

CRPD	Ratification Date	Care-Related Concluding Observations
	<p>25 September 2012</p>	<p>CRPD/C/POL/CO/1 21 September 2018</p> <p>https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fPOL%2fCO%2f1&Lang=en</p> <p>III. Principal areas of concern and recommendations</p> <p>B. Specific rights (arts. 5-30)</p> <p>Children with disabilities (art. 7)</p> <p>11. The Committee is concerned about:</p> <ul style="list-style-type: none"> (a) The institutionalization of children with disabilities in social care homes, including together with adults; (b) Attitudes towards children with disabilities as being reliant on others and their lack of opportunities to express their opinion on matters pertaining to them directly; (c) Lack of disaggregated data on children with disabilities. <p>12. The Committee recommends the State Party to:</p> <ul style="list-style-type: none"> (a) Expedite the deinstitutionalization of children with disabilities by providing them with safe alternative care in family settings and inclusive services in the community; (b) Take effective measures to support the empowerment of children with disabilities and create platforms for them to express their own views on all matters that concern them;

		<p>(c) Collect disaggregated data and carry out participatory researches on the social condition of all children with disabilities.</p> <p>Liberty and security of the person (art. 14)</p> <p>23. The Committee is concerned about the:</p> <ul style="list-style-type: none">(a) Mental Health Protection Act allowing for involuntary treatment of persons with disabilities and involuntary deprivation of liberty on the grounds of their psychosocial disability, including placement in institutions by their guardians as being considered voluntary;(b) Limitations of personal liberty of persons with disabilities living in social care institutions;(c) Lack of independent monitoring of public and private care and mental health facilities;(d) Lack of reasonable accommodation and access to health care for persons with disabilities in penitentiary. <p>24. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Repeal all legal provisions allowing for involuntary treatment of persons with disabilities and their placement in institutions on the grounds of psychosocial disability;(b) Abolish limitation of personal liberty of persons living in social care institutions;(c) Develop recovery-oriented and community-based rehabilitation services for persons with psychosocial disabilities;(d) Develop monitoring mechanisms for public and private care and mental health facilities;(e) Ensure reasonable accommodation and access to quality health care for all persons with disabilities in penitentiary.
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		<p>Freedom from exploitation, violence and abuse (art. 16)</p> <p>28. The Committee is concerned about:</p> <ul style="list-style-type: none">(a) Accounts of violence against and abuse of persons with disabilities in care and psychiatric institutions, especially of women with intellectual disabilities;(b) Underreporting of violence against persons with disabilities in all settings, and the lack of disaggregated statistics on violence against them;(c) The lack of specific protection measures, including legal and psychosocial assistance for women with disabilities at risk of domestic, institutional violence and violence in public spaces and at work. <p>29. The Committee recommends to:</p> <ul style="list-style-type: none">(a) Implement legislative and practical measures, including independent human rights-based monitoring, to protect persons with disabilities who remain institutionalized and to eliminate any risk of violence or abuse;(b) Develop mechanisms for reporting violence against persons with disabilities in all settings, as well as to ensure disaggregated data collection on this issue;(c) Develop legal obligations and specific measures for protection of persons with disabilities victims of violence, including accessible communication hotlines as well as services for their psychological and physical recovery, especially for women with disabilities. <p>Living independently and being included in the community (art. 19)</p> <p>31. The Committee is concerned about:</p>
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		<p>(a) Critical stagnation and absence of determination in the process of deinstitutionalisation of persons with disabilities and their transition to independent living in community ensuring the right to choose where, with whom and how to live outside institutions and group homes , including the absence of a strategy and action plan and targeted funding for the deinstitutionalisation process after the termination of the European Union funds allocated for this purpose;</p> <p>(b) Lack of access to community-based services, especially in villages, and the continuation of sheltered housing programmes, including the establishment of group homes, that are inconsistent with article 19 of the Convention as elaborated in Committee’s General Comment No.5;</p> <p>(c) Personal assistance services that are project-based, non-systemic and limited in budget, duration and territorial availability;</p> <p>(d) Spending of the European Union funds allocated for deinstitutionalisation on measures that are not consistent with the Convention as elaborated in Committee’s General Comment no.5, and the lack of monitoring of how these funds were used;</p> <p>(e) Incorrect translation of the term “community” by “society” in the Polish version of the Convention.</p> <p>32. With reference to the Committee’s general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party:</p> <p>(a) Design and adopt concrete action plans for deinstitutionalisation and a time bounded transition to independent living schemes for persons with disabilities within the community, and ensure that adequate funding is allocated to this process after termination of European Union funds allocated specifically for this purpose;</p>
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		<p>(b) Adopt legal frameworks and allocate sustainable budget aimed at providing personal assistance within individualized and inclusive support arrangements to persons with disabilities;</p> <p>(c) Ensure spending of the European Union funds allocated for deinstitutionalisation on measures that is consistent with the Convention; as well as monitoring of spending of the European Union funds allocated for deinstitutionalisation, with the effective participation of persons with disabilities and/or their representative organisations, to ensure that spending is in line with requirements of persons with disabilities themselves.</p> <p>(d) Ensure the correct translation of the term “community” in the Polish version of the Convention</p> <p>Respect for home and the family (art. 23)</p> <p>38. The Committee is concerned about the reservation by the State Party to article 23(1)(a) of the Convention; it is further concerned by the:</p> <p>(a) Practice to take children away from their parents with disabilities arguing that the family is incapable of providing care for them;</p> <p>(b) Prohibition to marry for persons deprived of their legal capacity, as well as for persons with psychosocial and/or intellectual disabilities or with cerebral palsy, considering disability as an aggravating factor for a marriage and children; also the prohibition for deaf persons to obtain custody of children through adoption.</p> <p>39. The Committee recommends that the State party withdraw its reservation to Article 23(1)(a) and (b) of the Convention and abolish all legal provisions preventing persons with disabilities to marry and to found a family. The Committee also recommends to develop inclusive support systems to assist families with children with disabilities as well as parents with disabilities, in supporting their parenthood.</p>
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		Country Report
CRC	Ratification Date	Care-Related Concluding Observations
	7 June 1991	<p>CRC/C/POL/CO/3-4 29 October 2015</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPOL%2fCO%2f3-4&Lang=en</p> <p>III. Main areas of concern and recommendations</p> <p>B. General principles (arts. 2, 3, 6 and 12) Non-discrimination</p> <p>16. The Committee appreciates the State party's efforts to combat discrimination. However, it is concerned that:</p> <ul style="list-style-type: none"> (a) There is no comprehensive law on prohibition of discrimination on all grounds, in all aspects of life and in all forms, including multiple forms of discrimination; (b) Gender stereotypes concerning the roles and responsibilities of women and men in the family and in society persist; (c) Children belonging to ethnic, religious, linguistic and other minority groups, including Roma, Arab, Asian and African descendants, Muslims, Jews, non-citizens, including refugees, asylum seekers and

		<p>migrants, persons with disabilities, and lesbian, gay, bisexual and transgender children face discrimination and may become targets of hate crimes;</p> <p>(d) Incidents of racial violence and abuse, including hate speech, are increasing, as are acts of xenophobia and homophobia.</p> <p>17. The Committee recommends that the State party:</p> <p>(a) Amend the Law on equal treatment so that it covers the issue of discrimination based on all grounds in all areas, including gender, sexual orientation, disability, religion or age, in the fields of education, health care, social protection, housing, and private and family life, and provides for the definition of multiple forms of discrimination;</p> <p>(b) Amend the Penal Code to define hate speech and other hate crimes motivated by racism, xenophobia and homophobia as specific punishable offences and ensure that such incidents are thoroughly investigated and that perpetrators are brought to justice;</p> <p>(c) Review and strengthen its measures to prevent and eliminate stereotypes, intolerance and discrimination among the general public and national and local authorities.</p> <p>D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39) Freedom of the child from all forms of violence</p> <p>24. The Committee commends the State party for legislating a total ban on corporal punishment in all settings. However, it is concerned that:</p> <p>(a) While there have been no official complaints filed or convictions made in relation to inhuman or degrading treatment of children in police emergency youth centres, youth shelters or reform schools in recent years, some ill-treatment in such facilities have been identified, including extended periods of detention in a transitional facility, penalties not compliant with the regulations, constraints on correspondence, and complaints and restrictions on visits;</p>
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		<p>(b) Corporal punishment is still used in schools, youth centres and alternative- care facilities despite its legal prohibition.</p> <p>25. In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:</p> <p>(a) Fully investigate all allegations of ill-treatment of children and ensure that such acts are given an appropriate response through judicial processes, in order to avoid impunity for perpetrators;</p> <p>(b) Review existing complaints mechanisms and ensure that all children deprived of their liberty, including in the course of criminal or corrective procedures, have access to a safe and child-friendly mechanism to file complaints relating to their deprivation of liberty, conditions of detention or internment and treatment;</p> <p>(c) Ensure that child victims of ill-treatment are provided with care and rehabilitation programmes;</p> <p>(d) Ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings;</p> <p>(e) Strengthen capacity-building programmes for teachers and staff of child-care facilities in order to promote positive and alternative forms of discipline and respect for children’s rights and to raise awareness about the adverse consequences of corporal punishment on children;</p> <p>(f) Further strengthen collaboration with the Ombudsman for Children and the Human Rights Defender in this regard.</p> <p>E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))</p> <p>Family environment</p> <p>30. The Committee is concerned that children are left without parental care for long periods when parents</p>
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		<p>go abroad to find work.</p> <p>31. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Conduct nationwide research on children left behind in the State party when their parents migrate for work and use it to establish the demographic profile of that segment of the population in order to guide policies and programmes;(b) Adopt a comprehensive strategy to support parents to help them to find work in Poland so that they can stay with their children. <p>Children deprived of a family environment</p> <p>32. The Committee notes that the 2011 Family Support and Foster Care System Act facilitates deinstitutionalization of children deprived of a family environment. However, the Committee is concerned that:</p> <ul style="list-style-type: none">(a) In 2014, a large number of children under 10 years of age were placed in residential care, including 800 children under the age of 3 years;(b) Children with disabilities represent almost half of the children in residential care institutions;(c) The Family Support and Foster Care System Act still provides for the development of pre-adoptive centres for children under 1 year of age and regional care and treatment facilities may accommodate up to 45 children deprived of a family environment and with special health needs;(d) The progress made to develop family-based foster care is relatively slow, owing to, inter alia, the district level not being sufficiently dedicated to this task;(e) In practice, family court judges tend to choose placement of the child in institutional care, rather than prioritize support to the family of origin so that they can keep their children or choose
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		<p>placement in family-based care;</p> <p>(f) Restriction of contact with the family of origin is used as a form of punishment for children placed in foster care;</p> <p>(g) After a child has been taken into care, his or her parents are not provided with proper support in order to improve their caring capacities;</p> <p>(h) Support for social reintegration of children and young people leaving care, including those with disabilities, is insufficient and the lack of adequate housing results in homelessness or permanent placement in residential institutions.</p> <p>33. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:</p> <p>(a) Urgently reduce placement of children under the age of 3 years in residential-care institutions, including those with disabilities, and expedite placement in family-based care;</p> <p>(b) Seek to prevent the need for alternative care, including for children with disabilities, by further developing the system of support and assistance to families with children;</p> <p>(c) Review and consider amending the Family Support and Foster Care System Act and the Human Capital Development Strategy to abolish pre-adoption centres for children under 1 year of age and avoid large residential-care institutions;</p> <p>(d) Speed up the process of developing family-based care by involving the district level more effectively;</p> <p>(e) Ensure adequate legal safeguards and clear criteria for determining whether a child should be placed in alternative care, taking into consideration the views and best interests of the child, and enforce such criteria by raising awareness among family court judges;</p>
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		<p>(f) Support and monitor regular and appropriate contact between the child and his or her family, provided that it is consistent with the child’s best interests, and in particular, prohibit the restriction of such contact as a form of punishment;</p> <p>(g) Provide support and assistance to families whose children have been taken into care so that the children may return to their families if it is in his or her best interests;</p> <p>(h) Strengthen support to children and young people leaving care, including those with disabilities, so as to enable them to reintegrate into society, by providing access to adequate housing, legal, health and social services, as well as educational and vocational training opportunities.</p> <p>F. Disability, basic health and welfare (arts. 6, 18 (3), 23-24, 26, 27 (1)-(3) and 33)</p> <p>Children with disabilities</p> <p>34. The Committee is concerned that:</p> <p>(a) There is little data, research and analysis on the effectiveness of the implementation of laws and policies on the rights of children with disabilities;</p> <p>(b) Despite the progress made in deinstitutionalization, many children with disabilities still live in institutions, owing to, inter alia, a fragmented system of social assistance, which does not sufficiently encourage and support families to keep their children at home, nor is it comprehensive enough to support children’s autonomy and active participation in public life throughout the course of their life;</p> <p>(c) Parents may decide that a child with disabilities will not attend inclusive education, resulting in a large proportion of children with disabilities still attending to special schools;</p> <p>(d) In mainstream schools, funds designated for children with disabilities may be used for other purposes, which makes education less inclusive in those schools.</p>
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		<p>(c) There is no State-funded, free legal assistance for asylum seekers, including unaccompanied children;</p> <p>(d) The procedures for family reunification are not physically and economically accessible by many asylum seekers and refugees and are overly demanding in terms of requirements for documentation and physical verification of applicants;</p> <p>(e) The majority of the beneficiaries of international protection in the State party face long-term homelessness and housing insecurity, in particular single-mother families and families with many children.</p> <p>45. The Committee recommends that the State party:</p> <p>(a) Avoid all forms of detention of asylum seekers under 18 years of age and families with children and consider all possible alternatives, including unconditional release, prior to detention. Committee draws the State party's attention to the UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers (26 February 1999);</p> <p>(b) In the light of the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, ensure that all asylum-seeking children and their guardians are systematically provided with information on their rights and obligations, asylum procedures and available services. In this regard, consider amending relevant national legislation, including the Act on protection of aliens within the territory of Poland (2003);</p> <p>(c) Consider expanding the scope of free legal assistance to all asylum-seeking and refugee children at all stages of the application process for international protection, by amending relevant legislation and providing financial support to non-governmental organizations (NGOs) which provide legal assistance to asylum-seeking and refugee children;</p> <p>(d) Take all necessary measures to safeguard the principle of family unity for refugees and their children, including by making administrative requirements for family unification more flexible and</p>
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		<p>affordable;</p> <p>(e) Improve the housing situation of children under international protection by ensuring access to adequate housing for groups with specific needs, such as single- mothers and families with many children, as well as by taking proactive measures to prevent homelessness among refugees.</p> <p>Children belonging to minority groups</p> <p>46. The Committee is concerned that:</p> <p>(a) Stigma and discrimination against Roma, including children, are still widespread, resulting in violence and hate speech against them;</p> <p>(b) Roma families with children living in informal settlements face forced eviction;</p> <p>(c) Roma migrant children, in particular those from European Union member State such as Romania, face difficulties accessing social protection services and social integration programmes as most of those services and programmes are not sensitive to Roma culture or target Polish citizens or non-European Union citizens.</p> <p>47. The Committee urges the State party to:</p> <p>(a) Conduct campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards Roma in society at large and take effective measures to prevent violence and hate speech against Roma;</p> <p>(b) Strengthen measures to prevent forced evictions and if an eviction is unavoidable, conduct it in accordance with international standards, such as the Basic principles and guidelines on development-based evictions and displacement (see A/HRC/4/18);</p> <p>(c) Assess the particular situation of Roma migrant children, including those from European Union member States, and take measures to facilitate their access to social protection measures and</p>
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		<p>social integration programmes, including by improving the cultural sensitivity of the services provided and readjusting the scope of social programmes.</p> <p>Children in street situations</p> <p>48. The Committee is concerned that there is no systematic effort to protect and support children engaged in begging, including those trafficked from abroad, nor a consistent policy as to what kind of protection measures would safeguard the best interests of the child, including in decisions to place the child in alternative care.</p> <p>49. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Collect data on children engaged in begging and conduct a study to determine the root causes and assess the magnitude of the activity and provide effective responses; (b) Develop a comprehensive strategy to prevent and eliminate child begging and to provide protection and support for rehabilitation and social integration to the victims and their families, ensuring the free, active and meaningful participation of children concerned, their families and civil society organizations in developing such strategy; (c) Develop guidelines on how to provide adequate protection and support to child victims of begging, while safeguarding their best interests and their right to express their views and to a fostering family environment.
		Country Report
		<p>CRC/C/POL/3-4 14 December 2014</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPOL%2f3-4&Lang=en</p>

OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	4 February 2005	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	7 April 2005	
ICCPR	Ratification Date	Care-Related Concluding Observations
	18 March 1977	
ICESCR	Ratification Date	Care-Related Concluding Observations
	18 March 1977	
CEDAW	Ratification Date	Care-Related Concluding Observations
	30 July 1980	
UPR	Date of Consideration	Link to Page
	14 April 2008	http://www.ohchr.org/EN/HRBodies/UPR/PAGES/PLSession1.aspx
Hague Intercountry Adoption	Accession Date	Link to Country Profile
	29 May 1984	https://www.hcch.net/en/states/hcch-members/details1/?sid=61

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review