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Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Sixth periodic reports of States parties due in 2014

Poland*

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Annexes**

Report on the measures taken by the Republic of Poland to implement the provisions of the International Covenant on Economic, Social and Cultural Rights for the years 2007-2013.

** The annexes are available for consultation in the files of the Committee secretariat.

Article 1

Right of self-determination, non-self-governing and trust territories, indigenous peoples

1. No legal changes (paragraphs 1-3 of the annex).

Article 2

Paragraph 8 of the concluding observations: the Covenant cannot be considered fully implemented, as its provisions cannot be invoked before the courts

2. The Polish Government considers that the Covenant is fully implemented. According to Article 91, paragraph 1, of the Constitution, ratified international treaties, once published in the Journal of Laws of Poland, form an integral part of the domestic legal order and are directly applicable, unless their implementation requires the enactment of a law. Limits on the implementation of economic, social and cultural rights are set out in article 81 of the Constitution, which stipulates that certain rights may be asserted only within the limits established by law.
3. Explanations concerning the implementation of the Covenant were provided in the comments by the Government of Poland on the Committee's concluding observations (E/C.12/POL/CO/5/Add.1).
4. Examples of court decisions were provided in the replies to the list of issues in connection with the fifth periodic report of Poland concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/POL/Q/5/Add.1).
5. See HRI/CORE/1/Add.25/Rev.1.

Paragraph 9 of the concluding observations: training for members of all professions and sectors directly involved in the promotion and protection of the rights contained in the Covenant

6. Human rights are addressed during basic and further police training. This includes:
 - The characteristics of human rights;
 - The objectives of, and conditions for, their limitations;
 - The meaning of human rights;
 - Measures for the protection of human rights;
 - Human rights standards in the work of the police, and the topics "human rights under different international regimes" and "anti-discrimination problems".
7. Between 2006 and 2008, the National Training Centre for the staff of the ordinary courts and the public prosecutor's office provided training on labour law for judges, evaluators and judges' assistants and organized a conference for the judges of the courts of appeal and courts of first instance. Furthermore, in 2008, it organized the participation of judges in training at the Academy of European Law in Trier on preliminary issues related to the European Court of Justice and the European Union anti-discrimination directives.

8. Between 2009 and 2013, the National School for the Judiciary and Public Prosecution¹ provided training for judges, prosecutors and registrars from the courts and the public prosecutor's office on equality and non-discrimination, workers' rights, the right to social security, the principles of protection and assistance to the family, the right to health, sexual violence, the rights of persons with disabilities, human rights in general, discrimination on the grounds of race, ethnicity, religion, sexual orientation or gender identity, and trafficking of human beings.

9. The topics covered include:

- Jurisprudence of the European Court of Human Rights on discrimination;
- Combating domestic violence;
- In addition, there are training courses for judges and prosecutors on sexual violence and human trafficking.

10. In the Polish Armed Forces, human rights topics are included at all levels of education and training of professional soldiers in military academies and officer training schools, while training on international humanitarian law in armed conflict has been reinforced. All soldiers deployed on peacekeeping and stabilization missions undergo mandatory training on international humanitarian law in armed conflicts and the legal and cultural conditions in the country concerned. Appropriate training videos, books and manuals have been prepared.

11. "Strategies for the protection of human rights in the Police Force" for the periods 2010-2012 and 2013-2015 (details given in paragraph 13 of the annex).

12. Since 2006, the Police Force, in cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), has been implementing the Training against Hate Crimes for Law Enforcement programme. Under this programme, training is provided to police officers on recognizing, responding to and preventing hate crimes. By the end of 2013, training had been received by 70,000 police officers. The publication "Hate crimes. A trainer's guide" was published in 2010 and pamphlets containing the most important definitions and rules of conduct in relation to hate crimes and a catalogue of the most common hate symbols in Poland were published in 2011.

13. Actions of the Ministry of Education for education professionals:

- 2009-2010: conferences, training and promotion of the Council of Europe publication: "COMPASITO — Manual on human rights education for children";
- 2011-2013 "Legal training at school" — training to prepare teachers, specialists from teacher training centres and educational advisors to implement legal training in junior high and high schools.

14. In cooperation with the General Inspector for the Protection of Personal Data, preparations are under way for a publication on the protection of personal data for principals and teachers in schools and institutions (the school principal's obligations, scenarios for training the teachers' council, scenarios for lessons with students on the protection of personal data and meetings with parents). The electronic version of the handbook was published in September 2014.

15. The training provided in 2012 and 2013 under the "Know, understand, accept. Education for equality. Intercultural education in schools" project was designed to prepare teachers, consultants, experts from teacher training institutions, educational advisors and school leaders in the field of education to implement the new basic

¹ This School replaced the National Training Centre for the staff of the ordinary courts and the public prosecutor's office.

general education curriculum and to promote knowledge about human and citizens' rights and intercultural education.

Paragraph 10 of the concluding observations: (a) creating awareness of the rights contained in the Covenant

16. The website of the Ministry of Labour and Social Policy contains information on:

- Social rights in general;
- The Covenant — the content of the Covenant, including obligations under the Covenant, monitoring of implementation, the Optional Protocol;
- Reports on the implementation of the Covenant by Poland — fifth periodic report, updates to the information contained in the report, the concluding observations of the Committee on Economic, Social and Cultural Rights, comments by the Polish Government on the Committee's concluding observations (all documents relating to the sixth report on the implementation of the Covenant will gradually be added to the website).

17. At every stage of the preparation of the report on the implementation of the Covenant by Poland (from the draft version to the version submitted to the Council of Ministers for adoption), the text was posted on the Ministry of Labour and Social Policy's Public Information Bulletin website, which is available to the public. Individuals and organizations that wish to consult other documents relating to the preparation of the report may ask the Ministry of Labour and Social Policy to make them available, at every stage of the preparation of the report, in accordance with the Act on access to public information.

18. The draft report was submitted to the social partners and non-governmental organizations (NGOs) for comment in January 2014. Information concerning the Government's position on the comments was posted on the Ministry of Labour and Social Policy's Public Information Bulletin website and NGOs were duly informed.

Paragraph 11 of the concluding observations: the Commissioner for Civil Rights Protection should act in accordance with the Paris Principles and monitor the implementation of economic, social and cultural rights

19. In accordance with the Constitution and the Act on the Commissioner for Civil Rights Protection, the Commissioner is responsible for safeguarding the human rights and freedoms defined in the Constitution and other normative acts, such as laws, ratified international agreements, regulations and local legislation. The Commissioner therefore also monitors the implementation of economic, social and cultural rights, as reflected in the document "Information on the activities of the Commissioner for Civil Rights Protection and on the status of respect for human and citizens' freedoms", submitted annually to Parliament.

20. The Commissioner for Civil Rights Protection meets the criteria relating to the status and functioning of national institutions for the protection of human rights. The Commissioner for Civil Rights Protection has been accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and granted A status; in other words the independence and impartiality of the Commissioner have been recognized in the light of a universal international standard.

Paragraph 12 of the concluding observations: guaranteeing the implementation of the Covenant without discrimination

21. Under the Constitution, all persons are equal before the law; all are entitled to equal treatment by the public authorities and no one may be discriminated against on any grounds whatever. The legal texts clarify the constitutional provisions and do not contain any discriminatory provisions on the grounds set out in article 2, paragraph 2, of the Covenant. Information concerning anti-discrimination legislation was provided in the replies to the list of issues in connection with the fifth periodic report of Poland concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights.

22. Redress for violations of the prohibition of discrimination may be sought through civil, administrative or criminal proceedings, depending on the type of offence. Citizens may file complaints with the Constitutional Court relating to the constitutional compliance of laws or other legal instruments, on the basis of which the judicial or administrative authorities have given a final ruling on their freedoms or rights or on their obligations under the Constitution.

23. The law on the implementation of certain European Union provisions on equal treatment defines, inter alia, concepts such as direct discrimination, indirect discrimination, harassment, sexual harassment and the principle of equal treatment. The general provisions of the law and those relating to the principle of equal treatment and legal measures for its protection do not apply to workers, insofar as they are covered by the provisions of the Labour Code.

24. The law prohibits discrimination on the grounds of sex, racial or ethnic origin, nationality, religion, faith or belief, disability, age or sexual orientation, in areas such as:

- The start of professional training, including further training, development, career change and traineeships;
- Conditions for the start and continuation of economic or professional activity, particularly in the context of employment or relationships based on a civil contract;
- Access to and use of labour market instruments and services provided under the Act on Employment Promotion and Labour Market Institutions offered by labour market institutions, as well as labour market instruments and services provided by other actors working in the area of employment, human resource development and unemployment reduction.

25. The Act does not apply to:

- Private and family life and legal action in these areas;
- Content presented in the media and in advertising on access to and provision of goods and services, in relation to different treatment based on sex;
- Freedom of choice of contracting parties, provided that this is not based on sex, race, ethnicity or nationality;
- Different treatment in relation to opportunities and conditions for the start or exercise of professional activity and for undertaking and continuing studies and obtaining a diploma in the area of professional education, including higher education, where the type or conditions for the exercise of the professional activity mean that the difference in treatment is a genuine and decisive professional requirement imposed on an individual, commensurate with achieving the legitimate objective of the different treatment of that person;

- The restriction by churches and other denominational organizations or by organizations whose ethics are based on religion, faith or belief, of access to and exercise of professional activities on the grounds of religion, faith or belief, where the type or conditions for the exercise of these activities are such that religion, faith or belief are a genuine and decisive professional requirement imposed on an individual, commensurate with the achievement of the legitimate objective of the different treatment of that person; this also applies to the demands imposed on individuals hired to act in good faith and in accordance with the ethos of the Church, any other faith-based organization or an organization whose ethos is based on religion, faith or beliefs;
- The different treatment of individuals according to their age, subject to additional conditions.

26. In the event of a violation of the principle of equal treatment, the provisions of the Civil Code apply, while the provisions of the Code of Civil Procedure apply in all proceedings concerning violations of the principle of equal treatment. In such proceedings, the burden of proof is reversed — any person who alleges a violation of the principle of equal treatment must demonstrate this violation and, if the violation is demonstrated, the person accused of the violation must show that he or she is not guilty thereof.

27. Redress against violations of the principle of equal treatment cannot offer grounds for adverse treatment and cannot lead to negative consequences for beneficiaries. This protection also applies to all those who have supported the person benefiting from redress of the violation of the principle of equal treatment.

28. The Act sets out the authorities responsible for preventing violations of the principle of equal treatment. Tasks related to the implementation of the principle of equal treatment have also been assigned to the Commissioner for Civil Rights Protection and the Government Plenipotentiary for Equal Treatment.

29. Information on the Government Plenipotentiary for Equal Treatment is contained in the seventh and eighth periodic reports on the implementation by Poland of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/POL/7-8).

Paragraph 12 of the concluding observations: the national programme for equal treatment; stronger measures to combat discrimination

30. As indicated in the National Programme for Equal Treatment 2013-2016, the objective of the equal treatment policy is to eliminate discrimination from society more effectively. The implementation of activities under the programme is ensured by the relevant ministries and other central administrative bodies and the programme is coordinated by the Government Plenipotentiary for Equal Treatment.

31. Actions are planned in the following areas:

- Anti-discrimination policy;
- Equal treatment in the labour market and social security system;
- Prevention of violence, particularly domestic violence, and improved protection for victims of violence;
- Equal treatment in the education system;
- Equal treatment in the health system;
- Equal treatment in respect of goods and services.

32. Further details are given in paragraph 33 of the annex.

Paragraph 13 of the concluding observations: the distinction between “national minorities” and “ethnic minorities” in the Act on National and Ethnic Minorities and Regional Languages may be discriminatory towards certain minorities

33. The position of the Polish Government in this regard was presented in its comments on the Committee’s concluding observations (E/C.12/POL/CO/5/Add.1). The Polish Government reiterates its position that the Committee’s concluding observation is unfounded in the law in force.

34. The criteria set out in the Act on National and Ethnic Minorities and Regional Languages, which are used to define a national or ethnic minority, are consistent with the Council of Europe Framework Convention for the Protection of National Minorities. No national or ethnic minorities living in Poland are excluded from the scope of this Act. The list of national and ethnic minorities was established following consultations with national and ethnic minorities. Poland is among the European Union Member States whose legislation contains the longest lists of national and ethnic minorities.

35. Information on the implementation of international agreements and domestic legislation in this field is contained in the following documents:

- Periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/POL/20-21);
- Report on the implementation of the Council of Europe Framework Convention for the Protection of National and Ethnic Minorities (ACFC/SR/III(2012)005);
- Report on the implementation of the European Charter for Regional or Minority Languages (MIN-LANG/PR (2010) 9).

Paragraph 14 of the concluding observations: the Roma minority faces widespread discrimination

36. The position of the Polish Government in this respect was presented in its comments on the Committee’s concluding observations (E/C.12/POL/CO/5/Add.1). The Polish Government reiterates its position that the Committee’s concluding observation is unfounded in the law in force.

37. Although the Roma are the ethnic minority that is most vulnerable to discrimination and its adverse effects, on account, inter alia, of their low educational standard, since 2001 systematic measures have been taken to afford that group equal opportunities, in particular in the areas of education, health, employment, housing, civic participation and promotion of culture.

38. Members of the Roma minority have the same rights as other Polish citizens, guaranteed by the Constitution and by the law. They have access to the same remedies for any violations of their rights.

39. Details concerning the Roma minority and implementation of programmes for this group are contained in the following documents:

- Periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/POL/20-21);
- Periodic report on the implementation of the Convention on the Rights of the Child (CRC/C/POL/3-4);
- Report on the implementation of the Council of Europe Framework Convention for the Protection of National and Ethnic Minorities (ACFC/SR/III(2012)005);

- Report on the implementation of the European Charter for Regional or Minority Languages (MIN-LANG/PR (2010) 9).

Article 3

Prohibition of gender discrimination in respect of the rights guaranteed under the Covenant (paragraph 11 of the concluding observations): Polish law does not guarantee equal rights for men and women

40. Under the Constitution, “women and men have equal rights in the family, political, social and economic spheres” and “women and men have equal rights in the sphere of training, employment and career advancement; they are entitled to equal pay for work of equal value, to social security and access to employment, to hold office, and to receive public honours and distinctions”.

41. The provisions of the Constitution are further spelled out in the provisions of ordinary law, in particular in:

- The Family and Guardianship Code;
- The Act on the implementation of certain European Union provisions on equal treatment;
- The Labour Code;
- The Act on Employment Promotion and Labour Market Institutions.

42. No other provisions relating to the economy, social security, health care, education, organization, public services, housing, sports and culture contain discriminatory provisions based on sex. For detailed information, see the analysis of the implementation of article 2 and articles 6 to 15 of the Covenant.

Paragraph 15 of the concluding observations: strengthening efforts to combat discrimination

43. Actions to promote the implementation of the provisions of the Constitution and ordinary legislation are included in the National Programme for Equal Treatment. The objectives of the programme include:

- Increasing women’s participation in decision-making processes; increasing the number of women in the National Parliament and in local authorities;
- Improving the condition of women and men in the labour market;
- Treating parents equally with respect to matters of custody and education; promoting a family model based on partnership; combating gender discrimination in the family justice system.

44. Examples of these actions include:

- Strengthening women’s political potential: through education, mentoring programmes, networking;
- Public debate on the benefits of the balanced participation of women and men in political life;
- Promoting the participation of women in economic decision-making;
- Closing the wage gap between women and men for work in the same positions and for work of equal value and quality; developing a methodology for assessing the wage gap;

- Eliminating stereotypes in school textbooks concerning career choices for women and men;
- Seeking solutions to improve the division of responsibility enjoyed by both parents with respect to custody of children, as well as solutions in relation to women's rights to motherhood;
- Developing care services for children and dependent persons as a means of supporting the participation of women and men in the labour market;
- Analysing jurisprudence related to the granting of parental authority; use of mentoring; training of family court judges;
- Analysing family law in the light of possible discrimination due to sex; possible amendments to provisions.

Articles 4 and 5

45. No legal changes (paragraph 46 of the annex).

Article 6

Right to work

46. No legal changes (paragraph 47 of the annex).

Employment policy (paragraph 16 of the concluding observations)

47. The international financial crisis interrupted the marked decline in unemployment experienced in Poland between 2003 and 2008. At the end of 2009, however, the unemployment rate stood at 12.1 per cent (2.6 percentage points higher than at the end of 2008). Thanks to increased economic activity and more resources being set aside for the return to work of unemployed persons in 2010 and 2011, the number of unemployed increased by only 3.3 per cent in 2010 and 1.4 per cent in 2011. From the second half of 2012, as a result of falling economic growth, the unemployment rate rose steadily, and by the end of 2012, the rate was five times higher than at the end of 2011, at 7.7 per cent. In 2013, the rise in the unemployment rate slowed to just 1 per cent compared with the previous period.

48. Until 2007, the number of vacancies available to the public employment services increased from year to year. This trend came to a halt in 2008, and in 2009, job centres received approximately 21 per cent fewer job offers than in the previous year. Although the number of vacancies in 2010 was 13.1 per cent higher than in 2009, that number fell again in 2011, with employers referring 27.2 per cent fewer vacancies to employment agencies than in 2010. In 2012, employers gave employment agencies 5.9 per cent more job offers than in the previous year, and in 2013, 11.1 per cent more job offers.

49. The labour market has to cope with structural problems, such as reduced occupational activity, low rates of transition from passive to active status, a high risk of women leaving the labour market for a long period at the age at the time they found and develop a family, long-term unemployment and relatively low occupational and geographical mobility. In addition, there are problems related to the ageing of the population. Persistent characteristics of the Polish labour market include:

- Seasonality and regional disparities due to unequal socioeconomic development of the regions;

- The unfavourable profile of unemployed persons registered with the employment agencies (at the end of 2013, 55.3 per cent of unemployed had no secondary education; 24.4 per cent had no work experience, and almost 30 per cent had no professional qualifications).

50. Despite these negative tendencies, Poland, the country with the highest unemployment rate in the European Union between 2004 and 2006, has brought its unemployment rate close to the average for all 28 countries of the European Union. In 2009, the unemployment rate, according to the European Union Labour Force Survey, was 8.2 per cent (compared to 9.0 per cent for the European Union as a whole). In 2010, unemployment was at the same level as in the European Union, at 9.6 per cent; in 2011 it remained at about 9.6 per cent (compared to 9.7 per cent for the European Union). According to Eurostat data, the unemployment rate in 2013 was 10.7 per cent in the European Union compared to 10.3 per cent in Poland.

51. Guidelines for labour market policy are defined in the national development strategy for 2020 and national employment activity programmes.² The strategy's objectives in relation to the labour market are to develop human capital and social inclusion.

52. Details are given in paragraphs 53 to 60 of the annex.

53. Tasks in the field of labour market policy are shared between the Government and local administrations. The Ministry of Labour prepares framework solutions and solutions are implemented at the local and regional levels by regional and local job centres. The Minister of Labour does not have competence to intervene in the implementation of labour market policy at the regional and local levels.

54. Tasks in the area of employment promotion, mitigation of the effects of unemployment and employment activation are implemented under the National Action Plan for Employment adopted each year by the Council of Ministers (in the reporting period: for the years 2007 and 2008, 2009-2011 and 2012-2014). These plans provide the basis for the preparation of regional employment plans by the regional authorities.

55. Detailed information is given in paragraphs 63 to 74 of the annex.

Actions taken in response to the economic crisis

56. Details on legislation and its implementation are contained in paragraphs 75 to 79 of the annex.

Legislation

57. Amendments are described in paragraphs 80 to 86 of the annex.

Labour market programmes targeted at persons in special situations

58. For detailed information, see paragraphs 87 to 94 of the annex.

Professional guidance and training

59. For changes to legislation and programmes, see paragraphs 95 to 109 of the annex.

² In view of the need to adapt the national development strategy for 2007-2015 to the new socioeconomic conditions and the new management system for policy development, it was decided to update the strategy and extend it until 2020.

Quality of services provided by public employment services

60. For programmes, see paragraphs 110-114 of the annex.

Statistical data

61. See paragraph 115 of the annex.

Equal access to employment

62. For changes to legislation, programmes and statistical data, see paragraphs 116 to 124 of the annex.

Paragraph 35 of the concluding observations: size of the informal economy and protection strategies and measures implemented

63. The “grey area” provides jobs for low-skilled persons and, for many of these, it constitutes the main source of income. The “grey area” includes primarily construction and installation services, renovation and repair of construction and installation and agricultural work and gardening. The reasons people work in the “grey area” include the inability to find lawful employment, insufficient income, employers offering higher wages if no employment contract is signed, and avoidance of high insurance contributions and taxes.

64. The results of the study on undeclared work conducted in the fourth quarter of 2010 by the Central Statistical Office show that the number of people in the “grey area” came to 1,431,000 in 1998, 1,317,000 in 2004 and 785,000 in 2009. It is estimated that the number of people in the grey area was 1,067,000 in 2012, equivalent to a 1.5 per cent decrease compared with 2011. Undeclared work is undertaken on an ad hoc basis — more than 98 per cent of those in the “grey area” have been employed only once per month. The data requested by the Committee in its concluding observations are not recorded in the form requested.

65. Actions undertaken in the context of the “Strategy for Economic Innovation and Efficiency 2012-2020 — Dynamic Poland” will contribute indirectly to reducing the grey area, inter alia, by reducing non-salary labour costs in the longer term and by adopting a law to improve conditions for the conduct of economic activity.

66. Since 1 July 2007, the National Labour Inspectorate has dealt with issues concerning the legality of employment of Polish and foreign nationals.

67. Most of the checks on the legality of the employment of Polish citizens were conducted in the economic sectors considered to be at the highest risk of violations of the law (such as trade and repair, manufacturing industry, construction, accommodation and catering services). Inspectors found cases of employment without written confirmation in the form of an employment contract, non-declaration of employed persons or persons engaged in another activity paid by social insurance, failure by unemployed persons to notify job centres of the commencement of employment or other paid activity, and non-payment or delayed payment of contributions to the Labour Fund.

68. For details of the proportion of those violating provisions concerning written confirmation of the employment contract or declaration to social insurance, see paragraph 130 of the annex.

69. Checks on the legality of the employment of foreign nationals were carried out in the following sectors of the economy: trade and repair, manufacturing industry, construction, accommodation and catering services. The undeclared work of foreign

nationals (without a valid visa or other document authorizing them to stay in Poland or to work, without a work permit, in conditions or positions other than the ones specified in the permits, or without a contract) was found in 11 per cent of the companies inspected each year (12 per cent in 2013).

70. The Inspectors found undeclared work by:

- 1,011 foreign nationals in 2010;
- 901 foreign nationals in 2011;
- 644 foreign nationals in 2012;
- 494 foreign nationals in 2013.

71. Labour inspectors, as appropriate:

- Issued decisions and oral notifications, sent requests to employers to remove irregularities or used educational tools (including instructions, warnings, recommendations);
- Imposed fines;
- Referred cases to the courts to punish the acts or reported any suspected criminal activity to the prosecutor.

72. In order to limit illegal immigration by making it less attractive to employ foreign nationals in an irregular situation, the Act on the consequences of employing foreign nationals illegally residing in Poland was adopted, transposing European Parliament and Council Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally residing foreign nationals.

73. The Act on Employment Promotion and Labour Market Institutions was amended in 2013. Foreign nationals resident in Poland on the basis of a temporary residence and work permit or a work visa may be registered as unemployed, provided that, immediately prior to registration, they were employed continuously in Poland for at least six months and fulfil other conditions for obtaining unemployed status. They are entitled to unemployment benefits provided that they meet the criteria for acquiring this right (generally, having worked and paid contributions to the Labour Fund for 365 days in the 18 months prior to registration).

74. Between 2010 and 2013, the National Labour Inspectorate implemented measures to prevent illegal employment, including the offer of legal advice and the distribution of documentation, especially among young people and job seekers. As part of the “Know your rights at work” campaign, training was organized for the unemployed and job seekers, employees and employers, employees of district employment agencies and representatives of municipal employment agencies, addressing the following topics: types of employment, provisions on working hours and the difference between employment contracts and civil law contracts. Educational workshops were organized for secondary school and university students, providing information on employee rights and employer obligations.

75. Preventing the illegal employment of foreign nationals and violations of their rights:

- Since 2011, the Ministry of Labour and Social Policy has been preparing and distributing leaflets in Polish and in the languages of countries whose nationals can work in Poland under the simplified scheme based on employers’ declarations of intent to employ them (Armenian, Belorussian, Georgian, Moldovan, Russian and Ukrainian languages). They include, inter alia, information on the rights and obligations of foreign nationals taking up a job

under the simplified scheme and how to ensure safety at work (including in intermediary services);

- The national register of work permits for foreign nationals and of declarations of intent to employ a foreign national was established in order to better monitor the employment of foreign nationals;
- The “Migrants’ rights in practice” project (2010-2014), implemented by the International Organization for Migration in partnership with the National Labour Inspectorate and the Ministry of the Interior, is aimed at facilitating the integration of third-country nationals in Poland by increasing their knowledge of their rights and obligations and combating discrimination and exploitation. An information campaign is being carried out in Poland, Ukraine, Belarus and Armenia; labour inspectors are being trained, and migrants receive assistance in emergencies;
- Publication of the booklet on “The legality of the employment of foreign nationals — information for employers”;
- Cooperation with the Embassy of Ukraine in Poland: employees of the National Labour Inspectorate have prepared a set of answers to frequently asked questions by Ukrainian citizens starting or intending to start work in Poland;
- Cooperation with the Embassy of the Philippines: training of employees from the Philippines regarding legal work in Poland.

Article 7

Minimum remuneration

76. For the current situation and statistical data, see paragraphs 138 to 140 of the annex.

Equal pay for men and women

77. For programmes and statistical data, see paragraphs 141 to 147 of the annex.

Paragraph 17 of the concluding observations: significant wage inequality between men and women in the public sector

78. The Civil Service Act and its implementing legislation set out the regulations governing remuneration of members of the civil service. The remuneration consists of several components, most of which are mandatory, their allocation being guaranteed by law.

79. The allocation of the following components of the remuneration depends on the fulfilment of conditions specified in the regulations:

- Allowance for several years’ work in the public sector;
- Seniority allowance;
- Salary supplement for the civil service, paid according to an official’s status and grade;
- Salary supplements for special entitlements, such as commissions or supplements for inspectors;
- Additional annual remuneration.

80. The amount of the following components of the remuneration is determined by the employer:

- Basic pay, which is calculated as a multiple of the basic amount, within the limits set out in the regulations;
- Awards for outstanding professional achievement;
- Additional allowances for performing additional tasks for the employer.

81. In the civil service, a description must be given for every position, with a corresponding valuation. In determining the basic salary for a civil servant, the following must be taken into account: the valuation of the work, an assessment of the work (including skills used and performance) and prevailing labour market conditions.

82. Not all wage inequalities are discriminatory. The remuneration of civil service workers is calculated on the basis of their basic pay, their seniority and their status in the service (employee or civil servant). Therefore, the amount of the remuneration of two officials working in the same unit and the same position may differ not only in terms of the amount of basic pay (within the range applicable to the particular position) — for instance according to the work evaluation, including skills and work performance — but also in terms of the total remuneration, which will vary according to a worker's seniority or employee status in the public service.

83. In the case of unequal treatment with regard to employment, civil service workers are entitled to file complaints before the labour courts, in accordance with the Civil Service Act.

84. The results of studies regarding wage differentials between women and men during the period 2009-2012 show that:

- In the civil service in general and for most positions, men's average total earnings exceed those of women;
- The largest difference (16%) applies to support positions in the public sector;
- The relatively smaller difference in this regard (3%-4%) was found among the highest-level officials, such as coordinators, and middle and top level civil service officials.

Paragraph 17 of the concluding observations: the incorporation into legislation of a specific provision on equal pay for equal work of equal value

85. In its fifth periodic report on the implementation of the Covenant (E/C.12/POL/5), in its replies to follow-up questions (E/C.12/POL/Q/5/Add.1) at the meeting held on 6 November 2009, and in a statement of its position on the Committee's concluding observations (E/C.12/POL/CO/5/Add.1), the Government of Poland informed the Committee that its legislation expressly specified equal pay for equal work. The relevant provisions of the Constitution and the Labour Code were cited on those occasions.

Working hours

86. For changes to legislation, see paragraphs 156 and 157 of the annex.

Paragraph 18 of the concluding observations: the effective application of labour legislation protecting the right of employees to just and favourable conditions of work

87. The Ministry of Labour and Social Policy keeps both employers and employees informed of their obligation to comply with labour laws; information is provided by telephone or in response to written questions and posted on the Ministry's website.

88. A new law on the National Labour Inspectorate brings the form and scope of the Inspectorate's activities into line with new requirements arising from the changes in and differentiation of the legal and organizational forms that employers may take.

89. For detailed information on the contents of the law, see paragraph 160 of the annex.

90. For a description of the Inspectorate's activities, see paragraphs 161 and 162 of the annex.

91. For statistical data, see paragraph 163 of the annex.

Paragraph 19 of the concluding observations: combating the practice of suspending collective agreements

92. Collective agreements may be totally or partially suspended, subject to agreement between the parties and only where the employer is in a difficult financial situation, for not more than three years. Once the period of suspension has expired, the suspended provisions of the collective agreement will be automatically reinstated.

93. A collective agreement may be suspended only in accordance with the provisions of the Labour Code and other laws, including the Minimum Wage Act. Therefore the suspension of the application of a collective agreement does not limit the powers of employees and is without prejudice to the principle of equal treatment in employment.

94. The suspension of collective agreements is applied sparingly. For the whole period 2007-2013, the Ministry of Labour and Social Policy registered 26 decisions suspending the provisions of collective agreements.

95. A list of the number of agreements suspending the application of collective agreements registered with the National Labour Inspectorate is given below (mostly for cases concerning the suspension of part of the agreement).

2007	50
2008	45
2009	206
2010	130
2011	85
2012	76
2013	74

Termination of employment

96. For the legislation, see paragraphs 168 to 180 of the annex.

Paragraph 34 (e) of the concluding observations: disciplinary dismissals and relevant case law

97. An employer may terminate an employment contract without notice with blame attributable to the employee in the following situations:

- A serious breach by the employee of his or her basic work obligations;
- The commission by the employee of an offence such as to prevent him or her from remaining in the position, provided that the offence is obvious or has been confirmed by a final court decision;
- The loss, attributable to the employee, of his or her rights necessary to perform the work related to the position.

98. The termination of an employment contract with blame attributable to the employee cannot take place later than one month after the employer learns of the circumstances justifying the termination of the contract.

99. For a description of employee protection, see paragraphs 171, 173 and 175 to 180 of the annex.

100. Given the vagueness of the Labour Code's provisions, case law mainly concerns the possibility of terminating an employment contract with blame attributable to the employee without advance notice in the event of a serious breach by the employee of his or her basic work obligations. According to the Supreme Court, the termination of an employment contract with blame attributable to the employee without advance notice must be considered an emergency measure to be applied only exceptionally and if duly justified.

Equal treatment in the workplace

101. For changes to legislation, programmes and statistical data, see paragraphs 185 to 189 of the annex.

Paragraph 34 (c) of the concluding observations: prohibition of sexual harassment

102. Under the Labour Code, the employer is obliged to respect the dignity and other personal rights of the employee and to combat discrimination in the workplace. Sexual harassment is a form of gender-based discrimination.

103. Sexual harassment includes all unacceptable behaviour of a sexual nature or related to the sex of an employee, whose purpose or effect is to violate the employee's dignity or humiliate him or her, such as by creating an intimidating, hostile, degrading, humiliating or offensive environment. Such behaviour may include physical, verbal or non-verbal aspects.

104. The employer is held liable for sexual harassment to the extent that the employer either committed it or did not prevent it. Liability for sexual harassment may also be attributed to an employee acting on behalf of or representing the employer, or to the supervisor of the employee who is harassed. The Labour Code does not cover the liability of an employee who sexually harasses another employee (in cases where there is no hierarchical relationship).

105. The harassed person may have recourse to legal protection in court, in accordance with the provisions of labour, civil or criminal law. The exercise of the powers conferred in connection with a violation of the prohibition of sexual harassment must not give rise to adverse treatment of the employee and must not have negative effects for anyone exercising those powers; in particular, it cannot justify the

annulment of the employment contract or its termination without notice by the employer.

106. In the case of appeals based on the Labour Code's provisions concerning equal treatment in the workplace, the burden of proof lies with the employer, and the employee is entitled to compensation equivalent at least to the minimum remuneration.

107. If the sexual harassment leads to the employee's dismissal, the latter may apply for the dismissal be considered null and void, or to be reinstated at work, with remuneration for the time during which he or she did not work, or for compensation, in accordance with the provisions governing unjustified or illegal annulment of an employment contract or illegal termination of an employment contract without advance notice.

108. An employee may terminate the employment contract without notice at the employer's expense if he or she considers that the employer has committed a serious breach of fundamental obligations towards the employee. The employee is responsible for assessing the seriousness of the breach. The employee is entitled to compensation equivalent to remuneration due for the period covered in the contract, or, if the contract was concluded for a specified period or for the purpose of completing an assignment, to two weeks' pay.

109. Sexual harassment is considered a violation of personal rights. Under the Civil Code, it is possible to obtain compensation for the injury suffered or a sum of money for a social purpose or to seek reparation of the injury. If, as a result of the harassment, the victim has suffered bodily injury or physical or psychological disorders, he or she is entitled to reimbursement of medical expenses, or to a pension, if the victim has partly or entirely lost the ability to work, has greater needs and has diminished chances of succeeding in the future. The victim may request that the injury cease and that its effects be annulled.

110. For a description of the applicable provisions, see paragraphs 204 to 208 of the annex.

111. In 2009, the Office of the Plenipotentiary for Equal Treatment issued a guide entitled "Say 'No' to sexual harassment in the workplace", which outlined the relevant key provisions and ways of asserting one's rights. The publication was posted on the Internet and distributed at meetings.

112. For statistical data, see paragraph 200 of the annex.

Prohibition of psychological harassment

113. For information on legislation and its implementation, programmes and statistical data, see paragraphs 201 to 209 of the annex.

Health and safety in the workplace, paragraph 34 (a) of the concluding observations: measures taken to improve health and safety in the workplace

114. For a list of changes to the Labour Code, see paragraph 210 of the annex.

115. Amendments made in 2007 to the Act on Occupational Medicine include the following:

- A new term "workers' health surveillance" has been introduced, pursuant to the definition adopted by the International Labour Organization (ILO);
- Public occupational medical services are no longer responsible for identifying and assessing harmful effects on employees' health (these tasks are performed by

employers), but they cooperate with employers in assessing threats to the working environment;

- The right of voivode-level medical centres to conduct preventive examinations is limited to situations where this is necessary in order to provide training for doctors wishing to specialize in occupational medicine, or for other targeted training.

116. For a list of adopted regulations, see paragraph 212 of the annex.

117. The regulations of the Ministry of Education concerning the core curricula for preschool and general education in certain types of schools require that coverage of occupational health and safety issues be included in the curricula. The format and goals of the teaching must be adapted to the educational standard.

118. The core training curriculum for each profession includes coverage of workplace health and safety issues, including ergonomic considerations, as well as training in providing emergency medical care to victims of work accidents.

119. Within the framework of the programme “Improving workplace security and working conditions — Stage 1” (2008-2010), Part A — Responsibilities of government services, the following tasks were implemented:

- Setting of occupational health and safety standards;
- Development and maintenance of the powers of a body registered with the European Commission responsible for assessing the conformity of products in the areas of occupational health, ergonomics and safety;
- Development of a system for examining machinery, tools and individual and collective protective measures;
- Improvement of the system for promoting, and distributing information about occupational health and safety, and of systems for managing occupational health and safety;
- Development of a system of education, training and certification for occupational safety and hygiene.

120. Projects implemented in the framework of Part B — Scientific research and development include the following tasks:

- Establishing effective methods for maintaining a safe working environment;
- Integrated assessment of dangers arising from chemical and physical factors in the workplace with a view to limiting occupational hazards;
- Development of materials and solutions for individual protection in the workplace;
- Analysis of the mechanisms involved in, and development of methods for, accident prevention;
- Improvement of preventive systems for safety at workplaces where there is a risk of a serious breakdown or explosive atmospheres.

121. The second stage of the multi-year programme “Improving workplace security and working conditions” was implemented during the period 2011-2013. Part A of the second stage involved continuing the tasks implemented in part A of the first stage, as well as developing methods and tools for preventing and limiting occupational risks at work. Part B involved implementing development projects for the identification, assessment and limitation of hazards related to chemicals and particulate matter as

well as those arising from physical, biological and psychophysical hazards in the workplace.

122. The third stage of the programme is due to be implemented over the period 2014-2016. Implementation is expected to help significantly reduce the number of workers exposed to dangerous, harmful and difficult conditions and to reduce the number of occupational accidents and illnesses related to such conditions. This should yield economic returns by reducing expenditures due to faulty working conditions, as well as the operating overheads of enterprises after the improvement in working conditions.

123. The aims of the “Programme to eliminate asbestos and products containing asbestos used in Poland for the period 2003-2032” include:

- The elimination of asbestos-containing products and their prohibition on Polish territory, and, consequently, a reduction in the release of asbestos fibres into the environment;
- The elimination of the harmful health effects of asbestos exposure;
- A reduction in deaths caused by asbestos-related illness; early detection of such illnesses; their treatment and elimination of negative effects;
- The elimination of the negative effects of asbestos on the environment and the obligation to fulfil related requirements linked to environmental protection; making rural areas more attractive for agro-tourism; and increasing the appeal of asbestos-free areas to local and international investors.

124. For a description of activities, see paragraph 221 of the annex.

125. Many small firms specializing in asbestos removal and asbestos-free construction have appeared and several thousand jobs have been created as a result.

126. The period 2008-2011 saw the continuation of the “Programme for the preventive examination of workers formerly employed at asbestos treatment plants”. Examinations were conducted at 13 occupational medical centres under the aegis of the Occupational Medicine Institute in Łódź. The introduction of a programme of preventive examinations for workers formerly employed at asbestos treatment plants has improved the detection of asbestos-related illnesses and made it possible to undertake appropriate preventive measures.

127. For statistical data, see paragraph 224 of the annex.

Article 8

Forming trade unions, membership of trade unions in federations, union membership

128. For legislation, legislative work in progress and statistical data, see paragraphs 215 to 230 of the annex.

Paragraph 20 of the concluding observations: effective measures to ensure that trade union leaders, employees who are members of trade unions and persons seeking to join trade unions are protected from any retaliatory actions and are able to freely exercise their rights

129. The rules for protecting union activists are set out in the Trade Unions Act. Without the consent of the company’s union management, an employer may not:

- Annul or terminate a work contract with a member of the union management, identified in the decision by first and last names, or with any other employee

belonging to the union who is authorized to represent the latter before the employer, or the unit or person conducting activities related to labour law on the employer's behalf;

- Unilaterally change working or pay conditions in a way that negatively affects employees.

130. The protection is valid for the period specified in the decision and, after the latter expires, for the equivalent of half of the period specified in the decision, but it cannot exceed one year after the expiry of the period.

131. The number of union activists covered by the protection cannot be greater than the number of company directors, or is determined according to the size of the union or the number of employees in the company. The protection also applies for six months following the establishment of the company union's founding committee to not more than three employees.

132. Since 2011, in cases where an employee's fixed-term work contract has been terminated in violation of the applicable provisions, the employee is entitled to apply to the courts to be reinstated in the same conditions as before or receive compensation. As a general rule, if a fixed-term contract has been improperly terminated, the employee concerned is only entitled to compensation.

133. For the activities of the National Labour Inspectorate, see paragraph 235 of the annex.

134. Complaints concerning trade union activity are handled by the National Labour Inspectorate. When violations are found, the Inspectorate implements whatever measures are provided by law and notifies employers in breach of the law. If it is found that the employer is impeding the lawful conduct of trade union activities, or is discriminating against an employee because of the latter's membership or non-membership of the trade union, or union-related activities, labour inspectors report the alleged violation to the public prosecution service. Irrespective of that procedure, trade union activists may also defend their rights in court.

135. For statistical data, see paragraph 237 of the annex.

The right to collective bargaining and corresponding limitations

136. For programmes and statistical data, see paragraphs 238 to 240 of the annex.

Guarantee of and restrictions on the right to strike

137. There are no legislative changes; for statistical data, see paragraphs 241 and 242 of the annex.

Information and consultation

138. For legislation, see paragraphs 243 to 246 of the annex.

Article 9

Social security system

139. For changes to legislation and for statistical data, see paragraphs 247 to 255 of the annex.

Paragraph 21 of the concluding observations: same retirement age for men and women

140. The process of increasing the retirement age to 67 years for both women and men began on 1 January 2013. For women the target age will be reached in 2040, and for men in 2020. On account of the levelling of the retirement age for men and for women, starting on 1 January 2014, the period of contribution or non-contribution (in the case of women) will gradually be extended from 20 to 25 years, which will allow a rise in benefits to the minimum pension level. The target levels will be reached after 31 December 2021.

Access to social security for persons working illegally

141. For information on applicable provisions, see paragraphs 257 to 260 of the annex.

Access to social security for foreigners

142. For information on applicable provisions and international agreements, see paragraphs 261 to 269 of the annex.

Private social security systems

143. For legislation and statistical data, see paragraphs 270 to 276 of the annex.

Article 10

Entering into marriage and establishing a family on the basis of free consent

144. For legislation and programmes, see paragraphs 277 to 280 of the annex.

Support for children

145. For changes to legislation, programmes and statistical data, see paragraphs 281 to 289 of the annex.

Assistance to families

146. For legislation and its implementation, programmes and statistical data, see paragraphs 290 to 328 of the annex.

Support enabling dependent persons to remain in normal surroundings as long as possible

147. For legislation and its implementation, see paragraphs 329 and 340 of the annex.

Protection of the economic, social and cultural rights of older persons

148. For policy, legislation and its implementation, and programmes, see paragraphs 341 to 362 of the annex.

Domestic violence

149. For legislation and its implementation, programmes and statistical data, see paragraphs 363 to 406 of the annex.

Paragraph 22 of the concluding observations: amending the 2005 Act on Counteracting Domestic Violence to criminalize domestic violence, including marital rape, and prohibit corporal punishment in the home

150. The Polish Government wishes to express deep concern regarding the untrue assertion that domestic violence, corporal punishment and marital rape are not criminalized in Poland.³

151. The question of domestic violence and corporal punishment was covered in detail in the fifth periodic report on the implementation of the Covenant (E/C.12/POL/5) and in the replies to questions raised by the Committee (E/C.12/POL/Q/5/Add.1), submitted in 2009. Both documents quote in full the relevant provisions of the Criminal Code, which show clearly that such acts are prohibited by Polish law and that perpetrators are punished. Moreover, the replies to the list of issues gave data for the years 2005-2008 concerning the number of court proceedings relating to domestic ill-treatment, the number of adults convicted by final judgement and the number of victims. The data show that domestic violence is prohibited by Polish law and that the laws are implemented.

152. The Constitution prohibits corporal punishment. The Family and Guardianship Code prohibits the use of corporal punishment by holders of parental authority and by persons with a minor under their tutelage. Safeguards of physical integrity are also contained in the Criminal Code, which penalizes these acts according to the gravity of the victim's injuries.

153. The Family and Guardianship Code was revised in 2009 to combat all abuses of parental authority and strengthen child protection. The current version states as follows:

- “1. Parental authority entails the parents' obligation and right to care for a child and administer his or her estate, and to educate the child, while respecting his or her dignity and rights.
3. Parental authority must be exercised in such a way as to safeguard the child's well-being and social interest.”

154. The question of rape, including marital rape, was not addressed by the Committee on Economic, Social and Cultural Rights, either in its list of issues or during the meeting of 6 November 2009. There are therefore no grounds for the Committee's assertion that these acts are not prohibited in Poland. It is cause for concern that such a serious allegation should be expressed only in the concluding observations, without the Polish Government being allowed a chance to consider the allegations in good time and provide valid explanations.

155. In Poland all acts of rape are and have always been considered crimes according to the Criminal Code, regardless of the relationship between the perpetrator and the victim. The Criminal Code states as follows with regard to rape:

“Article 197

1. Any person who, through unlawful threat or deceit, induces another to engage in sexual intercourse shall be liable to a term of imprisonment of between 2 and 12 years.
2. If the perpetrator, in the manner referred to in paragraph 1, induces another person to submit to or engage in sexual intercourse, that person shall be liable to a term of imprisonment of between 6 months and 8 years.

³ Our position on the issue was presented following publication of the concluding observations (see E/C.12/POL/CO/5/Add.1).

3. If the perpetrator commits rape jointly with another person, that person shall be liable to a term of imprisonment of not less than 3 years.

4. If the perpetrator of the acts referred to in paragraphs 1 to 3 acts in aggravating circumstances, that person shall be liable to a term of imprisonment of not less than 5 years.

Article 198

Any person who, taking advantage of another's inability or lack of capacity, due to mental retardation or mental illness, to recognize the significance of the act or determine his or her own behavior, induces another person to submit to or engage in sexual intercourse, shall be liable to a term of imprisonment of between 6 months and 8 years.

Article 199

1. Any person who, taking advantage of a relationship of dependence or a situation of emergency, induces another person to submit to or engage in sexual intercourse shall be liable to a term of imprisonment of up to 3 years.

2. If the act referred to in paragraph 1 was committed against a minor, the perpetrator shall be liable to a term of imprisonment of between 3 months and 5 years.

3. The penalty referred to in paragraph 2 shall apply to any person who induces a child to submit to or engage in sexual intercourse, by abusing the child's trust or by offering or promising material or personal rewards in return."

156. Following the revision of the provisions of the Criminal Code of 2013, the obligation for a victim to file a complaint and request that criminal proceedings be initiated was repealed. Rape, like all other crimes against sexual freedom and morality, is prosecuted automatically.

Final convictions of adults

157. Statistics on final convictions of adults are given in the following table:

	2007	2008	2009	2010	2011	2012
Total number of crimes against sexual freedom and morality	1 851	2 259	2 266	2 117	1 880	1 870
Of which:						
Article 197 §1 of the Criminal Code	509	573	549	491	455	426
Article 197 §1 of the Criminal Code (child victim)	-	-	11	11	7	11
Article 197 §2 of the Criminal Code	159	154	159	132	111	136
Article 197 §2 of the Criminal Code (child victim)	-	-	1	1	2	1
Article 197 §3 of the Criminal Code	147	143	106	110	36	18
Article 197 §3 of the Criminal Code in conjunction with §1	-	1	-	1	5	-
Article 197 §3 of the Criminal Code in conjunction with §2	-	-	-	-	-	-
Article 197 §4 of the Criminal Code	-	8	7	1	4	-
Article 198 of the Criminal Code	61	72	89	57	59	66

	2007	2008	2009	2010	2011	2012
Total number of crimes against sexual freedom and morality	1 851	2 259	2 266	2 117	1 880	1 870
Article 198 of the Criminal Code (child victim)	2	-	2	-	1	-
Article 199 of the Criminal Code	3	1	3	1	2	-
Article 199 §1 of the Criminal Code	3	7	10	4	12	7
Article 199 §2 of the Criminal Code	-	6	7	8	3	4
Article 199 §3 of the Criminal Code	-	3	10	10	6	6

Working conditions and employment protection for women who are either pregnant or on maternity leave

158. For legislation, see paragraphs 415 to 428 of the annex.

Maternity leave and cash allowances

159. For legislation, see paragraphs 429 to 444 of the annex.

Employment of children and young people

160. No changes to the legislation; for statistical data, see paragraphs 445 to 447 of the annex.

Protection against unsafe behaviour, social marginalization and violence

161. For legislation and its implementation and programmes, see paragraphs 448 to 468 of the annex.

Other questions

Rights of persons applying for refugee status

162. For legislation and its implementation, see paragraphs 469 to 478 of the annex.

Provisions concerning family reunification

163. For legislation, see paragraphs 479 to 484 of the annex.

Paragraph 23 of the concluding observations concerning trafficking of human beings, including legal provisions, assistance to victims and monitoring: Poland is a destination and transit country for trafficking of human beings, especially children and women, for the purpose of sexual exploitation

164. Trafficking of human beings, including children, is a crime under the Criminal Code. Under a provision in force since September 2010, any person who engages in human trafficking, even with the consent of the victims, shall be liable to a term of imprisonment of at least 3 years.

165. In 2010 the Criminal Code was brought into line with the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), and with the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings.

166. The amended version introduces a new definition of the offence, specifying that “whoever engages in trafficking in human beings shall be liable to a term of imprisonment of up to 3 years”, and penalizes all activities deemed to constitute

preparations for human trafficking (with maximum prison sentences of between 3 months and 5 years).

167. The definition of human trafficking in the amended version is based on international provisions, in particular those of the Protocol and the Convention:

“Article 115

22. Trafficking of human beings refers to the recruitment, transport, delivery, transfer, accommodation or reception of persons:

- (1) by force or illegal threats,
- (2) by kidnapping,
- (3) by deception,
- (4) by misleading a person or taking advantage of a person’s lack of understanding or decision-making capacity,
- (5) by taking advantage of a relationship of dependence, an emergency or a person’s vulnerability,
- (6) by offering or accepting payments or personal benefits to obtain the consent of a person having authority over or custody of another person.

– for purposes of exploitation, even with consent, including for the purpose of exploitation through prostitution, pornography or other forms of sexual exploitation, through forced labour or other services, through begging, slavery or other forms of exploitation that affect human dignity, or for the purpose of illegally removing cells, tissues or organs. Acts for the purposes of exploiting a minor are considered trafficking in persons even if they do not employ any of the means referred to in subparagraphs 1 to 6 of this article.”

168. The definition of slavery in the amended Criminal Code now reads as follows: “Slavery is a relationship of dependence, in which a human being is treated as private property.” The definition thus complements the provisions in the Criminal Code, according to which enslavement and engaging in the slave trade are punishable by imprisonment.

169. In order to better protect victims’ rights, detect human trafficking offences and prosecute the perpetrators, the new Aliens Act (2013) grants human trafficking victims who meet certain conditions the following entitlements:

- To temporary residency to allow time to decide whether to cooperate with law enforcement authorities (3 months for adults, 4 months for children);
- To temporary residency at the outset of cooperation with law enforcement authorities (at least 6 months);
- To release from a detention centre or prison for aliens;
- To permanent residency, if return to the country of origin is impossible for security reasons;
- To obtain a Polish identity card if the person concerned has no travel document and is unable to procure another document constituting proof of identity;
- To assistance with voluntary return.

170. Border guards have been trained to recognize, prevent and detect the offences of trafficking in human beings, slavery and the slave trade.

171. Actions to prevent and combat trafficking in human beings and to support the victims of such trafficking, implemented by the authorities in cooperation with civil society, have been described since 2003 in documents approved by the Council of Ministers (“National Programme to prevent and combat trafficking in human beings for the period 2007-2008”, “National Action Plan to combat trafficking in human beings for the periods 2009-2010 and 2011-2012). The “National Plan to prevent trafficking in human beings for the Period 2013-2015” is currently being implemented.

172. National plans include the following actions:

- Raising awareness of the problem, particularly among groups at risk;
- Enhancing the offer and quality of services to support human trafficking victims;
- Increasing the effectiveness of the services provided by institutions responsible for prosecuting human trafficking (by improving legal tools and facilities and implementing best practices);
- Strengthening the qualifications of representatives of institutions and organizations responsible for combating human trafficking and assisting victims, including by providing training to employees of social support services;
- Developing knowledge concerning human trafficking and the degree of effectiveness of the actions deployed;
- Strengthening international cooperation.

173. During the period 2006-2009, La Strada Foundation implemented a programme to support and protect victims and witnesses of human trafficking, which was State funded. The programme is targeted at adult and underage foreigners who have been victims of human trafficking. Details are given in paragraph 494 of the annex.

174. On 1 January 2010, the National Consulting and Intervention Centre for Victims of Human Trafficking, organized by NGOs with State funding, was established. Details are given in paragraph 495 of the annex.

175. During the period 2007-2013, a group of experts seeking to develop a model for supporting and protecting child victims of human trafficking undertook several initiatives (such as establishing a centre for child victims of human trafficking, and improving the procedure for identifying child victims of human trafficking). As a result, two programmes for the police force were introduced in 2009: the “Procedure for the admission of foreign minors in the programme for supporting and protecting victims and witnesses of human trafficking, prepared in the framework of the pilot project in Mazowieckie voivodeship”, and the “Identification and procedure to be followed in cases where human trafficking is suspected — a guide for investigators”. In 2011 a protocol was developed for analyzing the cases of foreign underage victims of human trafficking from a legal and familial standpoint.

176. Establishments designed to accommodate child victims of human trafficking are available in Łódzkie, Małopolskie, Mazowieckie and Zachodniopomorskie voivodeships. In 2009 a project for protecting and supporting foreign child victims of human trafficking was launched in Mazowieckie voivodeship.

177. In 2012, the Dzieci Niczyje Foundation examined cases of trafficking in human beings, including offences related to the prostitution of persons under the age of 18 as victims, which ended in a judgment having *res judicata* status or were shelved during proceedings, brought before the courts in certain Polish cities during the period 2000-2010.

178. In 2007, in all courts of appeal and some district prosecution offices, coordinators (prosecutors) were appointed for investigations concerning trafficking in human beings. Those coordinator-prosecutors, being familiar with the matters of offences related to trafficking and in the relevant aspects of Polish and international law, provide assistance to prosecutors who conduct or supervise such investigations and oversee their preparatory stages. They cooperate with representatives of other agencies engaged in combating and preventing the trafficking of human beings, including with police officers and border guards.

179. Guidelines for public prosecutors dealing with cases of trafficking of human beings:

- In 2008, operating instructions, prepared and updated by the public prosecutor's office, were sent to all appeals courts, for the attention of prosecutors conducting or supervising criminal proceedings in cases of trafficking in persons;
- All courts of appeal were sent the operating procedure to be followed by prosecuting authorities in cases of trafficking in persons, prepared by the group specialized in trafficking of human beings of the Ministry of the Interior and Administration, in cooperation with the public prosecutor's office.

180. In 2008, at the general border guard headquarters, a special unit was set up in the form of the Border Guards permanent monitoring and coordinating group to prevent and combat trafficking of human beings. The group's tasks include coordinating the implementation by border guards of projects initiated under the National Action Plan to Combat Trafficking of Human Beings, as well as the monitoring and analysis of cases of human trafficking uncovered by border guards.

181. Coordinators for anti-trafficking operations are assigned to the Operations and Investigations Council of the Border Guard General Headquarters, to each border surveillance corps and to the border guard training centre.

182. In determining whether a person is a victim of human trafficking, border guards follow the operating procedure used for crimes of human trafficking (identification, assistance, opening criminal proceedings).

183. Border guards cooperate with international organizations, both those focusing strictly on supporting police work and those working more broadly with judicial services (FRONTEX, Interpol, Europol, Eurojust, BALTCOM) and with the International Organization for Migration (IOM) on voluntary returns of human trafficking victims to countries of origin.

184. Most training in topics related to trafficking of human beings is organized in cooperation with NGOs and international organizations (including IOM, La Strada Foundation, the PoMOC Association (assisting women and children), the Dzieci Niczyje — "Nobody's Children" — Foundation, the ITAKA Foundation, the Legal Intervention Association, the Helsinki Human Rights Foundation). The training is given to labour inspectors, consular and diplomatic officials, educators, officials of the Aliens Office, voivode officials, social services workers, and employees of health care and educational establishments. In 2013 training was also given to health professionals.

185. The activities of the National School of Magistrature and the public prosecutor's office are outlined in paragraph 506 of the annex.

186. In 2011, the Ministry of the Interior and Administration organized training for judges working in family and juvenile courts on cases involving unaccompanied foreigners.

187. In 2013, the public prosecutor's office organized a conference on victims of human trafficking that was broadcast online.

188. Basic and specialized training for police officers includes training in matters related to human trafficking. In 2008 a special course was developed on human trafficking, and 11,000 police officers were trained in 2009. The training continued in 2010. In 2011, a special course was delivered for the third time, and a cascade training approach was introduced, with training being offered by former trainees. Owing to preparations for the Euro 2012 championship, the specialized training was suspended in 2012, but the topic of human trafficking was raised in the preparatory training for officials of the services organizing the championship. The specialized training resumed in 2013.

189. The central anti-trafficking unit at the central investigation office of police headquarters has held training — for example in 2012 — on the trafficking of human beings for purposes of sexual abuse in the context of the “roadside” prostitution of Bulgarian nationals in Poland.

190. Training also took the form of international exchanges of experiences:

- 2011: Workshop on international cooperation in combating offences related to trafficking of human beings, for exchanges with Belarus, Poland and Ukraine;
- 2012: Two training courses in the framework of a project for Polish-Ukrainian cooperation in preventing and combating trafficking of human beings;
- 2013: Training in the framework of another Polish-Ukrainian project on cooperation in preventing and combating human trafficking, with Ukrainian military officials conducting study visits.

191. In 2012, a debate was held on the system for preventing and combating trafficking of human beings in Poland, as well as workshops on international aspects of the fight against human trafficking, based on the experience of Poland and other countries. Slideshows provided the basis for preparing training material for police and border surveillance officials.

192. General training for border guards includes topics related to human trafficking, such as trafficking and smuggling of persons across the Polish border, cross-border international criminality, illegal migration and trafficking of human beings, as well as specialized training, such as preparation for implementing tasks related to preventing and combating human trafficking, victim identification, support and assistance to victims, best practices in combating human trafficking, strengthening of coordination, and the acquisition by each coordinator of the skills needed to serve as an expert or leader in the fight against human trafficking.

193. Work is under way to establish an Intranet platform that will include basic information concerning trafficking in human beings and the documentation needed for instituting proceedings. In addition to providing information, the platform, which is being set up by IOM, will aim to raise awareness of the problem.

194. For information on training organized by the Central Office for training border guards, see paragraphs 515 and 516 of the annex.

195. Border guards cooperate with FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union). In 2010, the “Trafficking in Human Beings” project was launched, as part of which meetings were held in 2011 to develop a manual of best practices. In 2012, border guard representatives participated in workshops on “Anti-Trafficking for Border Guards, Training and Translator Workshops”, which focused on anti-trafficking efforts in the context of the work of European member States' police

and border guard authorities. FRONTEX also offered a manual profiling groups at risk. There are plans to train instructors to conduct training at the national level.

196. In 2013, peer trainers met to discuss the implementation in European Union member States of training tools (a manual for trainers) and exchange information and experiences on conducting training in human trafficking. Also in 2013, as part of national training, border guard peer trainers trained 271 Bieszczady and Nadodrze border guards. In the same year, several meetings were held with a view to developing best practices for facilitating the further development of training tools in the form of electronic learning modules.

197. For informational activities, see paragraph 519 of the annex.

198. For statistical data, see paragraph 520 of the annex.

Article 11

National Poverty Reduction Policy

199. For policy, legislation and its implementation, programmes and statistical data, see paragraphs 522 to 534 of the Annex.

Food security — legal solutions and their implementation

200. For policy, legislation and programmes, see paragraphs 535 to 550 of the Annex.

Raising awareness of nutrition principles

201. For programmes and statistical data, see paragraphs 550 to 559 of the Annex.

Access to water. Paragraph 34(b) of the concluding observations: the right to water and sanitation, including the results of regulatory measures on water sewage

202. Legal provisions and solutions relating to safe drinking water include:

- The Act on public water supply and water sewage disposal;
- The Ministry of Health Regulation on the quality of water destined for human consumption;
- The Ministry of the Environment Regulation on requirements for the measurement of emissions and water-sample quantity.

203. Under the Act on the National Health Inspectorate, the Inspectorate is responsible for overseeing drinking water production plants and monitoring water quality. The Inspectorate is also responsible for analysing the risk of exceeding set parameters, assessing solutions put forward by water and sewage companies relating to health safety for people drinking contaminated water, monitoring the marketing of materials and products that enter into contact with water and issuing authorizations for the use of water treatment and disinfection products.

204. In 2007, 90.5 per cent of the inhabitants of towns and villages drank water that met the requirements set out under the Ministry of Health Regulation on the quality of water destined for human consumption; with that figure rising to 95 per cent by 2012. The standards most often exceeded were the iron and manganese parameters, leading to increased water turbidity and changes in water colour, which did not constitute a consumer health risk.

205. In 2013, 96 per cent of the population drank water from the collective distribution system, that met the requirements of the Ministry of Health Regulation on

the quality of water destined for human consumption, while 4 per cent had access to water conditionally approved for consumption or approved on the basis of temporary dispensations issued by the National Health Inspectorate. Conditional water-quality approval or approval based on temporary dispensations is always issued on a case-by-case basis, taking into account the level of the health risk involved. Water of a quality that constitutes a threat to consumer health is not authorized for consumption.

206. In 2013, there were 3,883 small-scale water-production systems (producing under 100 m³ of water per day), 99 per cent of which were inspected, 4,105 producing between 101 m³ and 1,000 m³ of water per day (99 per cent of which were inspected), 618 producing between 1,001 m³ and 10,000 m³ of water per day, 54 producing between 10,001 m³ and 100,000 m³ of water each per day and 5 producing more than 100,000 m³ of water per day, all of which were inspected by the National Health Inspectorate. The parameters most frequently exceeded were manganese, iron, water turbidity, pH and ammonium ion.

207. Priority is given to the provision of information on drinking water quality. The National Health Inspectorate posts updates on its website on drinking water quality, as well as tap-water promotion and safe, healthy consumer practices.

208. As a part of the investments provided under the national municipal sewage treatment programme for the period 2003-2012, 63,236 km of sewage network and 324 municipal sewage treatment plants were built, in addition to 909 other investment projects on sewage treatment plant extension or modernization. By 2005, all the sewage treatment plants covered by the national municipal sewage treatment programme had cut biodegradable pollution by 49 per cent, by 2010 by 82.3 per cent and by 2012 by 84.1 per cent. As to the total amount of nitrogen, nutrient pollution was reduced by 44 per cent by 2005, by 70.7 per cent by 2010 and by 72.8 per cent by 2012. The corresponding figures for phosphorus are, respectively, 52 per cent, 78.6 per cent and 78.8 per cent.

Access to housing

209. For legislation and its implementation, programmes and statistical data, see paragraphs 567 to 586 of the Annex.

Regulations on the quality of apartments

210. For legislation and statistical data, see paragraphs 587 to 590 of the Annex.

Evictions

211. For legislation and statistical data, see paragraphs 591 to 599 of the Annex.

Homelessness

212. For programmes and statistical data, see paragraphs 600 to 604 of the Annex.

Article 12

Health policy

213. For policy and programmes, see paragraphs 605 to 614 of the Annex.

Paragraph 29 of the concluding observations: the continuous decrease in public spending on health and its negative impact on the enjoyment of the right to health

214. Statistical data contradicting that view.

	<i>Public spending on health protection</i> (millions of zlotys)	<i>Momentum(%)</i>	<i>Population of Poland</i> (thousands)	<i>Per capita spending</i> (zlotys)	<i>Momentum (%)</i>
1998	20 920.0	100	38 667	541.02	100
2007	49 874.6	238.41	38 116	1 308.50	241.86
2008	59 439.8	284.13	38 136	1 558.63	288.09
2009	65 328.5	312.28	38 167	1 711.65	316.37
2010	66 256.8	316.72	38 530	1 719.62	317.85
2011	70 116.1	335.16	38 538	1 819.40	336.29
2012*	71 275.9	340.71	38 542	1 849.30	341.82
2013	74 002.2	360.59	38 496	1 959.59	362.20

* Data for 2012 will be available in 2014. Consequently, account has been taken of the data on “Total spending” provided in the table entitled “Health-protection spending, in millions of zlotys”, paragraph 626 of the Annex.

215. The allegation that the gradual liberalization of the medical services market is having a negative impact on the availability of such services is not justified, since the great majority of non-public establishments provide services free of charge, under National Health Fund contracts. The transformation of the public hospital system affects only those legal and organizational changes required to transform public health-care establishments into joint stock companies. The situation as regards ownership remains the same.

216. Most non-public establishments provide services free of charge, under National Health Fund contracts. Increased competition within the medical services market has forced managers of public health-care establishments to improve their management, in order to achieve improvements in terms of finance and the quality and availability of medical services.

Health-care system

217. For legislation and statistical data, see paragraphs 618 to 638 of the Annex.

Organizational changes and amendments to legislation

218. For details, see paragraph 639 of the Annex.

Health-care programmes

219. For list, goals and actions undertaken, see paragraphs 640-654 and 659-684 of the Annex.

Paragraph 30 of the concluding observations: limited access to treatment for persons living with HIV, in particular drug users

220. The above allegation is untrue:

- All HIV/AIDS patients requiring antiretroviral treatment based on clinical and medical indications have access to a unified medical care system and modern highly active antiretroviral therapy (in accordance with the recommendations of the Polish Scientific Society for AIDS). In 2013, 7,023 HIV/AIDS patients, including 123 HIV/AIDS infected children (under the age of 18 years) received antiretroviral therapy. The treatment is not mandatory and may not be necessary for all HIV patients;

- All patients covered by the antiretroviral treatment programme have permanent access (continuous supply of medication) to all the antiretroviral therapy drugs used with the highly active antiretroviral therapy (HAART);
- Vertical HIV transmission prevention work (administration of antiretroviral drugs to mothers and their newborn infants) reduced the proportion of infected newborn infants from 23 per cent prior to 1989 to less than 1 per cent by 2011;
- Patients are less exposed to opportunistic infections, with 1 per cent of patients receiving periodic inpatient care and 99 per cent outpatient care;
- Fall in the rate of HIV infectivity — the rate of infectivity among patients receiving antiretroviral treatment is 0.37 per 100 persons — years, compared to 2.24 per 100 persons-years among patients not yet receiving the treatment (a 92 per cent reduction in infections);
- Turning to post-exposure procedures, as at 2013, not a single case of HIV infection had been recorded among persons either covered by infection prevention measures during the exercise of their professional duties or affected by accidental, non-occupational exposure;
- Thanks to an efficient distribution and redistribution system, there have been no cases of antiretroviral drugs expiring;
- Improvements in the clinical status and quality of life of patients, with the possibility of continuing studies or employment;
- Extension of patients' lives to up to 70 years of age.

221. Free antiretroviral treatment has been provided continuously since 2001.

222. Drug addiction is not a contraindication to commence antiretroviral treatment, which is available free of charge to all imprisoned patients infected with HIV/AIDS.

223. “The antiretroviral treatment programme for persons living with HIV in Poland” complies with the relevant international recommendations and obligations at the worldwide and regional levels, including the United Nations Millennium Declaration, the Declaration of Commitment on HIV/AIDS, the relevant World Health Organization protocols, the recommendations of the Council of Europe, Community law and the “Three Ones Principles”.

Statistical data

224. See paragraph 686 of the Annex.

Prenatal, natal and postnatal care for mothers

225. For legislation, its implementation and programmes and statistical data, see paragraphs 687 to 696 of the Annex.

Paediatric care

226. For legislation, its implementation and programmes and statistical data, see paragraphs 697 to 703 of the Annex.

Reproductive health and family planning, paragraph 27 of the concluding observations: the State party does not guarantee basic sexual and reproductive health services

227. The Committee's view in this regard does not reflect the facts. In its fifth report (E/C.12/POL/5) and during the meeting of 6 November 2009, the Government of

Poland provided the Committee with complete information on sexual and reproductive health services, the provision of means of contraception and family planning services.

228. The National Health Fund finances prenatal-care procedures for pregnant women as a part of primary health care, preventive health programmes, specialized outpatient care and inpatient care.

229. Obstetric, neonatal and gynaecological nursing care, delivered in accordance with the Ministry of Health regulation on the tasks of doctors, nurses and midwives as a part of primary health care, includes, amongst others, training on family planning and advice on postnatal fertility restoration and fertility regulation methods.

230. Women at higher risk of disease or birth defects undergo prenatal tests. Their scope of application and implementation procedures (including criteria for admissibility) are set out in the Ministry of Health Regulation on services guaranteed as a part of health programmes and the prenatal screening programme.

231. Since 2005, the National Health Fund has been financing a prenatal screening programme for women meeting at least one of the following criteria: participants must over 35 years of age; as part of the previous pregnancy, participants must have carried a foetus or child affected by a chromosomal abnormality; the detection of structural chromosomal abnormalities affecting the pregnant woman or the father of the child; the detection of a significantly higher risk of giving birth to a child affected by a monogenic or multifactorial disease; abnormal ultrasound findings during pregnancy and/or biochemical tests indicating an increased risk of chromosomal abnormalities or congenital malformations.

232. For the implementation of special health programmes, see paragraphs 664 and 670-673 of the Annex.

233. For the priority given to HIV/AIDS prevention and care for pregnant women and children infected with HIV/AIDS, see paragraphs 653 to 658 of the Annex.

234. In accordance with the law on family planning, foetus protection and grounds for abortion, as a part of the specific competences set out in the relevant provisions, government administration bodies and local authorities must provide free access to methods and means of responsible reproduction. In accordance with the recommendations of the Polish Gynaecological Society, the following means and methods of fertility regulation have been made available: periodic abstinence (natural methods), spermicides, condoms, intrauterine devices (including progestin-releasing models), hormonal preparations containing one or two ingredients in oral tablet form, transdermal patches and injections.

Paragraph 28 of the concluding observations: the “alarming number” of women resorting to illegal, clandestine abortion because of the refusal of physicians to perform legal operations on the ground of conscientious objection

235. The law on family planning, foetus protection and grounds for abortion provides that persons covered by the social security system and persons entitled to free health care on the basis of various provisions are entitled to free abortion in medical centres under the circumstances set out in the law. The list of guaranteed services related to abortion is set out in the Ministry of Health Regulation on guaranteed inpatient care services.

236. In accordance with the law on the professions of doctor and dentist, doctors have the right to refuse to perform health-care procedures on conscientious grounds (“conscientious objection”), unless there is a direct threat to the patient’s life or health. In cases of conscientious objection, the doctor in question must justify and record his or her stance in the corresponding medical records and inform the patient of real

opportunities for obtaining the required service from another doctor or health-care establishment. Any doctor failing to meet that obligation may be held to be in breach of the provisions governing medical practice.

237. Between 2008 and 2011, four cases of doctors refusing to provide health care and failing to indicate an alternative health-care establishment were brought before the courts. In addition, there were 22 cases involving other breaches relating to conscientious objection. No statistics are available on the types of care denied. According to the data provided by the regional medical chambers and the President of the Supreme Medical Chamber, there have not been any cases of doctors having recourse to conscientious objection when asked to oversee prenatal tests or to carry out an abortion.

238. Nurses and midwives are also entitled to have recourse to conscientious objection, in line with the law on the professions of nurse and midwife. On giving prior, written notification to their supervisor, nurses and midwives can abstain from performing health-care procedures to which they object on conscientious grounds, except in cases where the patient's life is at risk or his or her health may be at severe risk.

239. In cases where a doctor practising on the basis of an employment contract or within the context of a specific service has notified his or her supervisor that he or she may refuse to carry out a health-care procedure on conscientious grounds, the health-care provider has a duty to recruit a subcontractor to perform the procedure. Care providers failing to meet this requirement may be accused of violating the rights of the patient and are liable to a fine. In such cases, the National Health Fund may also terminate its contract with the health-care provider.

Paragraph 31 of the concluding observations: the lack of sexual and reproductive health education programmes in national school curricula

240. In accordance with the law on family planning, foetus protection and grounds for abortion, the Ministry of National Education organizes classes on sex, the principles of conscious and responsible parenting, family values, life during the prenatal period and methods and means of responsible reproduction. Schools are responsible for integrating school and family-based educational activities and strengthening sound family relationships, as well as for helping to develop a positive attitude towards sexuality.

241. The "Family Life Training" course focuses broadly on promoting family life. The aim of the course is to demonstrate the value of the family in the life of the individual and to help students to understand and come to terms with changes related to puberty.

242. The course covers a number of different topics, such as:

- Family relationships, affective bonds and other family ties, disputes and their resolution;
- The right to private life and the protection of that right, assertiveness;
- Active participation in family life;
- Motherhood and fatherhood;
- Pregnancy, giving birth, adopting a child as a new member of the family;
- The phases of human development;
- Differences and similarities between boys and girls, coming to terms with personal sexual identity, acceptance of and respect for your body;

- Establishing appropriate interpersonal relationships;
 - Domestic violence, sexual violence, prevention and how to obtain help;
 - Risks linked to life in the community: alcoholism, drug addiction, aggression, sects, pornography;
 - Basic information on human sexual development: gender identity, femininity and masculinity;
 - Legislation on the family;
 - Advice for youth and families.
243. Topics covered as a part of sex education:
- The essence of human sexuality and all its aspects;
 - Sexual initiation, its determining factors and consequences and the biological, medical, psychological and moral arguments for its postponement;
 - Norms of sexual behaviour, family planning, fertility recognition methods, health, psychological and ethical aspects;
 - Means and methods of contraception, their methods of use and selection;
 - Unplanned pregnancy, how to ask for help in difficult situations;
 - Abortion as a threat to mental and physical health — legal, medical and ethical aspects;
 - Sexually transmitted diseases and their prevention, AIDS: prevention, social and ethical aspects, AIDS patients within the family;
 - Violence and sexual aggression, means of prevention and defence, information on psychological, medical and legal support.
244. All medical schools run programmes on reproductive health issues and sex education. Those subjects are also covered as a part of post-university teaching, aimed at training health-care system personnel how to provide family planning advice.

Geriatric care

245. For legislation, its implementation and programmes, statistical data, see paragraphs 721 to 735 of the Annex.

Prevention of the spread of contagious diseases

246. For legislation, its implementation and programmes, statistical data, see paragraphs 736 to 744 of the Annex.

Paragraph 25 of the concluding observations: reducing tobacco use, especially among children (amendment of the law, awareness-raising campaigns)

247. There has been a significant fall in tobacco use among men (55 per cent of whom smoked on a daily basis in 1990, compared to 31 per cent in 2013) and women (29 per cent of whom smoked on a daily basis in 1990, compared to 23 per cent in 2013) and an increase in the percentage of men who have never smoked (27 per cent in 1990, compared to 45 per cent in 2013).

248. In 2010, the law on the protection of health against the consequences of the consumption of tobacco and tobacco products was amended, strengthening the ban on smoking in public places. Consequently, the Prime Ministerial Regulation granting National Health Inspectorate officials the power to impose fines was amended to

enable them to impose fines on persons smoking in non-smoking areas or failing to display no-smoking signs in mass transit or service vehicles and related premises.

249. National Health Inspectorate studies carried out in 2011 show that the new rules have significantly reduced the risk of exposure to tobacco smoke in sports facilities (around 72 per cent), restaurants (68 per cent), bars and pubs (49 per cent), workplaces (37 per cent) and bus stops and public transport premises (around 33 per cent).

250. According to the “Report on a national survey on attitudes towards tobacco use” in the period 2011-2013, there was a significant fall in exposure in the workplace (from 14 per cent to 7 per cent), in educational establishments (from 8 per cent to 2 per cent), in health-care establishments (from 4 per cent to 2 per cent), at bus stops and in public transport premises (from 31 per cent to 26 per cent), in cafes (from 12 per cent to 8 per cent), in restaurants (from 10 per cent to 6 per cent), in shopping centres (from 6 per cent to 3 per cent), in cultural venues (from 5 per cent to 2 per cent), in sports facilities (from 8 per cent to 5 per cent), in nightclubs (from 15 per cent to 13 per cent), in offices and official institutions (from 4 per cent to 2 per cent) and on public transport (from 7 per cent to 5 per cent).

251. The goal of the “Programme to reduce the health impact of tobacco use in Poland for the period 2007-2010” was to reduce morbidity, invalidity, diseases and deaths resulting from tobacco use (cardiovascular and respiratory illnesses, cancer, children’s health, etc.) by reducing exposure to tobacco smoke (active and passive smoking).

252. The results of the education and mobilization activities undertaken to change behaviour are as follows:

- A significant fall in tobacco use among men (55 per cent of whom smoked on a daily basis in 1990, compared to 39 per cent in 2002, 37 per cent in 2006 and 35 per cent in 2009);
- An improvement in the situation relating to women (29 per cent of whom smoked on a daily basis in 1990, compared to 24.6 per cent in 2002, 23 per cent in 2006 and 23 per cent in 2011);
- The percentage of men who have never smoked has risen (27 per cent in 1990, 37 per cent in 2002, 39 per cent in 2006, 44 per cent in 2009 and 45 per cent in 2011).

253. As a part of the “Programme to reduce the health impact of tobacco use in Poland for the period 2007-2010”, the following actions were carried out:

- An awareness-raising and educational campaign to change social attitudes and behaviour relating to tobacco use;
- Monitoring of tobacco products by the National Health Inspectorate: official supervision and monitoring of the amounts of harmful substances contained in tobacco products placed on the market;
- Educational anti-smoking programmes for children and young people;
- Tobacco-addiction prevention and treatment programmes as part of health care;
- Telephone helpline for smokers;
- Actions to limit tobacco use among professional soldiers, army employees and their families, prison directors and staff, prison inmates, Ministry of the Interior officials;
- Measures to eliminate exposure to tobacco smoke in the workplace;

- Introduction of economic and administrative incentives to reduce tobacco use;
- Improvement of the legal system governing the behaviour of tobacco users and the conduct of vendors of tobacco products;
- Monitoring of compliance with the ban on the advertising and promotion of tobacco products.

254. For campaigns, see paragraph 752 of the Annex.

255. The project “Let’s Freshen Up our Cities. TOB3CIT (Tobacco Free Cities)” was run between 2009 and 2011, mainly focusing on protection against tobacco smoke exposure. Smoke-free zones were set up in public places (offices, schools, workplaces, parks and play areas); a support campaign was launched calling for the creation of rules governing the use of tobacco in public places and highlighting the health impact of active and passive smoking. A second version of the campaign was run in the period 2011-2013.

256. Work on a programme to limit the medical impact of tobacco use and setting forth the goals for 2014 to 2018 is almost complete (third quarter of 2014).

257. The National Health Inspectorate is currently running an alcohol, tobacco and drug dependency programme for the period 2012-2016. The main goal of the programme is to reduce the consumption of alcohol, tobacco and other drugs among women of childbearing age, although it also targets their families, as well as doctors, teachers, secondary school students, employees of certain companies and National Health Inspectorate staff.

258. Tax on tobacco products has gradually been increased, leading to a rise in their prices and encouraging people to cut down on their use or stop using them entirely. As a result of rises in the tax on cigarettes, the average retail price increased:

By 14.3 per cent in 2008;

By 17 per cent in 2009;

By 14.9 per cent in 2010;

By 9.8 per cent in 2011;

By 8.9 per cent in 2012;

By 8.7 per cent in 2013.

Paragraph 25 of the concluding observations: measures to reduce alcohol consumption

259. The general conditions of sale of drinks containing more than 4.5 per cent alcohol (with the exception of beer) for consumption outside the places of sale are set out in the law on training for sobriety and the fight against alcoholism. Municipal councils decide on the number of points of sale of drinks containing more than 4.5 per cent alcohol (with the exception of beer) and the rules governing the location of establishments selling and serving alcohol. The number of sales points and their location must reflect the restrictions on the availability of alcohol as set out in municipal programmes on preventing and resolving alcohol-related problems.

260. Licenses for the sale of alcoholic drinks are issued subject to a number of conditions, including the issue by the municipal commission on alcohol-related issues of an opinion regarding the location of the point of sale in question, in accordance with the resolution adopted by the municipal authorities. Revenue from the sale of such licenses by municipal authorities is used to fund work on prevention and alcohol-related problems in general and the social integration of alcohol-dependent persons.

261. The sale of alcohol is forbidden at the following locations:

- Schools and other educational and care establishments, and university halls of residence;
- Workplaces;
- Staff canteens;
- Meeting points for large gatherings (for the duration of the event in question);
- Public transport centres and premises, with the exception of carriages and restaurant cars, where drinks containing less than 4.5 per cent alcohol and beer may be sold, served and consumed;
- Premises occupied by members of the armed forces and official bodies responsible for internal affairs and the sites of barracks and of temporary accommodation for military units.

262. It is forbidden to sell, serve or consume drinks containing more than 18 per cent alcohol in training centres and holiday accommodation. Drinks containing more than 4.5 per cent alcohol may be sold, served or consumed during open-air events, on the condition that a license had been obtained and that such activities are confined to designated areas.

263. Municipal councils may temporarily or permanently ban the sale, supply and consumption of alcoholic drinks at locations other than those listed or in certain areas of the municipality owing to their specific nature.

264. The sale and supply of alcoholic drinks to persons clearly already under the influence of alcohol, persons under the age of 18 years of age or in return for a loan or pledge is prohibited. In the event of doubt as to whether the potential buyer is an adult, vendors and servers of alcoholic drinks may insist on documentary proof of the age of the buyer.

265. Under Polish criminal law, all persons selling or serving alcoholic drinks without the required license or in breach of the relevant provisions are liable to a fine. The same sanction applies to managers of establishments where alcohol is sold or served who fail in their duty of supervision. The authorities can also order the confiscation of alcoholic drinks, even where they are not the offender's property, or forbid a commercial activity involving the sale or supply of alcoholic drinks.

266. It is forbidden to promote alcoholic drinks, except beer, which may be advertised and promoted, on the condition that any publicity material does not:

- Target minors;
- Contain depictions of minors;
- Link alcohol consumption to enhanced physical performance or to car driving;
- Claim that alcohol has therapeutic properties or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- Encourage immoderate consumption;
- Present abstinence or moderation in a negative light;
- Place emphasis on high alcoholic content as being a positive quality of the drink in question;
- Attempt to link alcohol consumption to sexual attractiveness, leisure or recreational activities, education or work, or professional or social success.

267. Within those limits, beer may not be advertised and promoted:

- On television or radio, at cinemas or theatres, between 6 a.m. and 8 p.m., to the exclusion of advertising carried out during professional sporting events by their organizers;
- Through video cassettes or other media;
- In publications for young people and children;
- On the cover pages of newspapers and magazines;
- On columns, billboards or other fixed or mobile surfaces used for the purpose of advertising, unless 20 per cent of the advertisement consists of visible and legible writing describing the dangers of alcohol consumption or the prohibition of the sale of alcohol to minors;
- With the participation of minors.

268. The advertising or promotion of products and services whose name, trademark, graphic design or packaging is similar or identical to those of an alcoholic drink or any other symbol objectively linked to an alcoholic drink is forbidden. It is also forbidden to advertise and promote companies and other entities, which, as a part of their advertising image, use a name, trademark, graphic design or packaging associated with an alcoholic drink, its producer or distributor.

269. It is forbidden to announce that sporting events, concerts and other public events are sponsored by drinks producers and distributors whose core activity is the production or sale of alcoholic drinks with an alcohol content of between 8 per cent and 18 per cent, by any means other than the placement of the name of the producer or distributor or trademark inside newspapers and magazines, or on invitations, tickets, posters, products or notice boards relating to the event in question. Information on sponsorship may be broadcast on television and radio on the condition that it is limited to the name or trademark of a producer or distributor of drinks containing up to 18 per cent alcohol and is not presented on television by a physical person or in conjunction with images of human beings.

270. Marketing agencies advertising alcoholic drinks must pay to the Fund for Sports Training for Schoolchildren the equivalent of 10 per cent of the tax base for goods and services (value-added tax). The Fund is used purely to finance sports activities for schoolchildren conducted by sports clubs acting as associations, NGOs working to promote physical exercise among young people and children or by local authorities.

271. For the goals of the “National Programme on Alcohol Prevention and Alcohol-related Problems 2011-2015”, see paragraph 769 of the Annex.

272. Municipal committees on alcohol-related problems made up of multidisciplinary teams of experts play a major role in tackling alcohol abuse. For the steps taken by those committees, see paragraph 770 of the Annex.

Drug dependence

273. For programmes, see paragraphs 771 to 776 of the Annex.

Paragraph 26 of the concluding observations: access to substitute drug dependence treatment, in particular for those held in detention

274. The goal of the “National Drug Addiction Programme 2006-2010” was to increase the number of substitution treatment programmes and services provided, ensuring access to opiates for at least 20 per cent of drug users. The aim of the 2011-2016 programme is to provide 25 per cent of patients taking opioid substances with

access to substitution treatment. Owing to the limited amount of funding made available for both programmes, those targets have proved difficult to achieve. According to estimates, in 2006, the number of persons taking opioid substances came to between 25,000 and 29,000; in 2009, that number fell to between 10,000 and 20,000.

Number of persons covered by replacement treatment

2007	332
2008	549
2009	694
2010	960
2011	1 271
2012	2 057
2013	1 967

275. All drug users held in detention wishing to do so may take part in the substitution treatment programme. The number of participants in the programme stood at 86 in 2007, 106 in 2008, 171 in 2009, 237 in 2010, 283 in 2011, 161 in 2012 and 142 in 2013.

Mental health protection: treatment and care in psychiatric clinics, protection of patients' rights

276. For legislation, see paragraphs 779 to 793 of the Annex.

Paragraph 24 of the concluding observations: access to mental health care

277. Data show that the growth in the number of cases of mental illness is due to a change of mentality among patients and the increased availability of services. Since the 1980s, the availability of outpatient care services has risen significantly. Between 1995 and 2007, the number of mental health-care centres increased from 683 to 1,218 and care provision has been restructured (the number of beds in psychiatric hospitals has been cut, while more have been made available in the psychiatric wards of general hospitals), making services more accessible for patients and reducing the related stigma. Between 1995 and 2007, the number of centres rose from 159 to 279.

Paragraph 24 of the concluding observations: the increased incidence of mental illness

278. Following the introduction of a new health-care financing system in 1999, an increase in the incidence of mental illness was observed, in particular among women and among rural dwellers. The new system reduced inequalities between women in rural and urban areas in terms of access to services. Since 2003, the number of women covered by inpatient psychiatric care has remained relatively stable (75,000, between 22,000 and 23,000 of whom live in rural areas), while the incidence of mental illness among women living in rural areas has remained stable (8,000), at a level 25 per cent lower than among their urban counterparts.

Environmental protection: air, water, soil, waste, radiation and noise

279. For amendments to legislation, its implementation and programmes, see paragraphs 796 to 809 of the Annex.

Article 13

Equal access to primary and secondary level education for all

280. No changes to legislation; for data, see paragraph 810 of the Annex.

Freedom of parents to choose schools for their children; guarantees relating to the provision of religious and moral education according to parental choice; freedom to run private schools

281. No change to legislation, see paragraph 811 of the Annex.

Teaching in minority languages

282. For information, see paragraph 812 of the Annex.

Equal opportunities for children from marginalized communities; primary and secondary school dropout prevention

283. For amendments to legislation, implementation, programmes, see paragraphs 813 to 819 of the Annex.

Statistical data

284. See paragraph 820 of the Annex.

Access to higher education

285. For legislation, statistical data, see paragraphs 821 to 823 and 829 of the Annex.

Paragraph 33 of the concluding observations: the implementation of the constitutional provision on free higher education, the provision of access to higher education for disadvantaged and marginalized groups

286. There has been an increase in the proportion of students opting for full-time, State-funded courses at public universities or full-time courses at State-funded private universities run by churches and religious associations.

Percentage of students opting for publicly-funded courses

2006/07	2007/08	2008/09	2009/2010	2010/11	2011/12	2012/13
42	42	43	45	47	51	54

287. Students may receive the following grants, facilitating access to education:

- Social grants awarded to students from economically disadvantaged backgrounds (based on income), and housing grants covering university halls of residence and other forms of accommodation if travel between the student's permanent place of residence and university makes attendance difficult or even impossible;
- Rector's grants for academic, artistic or sporting achievement.

288. In order to increase the number of students on State-funded courses, as of the 2013/14 academic year, up to 10 per cent of the highest-performing students may study in more than one faculty, without having to pay additional fees. Until now, many students would take the opportunity to sign up for courses with several different faculties, only to drop them during the first year, thus depriving other students of a place. Access to free education is also likely to increase for demographic reasons

(according to estimates, the number of students, which stood at 1.67 million in 2012, will fall to 1.25 million in 2023).

Paragraph 33 of the concluding observations: initiatives to improve access to higher education for Roma students

289. A grant programme is currently being implemented for students of Roma origin studying at universities or teacher, language teacher or social worker training colleges.

	<i>Grant-holders</i>	<i>Amount of grants</i>
2006	51	199 000
2007	53	227 000
2008	53	229 500
2009	63	232 500
2010	71	264 000
2011	48	258 000
2012	59	253 000
2013	62	243 000

290. Other information:

- The report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/POL/20-21);
- The report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities (ACFC/SR/III(2012) 005).

*Paragraph 10 of the concluding observations: human rights education,
Paragraph 32 of the concluding observations: the introduction in schools of the Compass manual on human rights education with young people and awareness-raising measures to counter homophobic attitudes in educational settings, so as to ensure that individuals are not discriminated against on the basis of their sexual orientation and identity*

291. The current basic preschool and general education programme, introduced on 1 September 2009, covers the subject of human rights throughout the education system, presenting it in a manner tailored to the age and educational needs and abilities of students at each level.

292. The preamble to the basic programme focuses on the need to provide students with training on citizenship, responsibility, honesty, integrity, perseverance, self-esteem, respect for others and other positive values essential to social self-development, in order to help them play a responsible, dignified role in the knowledge-based society. The preamble also points out that schools must take the necessary steps to combat discrimination.

293. As a part of the basic preschool programme, content on human and social rights is included in components on “The development of children’s social skills” and “Family, civic and patriotic education”. Children finishing nursery school and entering primary school should have been made aware that all persons enjoy the same rights.

294. Students remaining in education study human rights in the fields of “Social Education” (for young children), “History and Society”, “Civic Education”, “History”, “Ethics” and “Family Life Education”. Civic, social and intercultural values are also

developed as a part of the teaching of other subjects, including Polish and physical education.

295. Civic education courses focus on the development of participation in civic life, social conscience, responsibility, a sense of belonging to the local, national, European and worldwide community, tolerance and the ability to stand up to forms of discrimination. Schools must provide access to different sources of information and points of view, acquisition of knowledge and skills required in daily life, the planning and implementation of educational projects for students, participation in discussions and debates in the classroom, school and other social settings, participation in local community life, cooperation with civil society bodies and public institutions and participation in civic campaigns and activities.

296. The following resources are used by teachers in their work with students:

- “Compassito: The Manual for Human Rights Education with Children” — the Polish edition of the Council of Europe Compassito manual;
- “Compass: the Manual for Human Rights Education with Young People” — the Council of Europe manual on human rights education;
- “Human Rights — a Teacher’s Guide”;
- “Autobiography of Intercultural Encounters” — a tool designed by the Council of Europe;
- “Anti-discrimination. A Toolkit for Teachers”;
- “Intercultural Education. A Teacher’s Guide”.

297. Although not a school textbook, “Compass: the Manual for Human Rights Education with Young People” has been translated into Polish and may be used by teachers as an additional resource. The Ministry of National Education works with the Society for Anti-discrimination Education to train experts in textbook approval.

298. For additional information, see paragraphs 15 to 17 of the Annex.

Adult education

299. For legislation and implementation, statistical data, see paragraphs 838 to 857 of the Annex.

Article 14

The right to compulsory primary education

300. No change to legislation, see paragraph 858 of the Annex.

Article 15

The right to take part in cultural life and to cultural self-expression

301. For legislation, the current situation on the ground and statistical data, see paragraphs 859 to 865 of the Annex.

Safeguarding freedom of creation, copyright protection

302. For current legislative work, see paragraphs 866 to 868 of the Annex.

Protection and promotion of the cultural heritage and culture of national and ethnic minorities

303. For programmes and statistical data, see paragraphs 869 to 877 of the Annex.

Promotion of access to and participation in the cultural expressions, institutions and activities of different groups of persons

304. For statistical data, see paragraph 878 of the Annex.

The teaching of art and culture

305. For statistical data, see paragraph 879 of the Annex.

The right to benefit from scientific progress

306. For amendments to legislation and programmes, see paragraphs 880 to 892 of the Annex.

International cooperation in the fields of culture and science

307. For programmes, see paragraphs 893 to 902 of the Annex.
