateral agreements**

91. All working people, regardless of nationality, are subject to compulsory pension, disability, sickness, accident and health-care insurance.

92. Refugees, people benefiting from subsidiary protection and beneficiaries of temporary protection also have access to health-care insurance. Access is also open to other foreigners who are not from European Union States or countries in the European Free Trade Association and who are staying in Poland with a work visa, a temporary residence permit, a permanent residence permit, a residence permit for long-term residents of the European Union, a residence permit for humanitarian purposes or a tolerated residence permit.

**XI. Protection of the family and children (art. 10)****A. Improved protection for victims of domestic violence**

93. Under the Act of 30 April 2020 amending the Code of Civil Procedure and certain other laws (the Act on countering violence), police officers and soldiers of the military police have the right to order persons whose behaviour involves committing acts of domestic violence that threaten the life or health of the affected person to immediately leave a jointly occupied dwelling and its immediate vicinity, or to prohibit them from approaching such an apartment and its immediate vicinity.

94. This Act was adopted on 13 January 2023 inter alia to:

- Introduce the prohibition against approaching a person, entering and remaining on the premises of schools or other educational establishments and workplaces and entering into contact with the person
- Amend the provision making it a criminal offence for a perpetrator of violence to fail to comply with a restraining order or prohibition issued by the police or the military police
- Introduce into the Penal Code offences corresponding to the acts indicated in the Istanbul Convention: incitement or coercion to undergo female genital mutilation, forced marriages or unions corresponding to marriage in a cultural or religious circle, and to define the statute of limitations for offences, in accordance with article 58 of the Convention

95. The Act of 9 March 2023 amending the Act on counteracting domestic violence and certain other laws provide inter alia:

- A change in terminology: “combating family violence” has been replaced with “combating domestic violence”, thus changing the underlying assumptions of the measures taken against violence
- Explicit recognition of economic violence and cyberbullying

- Extension of the law's scope (to include a former spouse, a former partner or another family member, regardless of whether they cohabit with the perpetrator of the domestic violence)
- A more individualized approach to the support and assistance process
- An improvement of the system to counter violence at the local level
- Development of action specifically for perpetrators of domestic violence
- The introduction into the Code of Offences of penalties for perpetrators of domestic violence who refuse to participate in correctional/educational and psychological therapy programmes
- An effort to address issues facing children who witness domestic violence

## **B. Access to justice and compensation for victims of psychological violence**

96. Under the Civil Code, human rights are protected by civil law, independently of the protection provided by other laws, particularly criminal law. Physical and mental health is a personal blessing. Its violation can result in bodily injury or ill health, and generally the trauma of attacks on personal dignity can make matters worse. In the event of bodily injury or health problems, a court may award financial compensation to the victim.

## **C. Prospects for ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure**

97. There are currently no plans for ratification. The non-ratification of the Optional Protocol in no way means that Poland may renounce its guarantee of the rights provided for in the Convention. Nor does this mean that the legal means of asserting one's rights are closed. The courts can issue rulings on the basis of national laws and the directly applicable provisions of the Convention.

# **XII. Right to an adequate standard of living (art. 11)**

## **A. Combating homelessness**

98. A national survey of the number of homeless people is carried out every two years. In 2019, 30,330 homeless people were counted, including 992 children who were between 0 and 17 years of age (in 2017 the figures were 33,408 and 1,201, respectively), of whom 946 children were placed with their parents in shelters, mainly in homes for mothers with minor children, as well as in homeless shelters and crisis intervention centres. Due to the COVID-19 pandemic, the survey was not conducted in 2021.

### **Number of people benefiting from measures to combat homelessness**

|  | 2020   | 2022   |
|--|--------|--------|
| Individual homelessness programme                                | 3 696  | 3 577  |
| Social services contract   | 14 593 | 14 413 |
| Independent living   | 2 643  | 2 481  |
| Start of employment  | 1 810  | 1 723  |
| Support in sheltered housing                                     | 675    | 640    |
| Non-institutional forms of support, other than sheltered housing | 736    | 629    |

99. A report on the implementation of measures for homeless people in the voivodeships in 2022 will be drawn up in the second quarter of 2023. It will serve as the basis to draw up an analysis of the assistance provided to homeless persons.

100. Under the Beating Homelessness Programme, a homeless assistance programme, funds amounting to Zł 8,194,534.50 were granted to 72 NGOs in 2021. In 2022, funds amounting to Zł 10,355,856.00 were granted to 101 organizations.

## **B. Situation of Roma families in Wrocław**

### **Regarding a group of 100 to 150 Roma persons who are citizens of Romania**

101. The Family 500+ Programme (2016), which gives citizens of the European Union States the right to receive support and assistance, has resulted in the legalization of the stay of all the camp residents and has definitively improved the economic situation of these families. In 2017, a programme of action was drawn up and implemented by an NGO. It was funded by the municipality of Wrocław. In April 2018, camp residents were placed in accommodation for training and were provided with comprehensive educational, vocational and social support.

102. As at January 2023, some of the camp's former residents were still living in accommodation for training, while others had become independent, inter alia by gaining access to social housing. All children subject to compulsory education attend school and are supported in their schooling by Roma teaching assistants.

## **C. Access to adequate and affordable housing**

### **Implementation of the National Housing Programme**

|   | <i>Reference<br/>(2014)</i> | <i>2017</i> | <i>2018</i> | <i>2019</i> | <i>2020</i> | <i>2021</i> | <i>2022</i> | <i>Target<br/>(2030)</i> |
|---|-----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------------------|
| Housing units per<br>1,000 inhabitants                        | 363.4                       | 375.7       | 380.5       | 385.9       | 398.8       | 405.2       | 412.4       | 435.0                    |
| Households<br>awaiting<br>municipal<br>housing<br>(thousands) | 165.2                       | 149.3       | 149.3       | 150.6       | 136.2       | 129.0       | 126.3       | 0.0                      |

## **D. Housing owned by municipalities and other entities**

103. At the end of 2020 there were 806,700 units; at the end of 2021, there were 673,500 units.

## **E. Number of housing units in the municipal housing stock in relation to identified housing needs**

104. Municipal units for which rental contracts were in force at the end of 2022 (excluding substitution and temporary units): 613,500 (in 2021, 630,700). The number of new contracts signed was 47,900 (in 2021, 43,800). The number of households awaiting a lease was 126,300 (in 2021, 129,000), with an average waiting time of 3 years.

## **F. Implementation of the programme to support the construction of 30,000 low-rent housing units (2015)**

105. As at 12 December 2022, 399 building permits had been approved. They included 24,597 planned housing units. By the end of 2022, 5,965 housing units had been created.



## **G. Access to housing for the most vulnerable persons**

106. As at 12 December 2022, 1,267 housing units had been commissioned under the Government's 2021–2022 Social and Communal Construction Programme.

107. As part of the Programme for the Social and Civic Integration of the Roma in Poland for 2021–2030, 33 measures in the field of housing were implemented in 2021, thus benefiting 553 people in 121 households; in 2022, 27 measures were implemented, benefiting 493 people in 98 households.

## **H. Impact of the COVID-19 pandemic on the poverty rate**

108. According to the Eurostat indicator of people at risk of poverty or social exclusion (AROPE) for 2020, and assuming that the COVID-19 pandemic covers the years 2020–2021, the pandemic had no negative impact on the rate of poverty or social exclusion. On the contrary, the downward trend continued, thanks to the good economic situation prior to the pandemic, the significant increase in the minimum wage, low unemployment and family-friendly policies.

109. For disadvantaged groups (people between the ages of 0 and 17, households with at least one person living with a disability, households with at least three children between the ages of 0 and 17 and rural households), an increase in the rate was observed in 2020 and a decrease in 2021. The rate is calculated on the basis of household expenditure rather than income; in 2020 and partly in 2021, household spending dropped considerably owing to the restrictions imposed by the COVID-19 pandemic. The 2020–2021 increase in the rates should not be associated with a deterioration in the economic situation of households.

110. The following was adopted: the National Programme to Combat Poverty and Social Exclusion; updates for 2021–2027 of the public policy with a view to 2030 and the public policy of the Social Services Development Strategy up to 2030 (with a view to 2035).

## **I. Efforts against child malnutrition and for access to food for all**

111. On 1 January 2023, the income criterion under the government's long-term Meals at School and at Home Programme was raised from the 2019–2023 level by 150 to 200 per cent, thus enabling more people to be covered.

# **XIII. Right to physical and mental health (art. 12)**

## **A. State of health of the population**

112. There were 67,000 more deaths in 2020 than in 2019, mainly as a result of the SARS-CoV-2 infection. In 2021, life expectancy for men was 71.75 years, 2.3 years less than in 2019, and for women 79.68 years, 2.1 years less.

113. For 30 of the 43 health problems selected for analysis, Polish rates were above the averages for the European Union. Among these, the most serious were: ischemic heart disease, stroke, back pain, malignant tumours of the trachea, bronchi and lungs, diabetes, injuries in road accidents, self-mutilation and alcohol-related disorders. Rates of depressive disorders, anxiety disorders, female genital diseases and endocrine, metabolic, blood and immune diseases are the lowest in the European Union. Further information: Database of systemic analyses and implementation – GBD epidemiology ([basiw.mz.gov.pl/mapy-informacje/mapa-2022-026/analizy/epidemiologia/epidemiologia-wersja-polska-gbd](https://basiw.mz.gov.pl/mapy-informacje/mapa-2022-026/analizy/epidemiologia/epidemiologia-wersja-polska-gbd)); Report on deaths in Poland 2020 ([www.gov.pl/web/zdrowie/raport-o-zgonach-w-polsce-w2020-r](https://www.gov.pl/web/zdrowie/raport-o-zgonach-w-polsce-w2020-r)); Health situation of the Polish population and its determinants in 2020 ([www.pzh.gov.pl/sytuacja-zdrowotna-ludnosci-polski-i-jej-uwarunkowania-raport-za-2020-rok](https://www.pzh.gov.pl/sytuacja-zdrowotna-ludnosci-polski-i-jej-uwarunkowania-raport-za-2020-rok)); Health situation of the Polish population and its determinants in 2022 ([www.pzh.gov.pl/raport-sytuacja-zdrowotna-ludnosci-polski-i-jej-uwarunkowania](https://www.pzh.gov.pl/raport-sytuacja-zdrowotna-ludnosci-polski-i-jej-uwarunkowania)).

## **B. Impact of the COVID-19 pandemic on performance in the health-care sector**

114. The COVID-19 pandemic led to a reduction in the number of diagnoses and treatments, and at the same time to a reduction in the average waiting time for certain treatments. During the initial period of the pandemic, in order to limit transmission of the SARS-CoV-2 virus and ensure that there was room for patients requiring urgent hospital treatment, it was recommended that scheduled care should be deferred, in each case taking into account the risk of deterioration in the condition of the patient. The decline in the number of treatments also resulted from the decision of patients not to seek care, out of a fear of contagion. At the same time, the use of online services increased, including e-prescriptions, e-referrals and telemedicine.

115. As the pandemic evolved, the Minister of Health and the Chairman of the National Health Fund issued regulations and press releases regarding the provision of services, the maintenance of the financial liquidity of hospitals and guarantees that there would be a sufficient number of doctors.

116. The launch of the National Vaccination Programme against COVID-19 and the improvement in the pandemic situation made it possible for the health-care system to return to normal.

117. Further information: Reports based on the Map of Health Needs (<https://basiw.mz.gov.pl/mapy-informacje/mapa-2022-2026/analizy/dodatkowe-analizy>).

## **C. Combating stigmatization of women who have abortions**

118. Women who have had abortions, including in violation of the law, are not subject to criminal liability. Abortion is covered by medical confidentiality. Any negative reactions to abortion are governed by provisions protecting human rights, freedom of opinion and freedom of expression. There is no known case of a woman being dismissed or being considered unfit to hold public office owing to the fact that she had an abortion.

## **D. Improved access to sexual and reproductive health services and the mechanism for referral when a doctor refuses to perform an abortion, invoking conscientious objection.**

119. According to the Act of 5 December 1996 on the professions of physician and dental practitioner, physicians are obliged to practice their profession in accordance with current medical knowledge and the methods and means available to prevent, diagnose and treat illnesses, in accordance with the principles of professional ethics and with due diligence. When providing health care, doctors are guided by the principles of professional ethics defined by the autonomous bodies of the medical profession, including the principles relating to the care to be provided to patients undergoing abortions.

120. Under the Act of 7 January 1993 on family planning, the protection of the human fetus and the eligibility requirements for abortion, a doctor may perform an abortion when the pregnancy threatens the woman's life or health or if there is a justified suspicion that the pregnancy is the result of an unlawful act. In the cases provided for by law, abortion is one of the guaranteed services and is carried out in hospitals that have signed a contract with the National Health Fund for the provision of obstetric and gynaecological care. By signing the contract with the Fund, the provider undertakes to provide all the care that is specified as guaranteed in the law's implementing regulations, as stipulated in the contract in respect of the scope and types of care. Failure to provide care is a failure to carry out the contract.

121. Under the Act of 15 April 2011 on therapeutic activity, entities providing health care are obliged to publicly disclose the scope and types of care that they provide. At the patient's request, the entity provides detailed information, in particular on the diagnostic or therapeutic methods used, as well as on the quality and safety of such methods.

122. If a doctor refuses to perform an abortion invoking conscientious objection, the obligation to provide information on the possibility of obtaining such a service falls on the service provider, which is the health-care facility where the doctor refused to perform the abortion for reasons of conscientious objection. The clause about conscientious objection is the right of the doctor and cannot be invoked by the service provider. Information on obstetric and gynaecological care providers is also provided by the branches of the National Health Fund at the voivodeship level.

## **E. School programmes on sexual and reproductive rights**

123. Sex education is provided at primary and secondary schools as part of the subjects on family life and biology, in accordance with the Act of 7 January 1993 on family planning, the protection of the human fetus and the eligibility requirements for abortion and in line with the Regulation of 12 August 1999 of the Minister of National Education on the training and scope of content of education on human sexual life, the principles of conscious and responsible parenthood, the value of the family, life in the prenatal phase and the methods and means of conscious procreation. It is included in the basic curriculum of general education. The content includes issues relating to human psychosexual development, emotions, psychology, physical development, biology, sociology, safety, law, health, hygiene and prevention. The scope of the content and the degree of difficulty are adapted to the age, abilities and cognitive needs of the students.

124. The For Life 2022–2026 Programme (module on conscious and responsible parenthood – education support programme for secondary school students) provides for the training of teachers in subjects such as family life education, pedagogues, biologists and educators, to prepare them to hold courses on reproductive health, sexuality and preparation for parenthood. In 2022, workshop scenarios for Vectors of Life secondary school students and teaching aids were developed, and 37 trainers were given training at the voivodeship level. In 2023–2024, training courses will be organized for teachers running classes with students.

## **F. Solutions for the protection of women human rights defenders (see section IV (D))**

125. Poland works against actions aimed at intimidating and silencing critics by forcing them to take time-consuming and costly steps to defend themselves against accusations (strategic lawsuits against public participation, SLAPP). It supports inter alia actions based on European Commission Recommendation (EU) 2022/758.

## **G. Possible amendments to the law to facilitate access to abortion**

126. No work is under way or planned to amend the Act of 7 January 1993 on family planning, the protection of the human fetus and the eligibility requirements for abortion.

## **H. Improving access to in vitro fertilization for single women**

127. The Act of 25 June 2015 on infertility treatment provides that access to in vitro fertilization procedures is open to couples, i.e., a man and a woman, regardless of the legal relationship between them, who jointly declare that they assume full responsibility for the future child, committing to assume the role of parent at the child's birth. In the event of the partner's death after the embryos have been created, it is possible for the widow to use the embryos. No changes to the law are planned.

## **I. Combating drug addiction**

128. On 1 January 2022 the National Addiction Centre was created, replacing the National Office for Combating Drug Addiction and the National Agency for Solving Alcohol Problems. The Centre implements the addiction prevention activities specified in the Council of Ministers' Regulation of 30 March 2021 on the National Health Programme 2021–2025, which address: comprehensive addiction prevention, smoking (nicotine), alcoholism and behavioural addictions and drug addiction.

## **J. Improving access to substitution treatment**

129. Work is under way to change substitution treatment in order to increase its availability and the percentage of addicts treated. Drug addicts can be treated as part of a substitution treatment programme or they can receive medication containing the active substance buprenorphine on a medical prescription, not only in addiction treatment clinics, but also in mental health clinics.

## **XIV. Right to education (arts. 13–14)**

### **A. Combating the negative impact of the COVID-19 pandemic on children's access to education**

130. The Minister of Education issued a regulation on 20 March 2020 on specific solutions enabling schools and educational institutions to give distance learning courses during the temporary restrictions imposed on the education system to prevent, counter and combat COVID-19.

131. In 2020, a free 24-hour helpline was set up, which children can call in the event of a crisis.

132. The Active Blackboard Programme (2020–2024) has been implemented since October 2020. It is aimed at developing school infrastructure and students' and teachers' skills in the field of information and communication technologies. Schools receive financial assistance for the purchase of equipment (hardware and software enabling teachers to give remote lessons), teaching materials and therapeutic tools, teaching materials and equipment and for pupils with special educational needs.

133. A project called Support for Children in Foster Care during the COVID-19 Pandemic was implemented between May and December 2020. It purchased inter alia computers and software required for distance learning, specifically taking into account the needs of children with disabilities.

134. To improve children's physical condition, a Post-Pandemic Student Support Programme has been running since 2021; the Back to School Project among other things organized 300,000 additional hours of free sports activities.

135. In 2021, a government programme was implemented to help students return to school after the pandemic. It included courses to support general education and courses in national minority languages, ethnic minority languages and regional languages.

136. In order to improve access to psychological and pedagogical assistance, it was possible to carry out specialized activities in schools between March and December 2022.

137. The Climate-friendly School Project has been implemented since 2021 and a Positive School Project has been running since 2022. They aim, among other things, to remedy the negative impact of the COVID-19 pandemic. Among their activities are the following:

- Online counselling: support for students and teachers in the light of their experience during the pandemic and once they return to school after using distance learning

- Training for teachers, parents and students on the principles of positive communication and mediation, between peers and at school
  - A platform for diagnosing protection and risk factors to serve as a basis for school principals to take educational and preventive measures
  - Implementation of mental health promotion and prevention programmes
  - Protection of the mental health of children and students with diverse needs in a multicultural preschool and school environment
  - Work standards: improvement of the quality of work with children, students and families in the field of psychotherapy and psychological support
138. Measures to ensure equal educational opportunities and to combat digital exclusion:
- Provision of fast, secure Internet connections for schools: project valued at Zł 1.9 billion, implemented 2018–2027
  - Integrated educational platform – a training and learning platform with a database of 31,000 free educational materials for general, vocational and inclusive education
  - Support for distance learning schools: support in terms of hardware, software and Internet access, teacher training and free teaching materials

## **B. Promoting further education for Roma children**

139. As part of the Programme for the Social and Civic Integration of the Roma in Poland for 2021–2030, 135 scholarships were awarded in 2021 and 117 in 2022.

140. Educational measures have improved the academic performance of Roma pupils in elementary school and reduced the percentage of Roma pupils placed by their parents in special schools. Roma pupils mainly choose to go to vocational secondary schools.

141. To examine the impact of aid on education, a Roma organization was commissioned in 2022 to analyse the scholarship system for Roma students. The results show that financial support plays an important role in the decision to pursue further education.

## **C. Access to education for refugee and asylum-seeking children**

142. In all closed centres for foreigners where school-age children are detained, teachers from local schools provide classes at the primary and secondary levels. The specific nature and purpose of the stay at the centre and its short duration are taken into account. The centres also have educational teams that organize cultural and educational activities, as well as remedial courses (language courses for children and adults, art courses, courses to improve manual, visual and logical functions, mathematics), sports and integration activities for children and adults.

143. In 2021 the activities included:

- The introduction of distance learning of the Polish language for foreigners in the care of the Office for Foreigners
- Purchase of 40 computers for distance learning for the use of children covered by social assistance
- Drafting of a guide to the education of foreign children, school admission rules and forms of support in schools, available in 10 language versions on the Office's website

144. Since 2022, courses for adults and children have been held at foreigners' centres to facilitate adaptation and provide information, including on schooling for children.

## **D. Improving the quality of minority language teaching**

145. Authors identified with national minorities who compose Polish history or culture and geography textbooks are required to take into account the recommendations of bilateral textbook commissions and other teams, based on international educational cooperation agreements or agreements of national commissions of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

146. Since 1 January 2020, textbooks have had to be available in a digital version in addition to the hard copy, thus making them more accessible.

147. Under the Act of 27 October 2017 on the financing of school educational tasks, textbooks and other books intended for the education of pupils and aimed at maintaining a sense of national, ethnic and linguistic identity may be subsidized from the State budget. All textbooks and other books for minorities developed by publishers, with print runs to meet demand, have been financed by the State budget. Electronic versions are available free of charge on the integrated education platform (<https://zpe.gov.pl>).

## **XV. Cultural rights (art. 15)**

### **A. Implementation of the Folklore and Traditional Culture Programme, support for the culture of national and ethnic minorities**

148. The Folk and Traditional Culture Programme supports projects to preserve traditions in various fields of folk culture from all of the country's ethnographic and ethnic regions, including those of national and ethnic minorities. Subsidies are also given to projects to document and archive cultural items, to educate people and spread knowledge of their culture and to publish works and hold events. Co-financing was provided in 2021 for 21 projects and in 2022 for 13.

149. In addition to having access to the support for activities available to all organizations, national and ethnic minorities also receive special support from the State budget for the protection, preservation and development of their cultural identity and the preservation and development of regional languages, which are guaranteed by the Act of 6 January 2005 on national and ethnic minorities and on the regional language.

|   | 2021       | 2022       |
|---|------------|------------|
| Subsidies, Zł millions                          | 16 418 000 | 18 419 000 |
| Media events                                    | 9          | 8          |
| Cultural events, including festivals, magazines | 362        | 393        |
| Functioning of minority organizations           | 71         | 74         |

150. In 2021–2022, the Polish Film Institute supported 21 events promoting the culture of national minorities and 20 projects related to the theme of national minorities.

### **B. Improved use of the benefits of scientific progress and its applications**

151. The aim of the Scientific Excellence Programme (2019–2022) was to support higher education and scientific institutions and other bodies involved in the dissemination of science in implementing projects involving the presentation of scientific achievements, including the results of scientific research and development. They held scientific conferences and published monographs on scientific research and development in order to present their results nationally or internationally and to publish them on the Internet in open access.

152. Since 31 January 2023 the Scientific Excellence II Programme has been implemented, with support for conferences. This includes co-financing for conferences presenting scientific achievements, including the results of scientific research and development, and support for

scientific monographs: publishing monographs, translating them into conference languages and ensuring access to them by placing them on the Internet, free of charge and without restrictions.

### C. Ensuring affordable Internet access

#### Internet access

| <i>Saturation of services</i> |            | <i>Monthly access fee</i>     |                                     |
|-------------------------------|------------|-------------------------------|-------------------------------------|
| Internet:                     |            |                               |                                     |
| Mobile                        | Fixed line | Mobile                        | Fixed line                          |
| 200%                          | Under 25%  | from 1.5% of the minimum wage | on average 1.6% of the minimum wage |

153. No social tariffs have been introduced for Internet access, as it is affordable and prices are sufficiently regulated.

154. Measures to provide Internet access in regions with underdeveloped mobile and fixed Internet access infrastructure:

- Support for the expansion of fixed infrastructure: Public funds are committed to build telecommunications networks in areas identified strictly from the commercial standpoint as unprofitable.
- Imposition of coverage and quality requirements for companies that obtain commercial frequencies

### D. Guaranteeing artistic freedom and diversity

155. The right to freedom of artistic creation is guaranteed by the Constitution. This freedom must be respected in all cultural activities.

156. Since 2007, Poland has been a party to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Its 2020 implementation report is available here: <https://en.unesco.org/creativity/governance/periodic-reports/submission/5552>).

## Annex

### Statistics

#### Economic situation

##### Gross GDP

|                   | 2013      | 2014      | 2015      | 2016      | 2017      | 2018      | 2019      | 2020      | 2021      | 2022      |
|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Millions of ZI    | 1 630 126 | 1 700 552 | 1 798 471 | 1 853 205 | 1 982 794 | 2 126 506 | 2 288 492 | 2 337 672 | 2 623 948 | 3 078 325 |
| Per inhabitant ZI | 42 339    | 44 189    | 46 768    | 48 227    | 51 606    | 55 359    | 59 618    | 61 231    | 69 069    | 81 379    |

##### General government debt as a percentage of GDP

| 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|------|------|------|------|------|------|------|------|------|------|
| 57.1 | 51.4 | 51.3 | 54.5 | 50.8 | 48.7 | 45.7 | 57.2 | 53.8 | 49.1 |

##### Public expenditure (public administration)

|                    |                   | 2013    | 2014    | 2015    | 2016    | 2017    | 2018    | 2019    | 2020      | 2021      | 2022      |
|--------------------|-------------------|---------|---------|---------|---------|---------|---------|---------|-----------|-----------|-----------|
| Expenditure total  | Millions of ZI    | 707 719 | 729 664 | 750 622 | 766 007 | 821 255 | 881 373 | 958 326 | 1 127 866 | 1 160 188 | 1 340 169 |
|                    | Percentage of GDP | 43.4    | 42.9    | 41.7    | 41.3    | 41.4    | 41.4    | 41.9    | 48.2      | 44.1      | 43.5      |
| Social expenditure | Millions of ZI    | 265 525 | 274 042 | 282 886 | 309 663 | 326 875 | 343 381 | 382 505 | 422 502   | 454 884   | N/A       |
| Housing            | Millions of ZI    | 12 250  | 12 322  | 12 728  | 11 165  | 11 125  | 12 552  | 12 429  | 11 320    | 12 229    | N/A       |
| Health             | Millions of ZI    | 76 807  | 79 778  | 84 081  | 86 198  | 93 179  | 101 941 | 111 890 | 125 380   | 151 419   | N/A       |
| Education          | Millions of ZI    | 87 319  | 90 407  | 94 995  | 92 472  | 97 473  | 106 006 | 114 882 | 119 604   | 129 573   | N/A       |
| National defence   | Millions of ZI    | 27 459  | 25 305  | 27 933  | 29 383  | 33 716  | 34 743  | 37 294  | 40 660    | 41 460    | N/A       |

##### Taxes

|                                     |  | 2013 | 2014    | 2015    | 2016    | 2017    | 2018    | 2019    | 2020    | 2021    | 2022    |
|-------------------------------------|--|------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Public administration revenue       | Percentage of GDP                                |      | 39.1    | 39.2    | 39.1    | 38.9    | 39.9    | 41.2    | 41.1    | 41.3    | 39.8    |
| Tax proceeds                        | Percentage of GDP                                |      | 19.8    | 19.9    | 19.9    | 20.6    | 21.2    | 21.8    | 21.8    | 21.9    | 21.3    |
|                                     | Percentage of public administration tax revenues |      | 50.7    | 50.7    | 50.8    | 53      | 53.1    | 53      | 52.9    | 52.9    | 55.6    |
| Taxes on production and imports     | Millions of ZI                                   |      | 211 907 | 221 487 | 232 778 | 249 499 | 274 217 | 297 993 | 316 367 | 326 153 | 398 795 |
| Current taxes on income wealth etc. | Millions of ZI                                   |      | 111 176 | 116 633 | 124 634 | 132 472 | 145 905 | 165 710 | 181 571 | 184 979 | 219 286 |
| Of which corporate income tax       | Millions of ZI                                   |      | 29 351  | 30 040  | 33 217  | 34 308  | 38 512  | 44 481  | 50 784  | 53 028  | 68 803  |
| Capital taxes                       | Millions of ZI                                   |      | 252     | 263     | 246     | 279     | 295     | 299     | 325     | 313     | 425     |



## Poverty rate

### At risk of poverty or social exclusion rate (AROPE), per cent

|                                    | 2018 | 2019 | 2020 | 2021 | 2022 |
|------------------------------------|------|------|------|------|------|
| Total                              | 18.2 | 17.9 | 17.0 | 16.8 | 15.9 |
| Children 0–17 years of age         | 16.9 | 16.2 | 16.1 | 16.5 | 16.7 |
| Older persons (65 years and older) | 17.8 | 18.8 | 19.2 | 18.6 | 16.8 |

### Percentage of population below the national poverty line

| Type of poverty | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|-----------------|------|------|------|------|------|------|------|------|------|------|
| Extreme         | 6.8  | 7.4  | 7.4  | 6.5  | 4.9  | 4.3  | 5.4  | 4.2  | 5.2  | 4.2  |
| Relative        | 16.3 | 16.2 | 16.2 | 15.5 | 13.9 | 13.4 | 14.2 | 13.0 | 11.8 | 12.0 |
| Legally defined | 7.2  | 12.8 | 12.2 | 12.2 | 12.7 | 10.7 | 10.9 | 9.0  | 9.1  | 6.5  |

## Income inequality

To measure this, we used the S80/S20 (quintile ratio) income inequality distribution, i.e. the ratio between the total income of the 20 per cent of people with the highest incomes (top quintile group) and the total income of the 20 per cent of people with the lowest incomes (bottom quintile group).

|  | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|--|------|------|------|------|------|------|------|------|------|
| Gross annual disposable income equivalent  | 5.2  | 5.3  | 5.1  | 4.9  | 4.5  | 4.7  | 4.3  | 4.4  | 4.21 |
| Net annual disposable income equivalent  | 4.9  | 4.9  | 4.8  | 4.6  | 4.3  | 4.4  | 4.1  | 4.0  | 3.91 |
| Net annual disposable income equivalent after deduction of benefits unrelated to age and survivors' pensions | 5.9  | 6.0  | 5.7  | 5.8  | 5.4  | 5.4  | 5.0  | 4.9  | N/A  |
| Net annual disposable income equivalent after deduction of total social transfers                            | 7.2  | 7.5  | 7.5  | 8.4  | 8.2  | 8.5  | 8.2  | 7.9  | N/A  |

## Efforts to combat corruption

|      | Surveys under way | Assets recovered from anti-corruption action, ZI |
|------|-------------------|--|
| 2017 | 4 325             | 0  |
| 2018 | 4 089             | 0  |
| 2019 | 3 622             | 265.00   |
| 2020 | 3 048             | 0  |
| 2021 | 3 008             | 10 200.00  |
| 2022 | 2 690             | 1 751 203.00                                     |

**Persons convicted of corruption offences at the first instance**

|      | <i>Total</i> | <i>Deprivation<br/>of liberty</i> | <i>Restrictions<br/>of liberty</i> | <i>Mixed<br/>sentence</i> | <i>Statutory fine<br/>as the sole<br/>penalty</i> | <i>Corrective and<br/>educational<br/>measures</i> | <i>Penal measures<br/>imposed as the<br/>sole penalty</i> |
|------|--------------|-----------------------------------|------------------------------------|---------------------------|---|--|---|
| 2017 | 1 449        | 1 169                             | 40                                 | 29                        | 211   | 0  | 0   |
| 2018 | 1 243        | 1 006                             | 29                                 | 19                        | 189   | 0  | 0   |
| 2019 | 1 045        | 784                               | 29                                 | 20                        | 211   | 1  | 0   |
| 2020 | 857          | 646                               | 13                                 | 15                        | 182   | 0  | 1   |
| 2021 | 1 053        | 783                               | 31                                 | 20                        | 218   | 0  | 1   |
| 2022 | 962          | 733                               | 30                                 | 23                        | 176   | 0  | 0   |

**Labour market****Registered unemployed, thousands**

|                           | <i>2020</i> | <i>2021</i> | <i>2022</i> |
|---------------------------|-------------|-------------|-------------|
| Total                     | 1 046.4     | 895.2       | 812.3       |
| Under 30 years            | 271.2       | 210.9       | 194.5       |
| Under 25 years            | 130.8       | 100.6       | 100.4       |
| Long-term unemployed      | 515.8       | 506.5       | 419.7       |
| Over 50 years             | 268.8       | 240.8       | 218.9       |
| Persons with disabilities | 55.7        | 61.0        | 59.6        |

**Year-end unemployment rate, per cent**

| <i>2020</i> | <i>2021</i> | <i>2022</i> |
|-------------|-------------|-------------|
| 6.8         | 5.8         | 5.2         |

**Labour force participation, people aged 15 to 89, per cent**

|                    | <i>2020</i> | <i>2021</i> | <i>2022</i> |
|--------------------|-------------|-------------|-------------|
| Participation rate | 55.8        | 57.8        | 58          |
| Employment rate    | 54.0        | 55.8        | 56.3        |

**Inspections by the National Labour Inspectorate**

|      | <i>Inspections</i> | <i>Occupational safety and<br/>health violations</i> | <i>Violations of<br/>workers' rights</i> | <i>Violations of<br/>employment law</i> |
|------|--------------------|--|--|---|
| 2020 | 56 371             | 18 931   | 14 846                                   | 2 710                                   |
| 2021 | 55 842             | 20 887   | 17 578                                   | 3 963                                   |
| 2022 | 59 570             | 23 841   | 20 947                                   | 4 675                                   |

## Complaints to the National Labour Inspectorate concerning discrimination in remuneration or other conditions of employment

| Type of discrimination           |      | Complaints   |                   |           |                         | Cases in progress |
|----------------------------------|------|--------------|-------------------|-----------|-------------------------|-------------------|
|                                  |      | Well-founded | Partially founded | Unfounded | Impossible to ascertain |                   |
| Gender                           | 2021 | 2            | 2                 | 15        | 20                      | 0                 |
|                                  | 2022 | 2            | 2                 | 5         | 15                      | 1                 |
| Disability                       | 2021 | 1            | 2                 | 9         | 4                       | 0                 |
|                                  | 2022 | 2            | 0                 | 8         | 5                       | 1                 |
| Race, ethnic origin, nationality | 2021 | 0            | 0                 | 5         | 7                       | 0                 |
|                                  | 2022 | 0            | 0                 | 2         | 7                       | 0                 |
| Beliefs, religion                | 2021 | 0            | 0                 | 1         | 2                       | 0                 |
|                                  | 2022 | 0            | 0                 | 0         | 2                       | 0                 |
| Political beliefs                | 2021 | 0            | 0                 | 0         | 0                       | 0                 |
|                                  | 2022 | 0            | 0                 | 0         | 0                       | 0                 |

## Family violence

### Victims of family violence

|                          | 2018           | 2019           | 2020           | 2021           |
|--------------------------|----------------|----------------|----------------|----------------|
| <b>Total, including:</b> | <b>224 251</b> | <b>227 826</b> | <b>207 045</b> | <b>168 058</b> |
| Women                    | 122 372        | 124 382        | 113 178        | 100 417        |
| Men                      | 36 148         | 39 625         | 34 907         | 23 832         |
| Children under 18        | 65 731         | 63 819         | 58 960         | 43 809         |

### Perpetrators of family violence arrested by the police

|      |        |
|------|--------|
| 2018 | 16 915 |
| 2019 | 17 267 |
| 2020 | 17 954 |
| 2021 | 18 240 |
| 2022 | 17 782 |

### Adults sentenced in the first instance

|                                  | Total         | Deprivation of liberty |                     |                        | Mixed sentence | Statutory fine as the sole penalty | Corrective and educational measures | Penal measures imposed as the sole penalty |
|----------------------------------|---------------|------------------------|---------------------|------------------------|----------------|------------------------------------|-------------------------------------|--|
|                                  |               | Total                  | Including probation | Restriction of liberty |                |                                    |                                     |  |
| 2021                             |               |                        |                     |                        |                |                                    |                                     |  |
| <b>Penal Code art. 207 total</b> | <b>12 184</b> | <b>9 180</b>           | <b>5 783</b>        | <b>2 259</b>           | <b>230</b>     | <b>513</b>                         | <b>0</b>                            | <b>2</b>                                   |
| Penal Code art. 207 (1)          | 12 135        | 9 138                  | 5 775               | 2 256                  | 227            | 512                                | 0                                   | 2  |
| Penal Code art. 207 (2)          | 22            | 20                     | 1                   | 1                      | 0              | 1                                  | 0                                   | 0  |
| Penal Code art. 207 (3)          | 27            | 22                     | 7                   | 2                      | 3              | 0                                  | 0                                   | 0  |

|                                  | <i>Deprivation of liberty</i> |              |                            |                               | <i>Mixed sentence</i> | <i>Statutory fine as the sole penalty</i> | <i>Corrective and educational measures</i> | <i>Penal measures imposed as the sole penalty</i> |
|----------------------------------|-------------------------------|--------------|----------------------------|-------------------------------|-----------------------|---|--|---|
|                                  | <i>Total</i>                  | <i>Total</i> | <i>Including probation</i> | <i>Restriction of liberty</i> |                       |   |  |   |
| 2022                             |                               |              |                            |                               |                       |   |  |   |
| <b>Penal Code art. 207 total</b> | <b>11 015</b>                 | <b>8 240</b> | <b>5 160</b>               | <b>2 055</b>                  | <b>213</b>            | <b>506</b>                                | <b>0</b>                                   | <b>1</b>  |
| Penal Code art. 207 (1)          | 10 960                        | 8 187        | 5 153                      | 2 055                         | 211                   | 506                                       | 0  | 1   |
| Penal Code art. 207 (2)          | 29                            | 29           | 4                          | 0                             | 0                     | 0   | 0  | 0   |
| Penal Code art. 207 (3)          | 26                            | 24           | 3                          | 0                             | 2                     | 0   | 0  | 0   |

### Immediately enforceable orders and bans

|   | <i>30 November–<br/>31 December 2020</i> |       |       | <i>2021</i> | <i>2022</i> |
|---|--|-------|-------|-------------|-------------|
| Orders to immediately leave the jointly occupied housing and its immediate vicinity   | 18                                       | 162   | 120   |             |             |
| Prohibition against approaching the jointly occupied housing and its immediate vicinity   | 43                                       | 269   | 263   |             |             |
| Orders to immediately leave the jointly occupied housing and its immediate vicinity and prohibition against approaching the jointly occupied housing and its immediate vicinity | 194                                      | 3 100 | 4 960 |             |             |

### Children in foster care and other institutions

|   | <i>2017</i> | <i>2018</i> | <i>2019</i> | <i>2020</i> | <i>2021</i> | <i>2022</i> |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| In all forms of care, thousands                                   | 73 129      | 72 339      | 72 450      | 72 063      | 72 941      | 73 400      |
| In all forms of care, among all children under the age of 18      | 0.87%       | 0.87%       | 0.87%       | 0.86%       | 0.88%       | 0.87%       |
| In the institutional care system, among all children in placement | 23.8%       | 23.6%       | 23.5%       | 22.6%       | 22.3%       | 22.8%       |
| In foster care, among all children placed in care                 | 76.2%       | 76.4%       | 76.5%       | 77.4%       | 77.7%       | 77.2%       |

### Children under 7 in care and education facilities, by type

|      | <i>Socialization</i> | <i>Intervention</i> | <i>Specialized therapy</i> | <i>Family</i> | <i>Regional care and therapy</i> | <i>Pre-adoption intervention centres</i> |
|------|----------------------|---------------------|----------------------------|---------------|----------------------------------|--|
| 2018 | 985                  | 282                 | 69                         | 257           | 123                              | 49                                       |
| 2019 | 1 002                | 280                 | 79                         | 236           | 160                              | 34                                       |
| 2020 | 910                  | 232                 | 66                         | 233           | 153                              | 39                                       |
| 2021 | 961                  | 217                 | 61                         | 299           | 150                              | 52                                       |
| 2022 | 887                  | 298                 | 54                         | 280           | 149                              | 57                                       |

## Abortions

### Number of procedures carried out under the Act on family planning, the protection of the human fetus and the eligibility requirements for abortion

|      |       |
|------|-------|
| 2017 | 1 061 |
| 2018 | 1 076 |
| 2019 | 1 100 |
| 2020 | 1 076 |
| 2021 | 107   |

### Data for 2022

| Voivodeship         | Total | Decriminalization of abortion                    |  |
|---------------------|-------|--|--|
|                     |       | Pregnancy threatening the woman's life or health | Reasonable suspicion that the pregnancy resulted from a prohibited act |
| Dolnośląskie        | 82    | 82   | 0  |
| Kujawsko-pomorskie  | 0     | 0  | 0  |
| Lubelskie           | 0     | 0  | 0  |
| Lubuskie            | 0     | 0  | 0  |
| Łódzkie             | 2     | 2  | 0  |
| Małopolskie         | 21    | 21   | 0  |
| Mazowieckie         | 20    | 20   | 0  |
| Opolskie            | 0     | 0  | 0  |
| Podkarpackie        | 0     | 0  | 0  |
| Podlaskie           | 0     | 0  | 0  |
| Pomorskie           | 14    | 14   | 0  |
| Śląskie             | 0     | 0  | 0  |
| Świętokrzyskie      | 0     | 0  | 0  |
| Warmińsko-mazurskie | 0     | 0  | 0  |
| Wielkopolskie       | 7     | 7  | 0  |
| Zachodniopomorskie  | 15    | 15   | 0  |
| Poland              | 161   | 161  | 0  |

Data are unavailable on abortion refusals (they are recorded only in individual medical records), women who have undergone illegal abortions, deaths and health complications in pregnant women who have been refused abortions.