

# Mapping child protection systems in the EU (27)

Poland

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# 1. Legislative and regulatory framework and policies

## 1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

Poland does not have a single, centrally coordinated child protection system. Therefore the system of protection is created by several compatible field systems, such as the system of foster care, social assistance, health care, education, and the system of combating domestic violence, which is crucial for child protection. In other words, the "child protection system" in Poland will de facto be an amalgamation of elements of various subordinate or related systems. The system is not based on one dedicated piece of legislation, such as, for example, the Children Act in the UK or one type of child-centred service, but on various institutions, numerous international acts signed and ratified by Poland and various national legislation on foster care, social welfare, criminal law, education, health care, migration, combating domestic violence, etc. It is therefore difficult to describe a general child protection system.

Poland has ratified a number of international agreements on the protection of children's rights, such as the Convention on the Rights of the Child, the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption, the Hague Convention on the Civil Aspects of International Child Abduction and the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children or the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse drawn up in Lanzarote.

Poland has a constitutional office of the Ombudsman for Children<sup>1</sup> and, since 2020, there is also a State Commission for the Prevention of Sexual Exploitation of Minors under 15 years of age<sup>2</sup>.

Regulations concerning children are present in all branches of law, i.e. civil law (the position of the child in the family), labour law (special rules on employment of young workers 15-18 years old), criminal law (the child as a victim or witness of a crime and, in the field of juveniles, as a perpetrator of a crime) and administrative law (the child's right to education, access to health care, combating domestic violence). In addition, child protection provisions are contained in various legal acts at different levels (laws, regulations, orders, as well as internal guidelines and instructions). Poland also has various programmes and policies in place, which also cover children.

As far as the priorities in the areas of protection of children's rights are concerned, in Poland for years, despite appeals, there has been no unified strategy or action plan for children and there is still no institutionalised, cross-sectoral mechanism to coordinate and monitor activities related to the protection of children. Poland has a system of family support, foster care and adoption, a system of social assistance, a system of family benefits, a system of counteracting domestic violence, etc. based on laws. In each of

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<sup>1</sup> Poland, [Ombudsman for Children](#) (*Rzecznik Praw Dziecka*) (accessed 30.03.2023).

<sup>2</sup> Poland, [State Commission for the Prevention of Sexual Exploitation of Minors under 15 years of age](#) (*Państwowa Komisja do spraw przeciwdziałania wykorzystaniu seksualnemu małoletnich poniżej lat 15*) (accessed 30.03.2023).

these laws, the child is also a subject. However, there is no law that exclusively regulates the child as the subject of the interactions of the various systems.

Poland is struggling with many gaps that need to be strengthened in the area of child protection and, in addition to those mentioned above, there is a problem with violence against children and also with the mental health crisis of children. Equally important is the provision of support and care for children arriving from Ukraine due to Russian aggression.<sup>3</sup>

## 1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

| Question   | YES | NO | Comments  |
|--|-----|----|---|
| 1.2.1. Does the constitution contain any provisions on children's rights and child protection? | X   |    | <p>The Constitution states:</p> <ul style="list-style-type: none"> <li>• Article 72               <ol style="list-style-type: none"> <li>(1) The Republic of Poland shall ensure the protection of the rights of the child. Everyone has the right to demand from public authorities the protection of the child against violence, cruelty, exploitation and demoralisation.</li> <li>(2) A child deprived of parental care has the right to care and assistance from public authorities.</li> <li>(3) In the course of establishing the rights of the child, public authorities and persons responsible for the child are obliged to listen to and, as far as possible, take into account the views of the child.</li> <li>(4) The Act sets out the powers and method of appointment of the Children's Ombudsman.</li> </ol> </li> <li>• Article 65               <ol style="list-style-type: none"> <li>(3) Permanent employment of children under 16 is prohibited. The forms and nature of permissible employment are defined by law.</li> </ol> </li> <li>• Article 68               <ol style="list-style-type: none"> <li>(3) Public authorities are obliged to provide special health care to children, pregnant women, people with disabilities and the elderly.</li> </ol> </li> <li>• Article 70               <ol style="list-style-type: none"> <li>(1) Everyone has the right to education. Education up to the age of 18 is compulsory. The manner in which compulsory education is carried out shall be determined by law.</li> </ol> </li> <li>• Article 48               <ol style="list-style-type: none"> <li>(1) Parents have the right to bring up their children according to their own convictions. This upbringing should take into account the child's degree of</li> </ol> </li> </ul> |

<sup>3</sup> Poland, Law on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country ([Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa](#)), 12 March 2022.

|  |  |   |   |
|--|--|---|---|
|  |  |   | maturity, as well as the child's freedom of conscience and religion and his or her convictions.   |
| 1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act? |  | X | In Poland, there is no single piece of legislation dedicated to the protection of children and their rights. For example, there is no Child Protection Act in Poland. |

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

| Legislation  | Date passed   | Child protection areas covered  |
|--|---|---|
| Constitution of the Republic of Poland <sup>4</sup>  | 2 April 1997  | Ensuring and protection of children's rights  |
| Convention on the Rights of the Child  | Date of signature – 26 January 1990<br>Date of ratification – 7 June 1991 | The Convention covers a full range of children's political, economic, social and cultural rights.   |
| European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children | 13 November 1995  | Recognition and enforcement of decisions concerning custody of children   |
| European Convention on the Exercise of Children's Rights   | 28 November 1997  | The convention regulates the issue concerning execution of children's rights  |
| Act on the Ombudsman for Children <sup>5</sup>   | 31 December 2000  | The Act covers children's rights in the area of: right to life and health protection, right to be brought up in a family, right to dignity social conditions, right to education. |

<sup>4</sup> Poland, Constitution of the Republic of Poland ([Konstytucja Rzeczypospolitej Polskiej](#)), 2 April 1997.

<sup>5</sup> Poland, Act on the Ombudsman for Children ([Ustawa o Rzeczniku Praw Dziecka](#)), 6 January 2000.

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|---|------------------|--|
| Act on the Commissioner for Human Rights <sup>6</sup>   | 15 July 1987     | The Commissioner for Human Rights protects the rights included in the Polish constitution and other legal acts.  |
| Act on the State Commission for the Investigation of Cases of Acts against Sexual Freedom and Morality against a Minor under 15 Years of Age <sup>7</sup> | 30 August 2019   | The Commission investigates cases of acts against sexual freedom and morality against a minor under 15 years of age and carries out educational and preventive activities.     |
| Family and guardianship code <sup>8</sup>   | 25 February 1964 | The Code regulates, among others, the matters concerning parental authority, contacts between the child and parents, alternative care, adoption.                               |
| Code of civil procedure <sup>9</sup>  | 17 November 1964 | The Code regulates civil proceedings in, among others, family related cases.   |
| Labour code <sup>10</sup>   | 26 June 1974     | The Code contains special rules concerning the employment of young workers (15-18 years old)   |
| Act on court superintendents <sup>11</sup>  | 27 July 2001     | The Act describes the institution of court superintendents responsible for the execution of court judgements, including guardianship court's rulings, for example on contacts. |
| Act on family support and the system of alternative care <sup>12</sup>  | 9 June 2011      | The Act regulates the system of family support alternative care and adoptions.   |

<sup>6</sup> Poland, Act on the Human Rights Defender ([Ustawa o Rzeczniku Praw Obywatelskich](#)), 15 July 1987.

<sup>7</sup> Poland, Act on the State Commission for the Investigation of Cases of Acts against Sexual Freedom and Morality against a Minor under 15 Years of Age ([Ustawa o Państwowej Komisji do spraw przeciwdziałania wykorzystywaniu seksualnemu małoletnich poniżej lat 15](#)), 30 August 2019.

<sup>8</sup> Poland, Family and guardianship code ([Kodeks rodzinny i opiekuńczy](#)), 25 February 1964.

<sup>9</sup> Poland, Code of civil procedure ([Kodeks postępowania cywilnego](#)), 17 November 1964.

<sup>10</sup> Poland, Labour Code ([Kodeks pracy](#)), 26 June 1974.

<sup>11</sup> Poland, Act on court superintendents ([Ustawa o kuratorach sądowych](#)), 27 July 2001.

<sup>12</sup> Poland, Act on family support and the system of alternative care ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011.

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| Childcare Act up to the age of 3 <sup>13</sup>   | 4 February 2011  | Act regulates the care of children younger than 3.   |
| Act on Education Law <sup>14</sup>   | 14 December 2016 | The Act regulates key issues related to education law in Poland.   |
| Resolution of the Council of Ministers on the National Action Plan to implement Council Recommendation (EU) 2021/1004 of 14 June 2021 on establishing a European Children's Guarantee. <sup>15</sup> | 22 July 2022     | The aim is to prevent and combat social exclusion by guaranteeing effective access of children in need to a set of key services.                         |
| Minister of Labour and Social Policy Regulation on the institutional foster care <sup>16</sup>   | 22 December 2011 | The regulation contains detailed provisions on the organisation of the institutional foster care system  |
| Minister of Labour and Social Policy Regulation <sup>17</sup>  | 13 October 2015  | The regulation contains detailed provisions on the premises and sanitary requirements to be met by the premises in which a day-care centre is to be run. |
| Minister of Labour and Social Policy Regulation <sup>18</sup>  | 20 August 2015   | The regulation contains the template of the adoption interview questionnaire and the   |

<sup>13</sup> Poland, Childcare Act up to the age of 3 ([Ustawa o opiece nad dziećmi w wieku do lat 3](#)), 4 February 2011.

<sup>14</sup> Poland, Act on Education Law (*Ustawa – Prawo oświatowe*), 14 December 2016.

<sup>15</sup> Uchwała Rady Ministrów w sprawie Krajowego Planu Działania na rzecz realizacji zalecenia Rady (UE) 2021/1004 z dnia 14 czerwca 2021 r. w sprawie ustanowienia europejskiej gwarancji dla dzieci, <https://www.gov.pl/web/premier/projekt-uchwaly-rady-ministrow-w-sprawie-krajowego-planu-dzialania-na-rzecz-realizacji-zalecenia-rady-ue-20211004-z-dnia-14-czerwca-2021-r-w-sprawie-ustanowienia-europejskiej-gwarancji-dla-dzieci>

<sup>16</sup> Poland, Minister of Labour and Social Policy, Regulation on the institutional alternative care ([Rozporządzenie Ministra Pracy i Polityki Społecznej w sprawie instytucjonalnej pieczy zastępczej](#)), 22 December 2011.

<sup>17</sup> Poland, Minister of Labour and Social Policy, Regulation on the premises and sanitary requirements to be met by the premises in which a day support centre is to be run ([Rozporządzenie Ministra Pracy i Polityki Społecznej z dnia 13 października 2015 r. w sprawie wymagań lokalowych i sanitarnych, jakie musi spełniać lokal, w którym ma być prowadzona placówka wsparcia dziennego](#)), 13 October 2015.

<sup>18</sup> Poland, Minister of Labour and Social Policy, Regulation on the on the conduct of inspections by the provincial governor and the model of the card authorising the conduct of inspections ([Rozporządzenie](#)

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|--|-----------------|--|
|  |                 | template of the child's card, including the case management metric   |
| Minister of Labour and Social Policy Regulation on training as a family assistant <sup>19</sup>  | 9 December 2011 | The regulation contains all responsibilities, training, required experience and tests for the role a family assistant.       |
| Minister of Labour and Social Policy Regulation on training for candidates for child adoption <sup>20</sup>  | 9 December 2011 | The regulation contains all responsibilities, training, required experience and tests for the candidates for child adoption. |
| Minister of Labour and Social Policy Regulation on training for candidates for foster care <sup>21</sup>   | 9 December 2011 | The regulation contains all responsibilities, training, required experience and tests for the candidates for foster care.    |
| Act on social assistance <sup>22</sup>   | 12 March 2004   | The Act regulates the scope, tasks and activity of social assistance in Poland.  |
| Minister of Labour and Social Policy Regulation on studies conducted at universities preparing for the profession of a social worker <sup>23</sup> | 25 January 2008 | The regulation describes the academic background necessary for each social worker.   |
| Regulation of Minister of Labour and Social Policy on specialisation   | 17 April 2012   | The regulation describes the specialisation of social workers.   |

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[Ministra Pracy i Polityki Społecznej z dnia 21 sierpnia 2015 r. w sprawie przeprowadzania kontroli przez wojewodę oraz wzoru legitymacji uprawniającej do przeprowadzania kontroli](#)), 21 August 2015.

<sup>19</sup> Poland, Minister of Labour and Social Policy, Regulation on training as a family assistant ([Rozporządzenie Ministra Pracy i Polityki Społecznej w sprawie szkoleń na asystenta rodziny](#)), 9 December 2011.

<sup>20</sup> Poland, Minister of Labour and Social Policy, Regulation on training for candidates for child adoption ([Rozporządzenie Ministra Pracy i Polityki Społecznej w sprawie szkolenia dla kandydatów do przysposobienia dziecka](#)), 9 December 2011.

<sup>21</sup> Poland, Minister of Labour and Social Policy, Regulation on training for candidates for foster care ([Rozporządzenie Ministra Pracy i Polityki Społecznej w sprawie szkoleń dla kandydatów do sprawowania pieczy zastępczej](#)), 9 December 2011.

<sup>22</sup> Poland, Act on social assistance ([Ustawa o pomocy społecznej](#)), 12 March 2004.

<sup>23</sup> Poland, Minister of Labour and Social Policy, Regulation on studies conducted at universities preparing for the profession of a social worker ([Rozporządzenie w sprawie specjalności przygotowującej do zawodu pracownika socjalnego realizowanej w szkołach wyższych](#)), 25 January 2008.



|   |                  |  |
|---|------------------|--|
| in the profession of a social worker <sup>24</sup>  |                  |  |
| Minister of Labour and Social Policy Regulation on social care houses <sup>25</sup>   | 23 August 2012   | The Regulation concerns organisation of social care homes.   |
| Minister of Family and Social Policy Regulation on homes for mothers with minor children and pregnant women <sup>26</sup>   | 17 January 2022  | The regulation refers to the organisation of houses for mothers with children.   |
| Act on Domestic Violence Prevention <sup>27</sup>   | 29 July 2005     | The Act regulates the system of domestic violence prevention including the work of interdisciplinary teams and tasks of professionals included in the process. |
| Minster of Labour and Social Policy Regulation on the standards of basic services rendered by specialized support centres for victims of domestic violence, qualifications of persons employed in those centres, particular directions for correction and education actions towards perpetrator of domestic violence and qualifications of persons conducting correction and education activities <sup>28</sup> | 22 February 2011 | The Regulation concerns standards of basic services offered by the specialised support centres for victims of domestic violence including children.            |

<sup>24</sup> Poland, Minister of Labour and Social Policy, Regulation on specialisation in the profession of a social worker ([Rozporządzenie w sprawie specjalizacji w zawodzie pracownik socjalny](#)), 17 April 2012.

<sup>25</sup> Poland, Minister of Labour and Social Policy, Regulation on social care houses ([Rozporządzenie w sprawie domów pomocy społecznej](#)), 23 August 2012.

<sup>26</sup> Poland, Minister of Family and Social Policy, Regulation on homes for mothers with minor children and pregnant women ([Rozporządzenie w sprawie domów dla matek z małoletnimi dziećmi i kobiet w ciąży](#)), 17 January 2022.

<sup>27</sup> Poland, Act on Counteracting Domestic Violence ((Ustawa o przeciwdziałaniu przemocy domowej ), 29 July 2005.

<sup>28</sup> Poland, Minister of Labour and Social Policy, Regulation on the standards of basic services rendered by specialized support centres for victims of domestic violence, qualifications of persons employed in those centres, particular directions for correction and education actions towards perpetrator of domestic violence and qualifications of persons conducting correction and education activities ([Rozporządzenie w sprawie standardu podstawowych usług świadczonych przez specjalistyczne ośrodki](#))

|   |                   |   |
|---|-------------------|---|
| Ordinance of the Minister of Family and Social Policy on the Monitoring Team for Counteracting Domestic Violence <sup>29</sup>  | 20 June 2023      | The Regulation specifies the work of the monitoring team for domestic violence prevention.  |
| Council of Ministers Regulation on the procedure of "Blue Cards" and the templates of "Blue Card" forms <sup>30</sup>   | 13 September 2011 | The Regulation concerns the procedure of "Blue Cards," i.e. the manner of proceeding during and after the immediate intervention in cases of domestic violence. The so-called "Blue Cards" are forms used by the police and the interdisciplinary team in cases concerning domestic violence. [For more information on the procedure and the cards, see further parts of the report]. |
| Minister of the Interior and Administration Regulation on the procedure of child removal from the family when the child's life or health are at risk connected to domestic violence <sup>31</sup> | 31 March 2011     | The Regulation concerns the procedure of child removal from the family on the basis of Article 12a of the Act on domestic violence prevention.  |
| Act on Foreigners <sup>32</sup>   | 12 December 2013  | The Act regulates among others the issues related to the migrant children stay in Poland and provisions concerning placing children in detention.   |

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[wsparcia dla ofiar przemocy w rodzinie, kwalifikacji osób zatrudnionych w tych ośrodkach, szczegółowych kierunków prowadzenia oddziaływań korekcyjno-edukacyjnych wobec osób stosujących przemoc w rodzinie oraz kwalifikacji osób prowadzących oddziaływanie korekcyjno-edukacyjne](#)), 22 February 2011.

<sup>29</sup> Rozporządzenie Ministra Rodziny i Polityki Społecznej z dnia 20 czerwca 2023 r. w sprawie Zespołu Monitorującego do spraw Przeciwdziałania Przemocy Domowej;  
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230001161>

<sup>30</sup> Rozporządzenie Rady Ministrów z 13 września 2011 r. w sprawie procedury "Niebieskie Karty" oraz wzorów formularzy "Niebieska Karta";  
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20112091245>

<sup>31</sup> Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 31 marca 2011 r. w sprawie procedury postępowania przy wykonywaniu czynności odebrania dziecka z rodziny w razie bezpośredniego zagrożenia życia lub zdrowia dziecka w związku z przemocą w rodzinie;  
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20110810448>

<sup>32</sup> Ustawa o cudzoziemcach; <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230000519>

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|--|------------------|---|
| Ordinance of the Prime Minister on the detailed scope of activities of the Minister of Family and Social Policy <sup>33</sup>  | 6 October 2020   | The regulation defines the main tasks of the Minister of Family and Social Policy.  |
| Act on the system of education <sup>34</sup>   | 7 September 1991 | The Act regulates the system of education in Poland   |
| Act on Education Information System <sup>35</sup>  | 15 April 2011    | The Act regulates the basis, scope and rules of gathering information on pupils.  |
| Act on Teacher's Charter <sup>36</sup>   | 26 January 1982  | The Act regulates the rules of performing the profession of a teacher   |
| Minister of National Education Regulation on the conditions of organising education, upbringing and care for children and young people with disabilities, socially maladjusted and at risk of social maladjustment <sup>37</sup> | 24 July 2015     | The regulation concerns the organisation of education for among others children with disabilities in special educational facilities.  |
| Minister of National Education Regulation on decisions and opinions delivered by teams operating in public psychological and pedagogical counselling centres <sup>38</sup>   | 7 September 2017 | The regulation applies, among others, to pupils of national and ethnic minorities, including in particular the needs of Roma pupils:<br><br>§ 4. 4. At the request of the chairperson of the team and with the consent of the parent of the child or pupil or with the consent of the adult |

<sup>33</sup> Rozporządzenie Prezesa Rady Ministrów w sprawie szczegółowego zakresu działania Ministra Rodziny i Polityki Społecznej <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220000416>

<sup>34</sup> Poland, Act on the system of education (*Ustawa o systemie oświaty*), 7 September 1991.

<sup>35</sup> Poland, Act on Education Information System (*Ustawa o systemie informacji oświatowej*), 15 April 2011.

<sup>36</sup> Poland, Act on Teacher's Charter (*Karta Nauczyciela*), 26 January 1982.

<sup>37</sup> Poland, Minister of National Education, Regulation on the conditions of organising education, upbringing and care for children and young people with disabilities, socially maladjusted and at risk of social maladjustment (*Rozporządzenie w sprawie warunków organizowania kształcenia, wychowania i opieki dla dzieci i młodzieży niepełnosprawnych, niedostosowanych społecznie i zagrożonych niedostosowaniem społecznym*), 24 July 2015.

<sup>38</sup> Regulation of Minister of National Education on decisions and opinions delivered by teams operating in public psychological and pedagogical counselling centres (Rozporządzenie Ministra Edukacji Narodowej w sprawie orzeczeń i opinii wydawanych przez zespoły orzekające działające w publicznych poradniach psychologiczno-pedagogicznych [Rozporządzenie Ministra Edukacji Narodowej w sprawie orzeczeń i](#)

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|  |                 | <p>student, the following may participate in the meetings of the team: (. . . ) d) Roma education assistant.</p> <p>§ 8. 1. When issuing a judgment or opinion concerning children and pupils belonging to national and ethnic minorities and a regional language community and children and pupils who do not know Polish or do not know it to a sufficient level for the use of education, their linguistic and cultural diversity shall be taken into account. In the studies referred to in § 6 sec. In accordance with paragraphs 3 and 8, diagnostic tools adapted to the language capabilities of these children and pupils should be used, including non-verbal and non-cultural tests.</p> <p>2. In conducting surveys and interviews with:<br/>1) children and pupils of Roma origin, (. . . ) – it is advisable to use the assistance of a Roma education assistant as appropriate.</p> |
| Minister of National Education Regulation on the principles of organising and providing psychological and pedagogical assistance in public kindergartens, schools and institutions <sup>39</sup> | 9 August 2017   | The regulation concerns the rules of organising and providing psychological-pedagogical aid in public kindergartens, schools and education facilities.   |
| Minister of National Education Regulation on the details of the activity of public psychological-pedagogical clinics, including public specialised clinics <sup>40</sup>                         | 1 February 2013 | The regulation concerns details of the activity of public psychological-pedagogical clinics, including public specialised clinics  |

opinii wydawanych przez zespoły orzekające działające w publicznych poradniach psychologiczno-pedagogicznych ),

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001743/O/D20171743.pdf>

<sup>39</sup> Poland, Minister of National Education, Regulation on the principles of organising and providing psychological and pedagogical assistance in public kindergartens, schools and institutions (*Rozporządzenie Ministra Edukacji Narodowej w sprawie zasad organizacji i udzielania pomocy psychologiczno-pedagogicznej w publicznych przedszkolach, szkołach i placówkach*), 9 August 2017.

<sup>40</sup> Poland, Minister of National Education, Regulation on the details of the activity of public psychological-pedagogical clinics, including public specialised clinics (*Rozporządzenie w sprawie szczegółowych zasad działania publicznych poradni psychologiczno-pedagogicznych, w tym publicznych poradni specjalistycznych*), 1 February 2013.

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| Primary Health Care Act <sup>41</sup>  | 27 October 2017   | The Act concerns the details of the provision of guaranteed primary healthcare services.   |
| Mental Health Act <sup>42</sup>  | 19 August 1994    | The Act regulates the implementation of mental health tasks for citizens.  |
| Act on activity in public interest and volunteering <sup>43</sup>  | 24 April 2003     | The Act sets forth the basis for delegation of public tasks to organisations working in public interest.   |
| Code of criminal procedure <sup>44</sup>   | 6 June 1997       | The Code regulates criminal proceedings among others cases in which the minor is a victim. It also regulates the issue of child hearing during the trial.  |
| Penal Code <sup>45</sup>   | 6 June 1997       | The Code sets out the definition of a criminal offence, the principles of liability for a criminal offence, the principles of punishment, the principles of the statute of limitations for criminal liability. |
| Minister of Justice Regulation on a way of preparing a hearing conducted on the basis of Articles 185a-c of the Code of Criminal Procedure <sup>46</sup>   | 28 September 2020 | The Regulation describes the procedure of child-friendly hearings in criminal proceedings.   |
| Order No. 48 of the Police Chief Commandant on the conduct of the police search for a missing person and proceedings in the event of the discovery of a person of unknown identity or the discovery of | 28 June 2018      | The regulation concerns, among others, the matter of parental kidnapping.  |

<sup>41</sup> Poland, Primary Health Care Act ([Ustawa o podstawowej opiece zdrowotnej](#)), 27 October 2017.

<sup>42</sup> Poland, Mental Health Act ([Ustawa o ochronie zdrowia psychicznego](#)), 19 August 1994.

<sup>43</sup> Poland, Act on activity in public interest and volunteering ([Ustawa o działalności pożytku publicznego i o wolontariacie](#)), 24 April 2003.

<sup>44</sup> Poland, Code of criminal procedure ([Kodeks postępowania karnego](#)), 6 June 1997.

<sup>45</sup> Poland, Penal code ([Kodeks karny](#)), 6 June 1997.

<sup>46</sup> Poland, Minister of Justice, Regulation on a way of preparing a hearing conducted on the basis of Articles 185a-c of the Code of Criminal Procedure ([Rozporządzenie Ministra Sprawiedliwości z dnia 28 września 2020 r. w sprawie sposobu przygotowania przesłuchania przeprowadzanego w trybie określonym w art. 185a-185c Kodeksu postępowania karnego](#)), 28 September 2020.

|  |                 |   |
|--|-----------------|---|
| unknown bodies and human remains <sup>47</sup>   |                 |   |
| Minister of National Education Regulation on the types and detailed rules for the operation of public facilities, the conditions of stay of children and young people in these facilities and the amount and principles of payment by parents for the stay of their children in these facilities <sup>48</sup> | 2 November 2015 | The regulation contains provisions on the operation of youth education centres, youth social therapy centres, special education centres, rehabilitation education centres, etc.   |
| Law on Counteracting the Threat of Sexual Offences <sup>49</sup>   | 13 May 2016     | The Act sets out specific safeguards to counter the threat of sexual offences, including the operation of the Sex Offender Register.  |
| Act on the performance of certain activities of the central authority in family matters in the field of legal transactions on the basis of European Union law and international agreements <sup>50</sup>   | 26 January 2018 | <p>The Act lays down rules and procedures for the Polish central authority, Polish courts and other Polish authorities in family matters involving legal transactions under European Union law and international agreements.</p> <p>The purpose of the Act is to ensure that applications for international transfers of children under the Convention on the Civil Aspects of International Child Abduction, drawn up at The Hague on 25 October 1980,</p> |

<sup>47</sup> Poland, Police Chief Commandant, Order No. 48 on the conduct of the police search for a missing person and proceedings in the event of the discovery of a person of unknown identity or the discovery of unknown bodies and human remains ([Zarządzenie nr 48 w sprawie prowadzenia przez Policję poszukiwania osoby zaginionej oraz postępowania w przypadku ujawnienia osoby o nieustalonej tożsamości lub znalezienia nieznanymi zwłok oraz szczątków ludzkich](#)), 28 June 2018.

<sup>48</sup> Poland, Minister of National Education, Regulation on the types and detailed rules for the operation of public facilities, the conditions of stay of children and young people in these facilities and the amount and principles of payment by parents for the stay of their children in these facilities ([Rozporządzenie w sprawie rodzajów i szczegółowych zasad działania placówek publicznych, warunków pobytu dzieci i młodzieży w tych placówkach oraz wysokości i zasad odpłatności wnoszonej przez rodziców za pobyt ich dzieci w tych placówkach](#)), 2 November 2015.

<sup>49</sup> Poland, Law on Counteracting the Threat of Sexual Offences ([Ustawa o przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym](#)), 13 May 2016.

<sup>50</sup> Poland, Act on the performance of certain activities of the central authority in family matters in the field of legal transactions on the basis of European Union law and international agreements ([Ustawa o wykonywaniu niektórych czynności organu centralnego w sprawach rodzinnych z zakresu obrotu prawnego na podstawie prawa Unii Europejskiej i umów międzynarodowych](#)), 26 January 2018.

|  |                               |  |
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|  |                               | are correctly handled, protecting the rights of children.  |
| Juvenile Proceedings Act <sup>51</sup> / Act on the Support and Rehabilitation of Juveniles <sup>52</sup>  | 26 October 1982 / 9 June 2022 | The Act sets out measures to prevent and combat demoralisation and juvenile delinquency. Until 31 August 2022, the aforementioned scope was regulated in the Juvenile Proceedings Act and from 1 September in the Juvenile Support and Rehabilitation Act.     |
| Minister of Justice Regulation on the functioning of district educational centres, correctional institutions and shelters for minors <sup>53</sup> | 31 August 2022                | The regulation sets out the detailed functioning and organisation of district educational centres, correctional institutions and juvenile shelters   |
| Minister of Justice Regulation on the stay of minors in correctional institutions <sup>54</sup>  | 31 August 2022                | The regulation sets out detailed procedures for the referral, admission, transfer and release of juveniles from correctional institutions and detailed conditions for the stay of juveniles in correctional institutions.                                      |
| Law on pupil health care <sup>55</sup>   | 12 April 2019                 | The Act aims to ensure equal access to school health care, regardless of the student's place of residence and type of school, and to increase the efficiency of publicly funded health care services provided.   |
| Minister of National Education Regulation on the general objectives and tasks of sectoral vocational education and the                             | 15 February 2019              | The regulation concerns the general objectives and tasks of vocational education in the system of post-primary vocational schools, and defines a list of occupations assigned to respective sectors of industry, in which vocational education is carried out. |

<sup>51</sup> Poland, Juvenile Proceedings Act ([Ustawa o postępowaniu w sprawach nieletnich](#)), 26 October 1982.

<sup>52</sup> Poland, Act on the Support and Rehabilitation of Juveniles ([Ustawa o wspieraniu i resocjalizacji nieletnich](#)), 9 June 2022.

<sup>53</sup> Poland, Minister of Justice, Regulation on the functioning of district educational centres, correctional institutions and shelters for minors ([Rozporządzenie w sprawie funkcjonowania okręgowych ośrodków wychowawczych, zakładów poprawczych i schronisk dla nieletnich](#)), 31 August 2022.

<sup>54</sup> Poland, Minister of Justice, Regulation on the stay of minors in correctional institutions ([Rozporządzenie w sprawie pobytu nieletnich w zakładach poprawczych](#)), 31 August 2022.

<sup>55</sup> Poland, Law on pupil health care ([Ustawa o opiece zdrowotnej nad uczniami](#)), 12 April 2019.

|   |              |   |
|---|--------------|---|
| classification of sectoral vocational education occupations <sup>56</sup> |              |   |
| The Labour Code <sup>57</sup>   | 26 June 1974 | A normative act constituting a set of provisions regulating the rights and obligations covered by the employment relationship in relation to all employees, including juvenile workers. |

### 1.3. Policy framework

| Question  | YES | NO | Comments   |
|---|-----|----|--|
| <p>1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection?</p> <p><u>If yes,</u> does it require an integrated approach to child protection?</p> |     | X  | <p>Currently, one of the programmes is the National Programme for Combating Poverty and Social Exclusion and the National Strategy for the Development of Social Services, which contain regulations on children in crisis situations, including those requiring support in foster care.</p> <p>In the past, Poland implemented <a href="#">the National Plan of Actions for Children 2004-2012 “Poland for Children”</a>. Its preparation was a result of international developments, in particular the World Summit for Children in 2002. The Plan was adopted by the Council of Ministers on 27 July 2004. The coordination of the plan's implementation was vested in the Ministry of National Education and Sport (Ministry of National Education and Sport; currently – Ministry of Education and Science). In the effort to further implement the plan, on 23 December 2004 the Prime Minister set up the Interdepartmental Team for Matters Pertaining to Children. The 4 main areas of actions were set as follows: (1) the promotion of a healthy lifestyle; (2) provision of quality education; (3) help and support for families; and (4) protection from sexual abuse, exploitation and violence. (For more information see also point 1.1) The authors of the current report were not able to identify any evaluation documents, or the details of the programme's coordination, e.g. the members of the Interdepartmental Team.</p> |

<sup>56</sup> Poland, Minister of National Education Regulation on the general objectives and tasks of sectoral vocational education and the classification of sectoral vocational education occupations (*Rozporządzenie Ministra Edukacji Narodowej w sprawie ogólnych celów i zadań kształcenia w zawodach szkolnictwa branżowego oraz klasyfikacji zawodów szkolnictwa branżowego*), 15 February 2019.

<sup>57</sup> Poland, The Labour Code ([Kodeks pracy](#)), 26 June 1974.



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|  |   |  | <p>The Team for Counteracting Crimes against Sexual Liberty and Decency to the Detriment of Minors also includes a representative of the Ombudsman for Children, which in Poland is the main institution responsible for representing children, and representatives of other ministries (such as the Ministry of Sport and Tourism) or the National Public Prosecutor's Office. However, the Team itself does not strictly have a role of representing children but of ensuring their protection. The National Plan Against Sexual Offences for Children, which is being developed within the Team, envisages the participation of children through, among other things, consultation on public campaigns and proposals for legislation.</p> <p>However, it should be noted that the Minister of Justice in September 2021 established the Team for Counteracting Crime against Sexual Liberty and Morality to the Detriment of Minors.<sup>58</sup> The team is developing Poland's first national action plan for counteracting crime against sexual freedom and decency to the detriment of minors.</p> |
| 1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care? | X |  | National or regional action plans or policies are described in detail in section 1.4.  |
| 1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?   | X |  | <p>There are programmes in Poland that relate to increasing the protection of children in digital spaces and when using online media.</p> <p>Between 2015 and 2018, the <b>'Safe+' ('Bezpieczna+') programme</b> was implemented in Poland.<sup>59</sup> The programme is a complementary measure to the already implemented governmental programme</p>  |

<sup>58</sup> Poland, Minister of Justice, Order on the establishment of a Team for the prevention of crime against sexual freedom and morality to the detriment of minors ([Zarządzenie w sprawie powołania Zespołu do spraw przeciwdziałania przestępczości przeciwko wolności seksualnej i obyczajności na szkodę osób małoletnich](#)), 29 September 2021.

<sup>59</sup> Poland, Council of Ministers, Ordinance on the implementation of the Government programme to support in the years 2015-2018 the bodies leading schools in providing safe conditions for learning, upbringing and care in schools - "Safe+" ([Rozporządzenie w sprawie realizacji Rządowego programu wspomagania w latach 2015–2018 organów prowadzących szkoły w zapewnieniu bezpiecznych warunków nauki, wychowania i opieki w szkołach – „Bezpieczna+”](#)), 23 June 2015.

|  |  |  |
|--|--|--|
|  |  | <p>2014-2016 "Safe and Friendly School". The 'Safe+' programme envisaged, among other things, actions concerning: raising the level of competence of school staff, students and their parents in terms of safe use of cyberspace and responding to threats that occur in it. This includes, for example, the development and dissemination of recommendations on the security of school computer networks, information and teaching materials on safe functioning in cyberspace.</p> <p>In 2017, the '<b>Nationwide Educational Network (OSE)</b>' programme was launched.<sup>60</sup> OSE is a public telecommunications network programme giving schools access to fast, free and secure internet. The programme was designed by the Ministry of Digitalisation in cooperation with the Ministry of National Education under the Act on the Nationwide Educational Network. The OSE programme works to: enable school broadband access to safe Internet, increase the level of digital competences of students, enable the support of the educational process in schools through access to resources available on the Internet, equalise educational opportunities for all students in Poland, especially those living in less populated areas and studying in small schools.</p> <p>The Minister of Education established the '<b>Education Support Programme</b>' in 2022.<sup>61</sup> The programme operates under three modules and one of them, 'Innovative Education', is concerned with shaping students' ability to use information and communication technologies proficiently; triggering in pupils and teachers openness to new technologies and creativity through the use of educational materials innovative in form and interactive teaching aids, promoting knowledge of safety among children and young people and shaping appropriate attitudes towards threats, including those related to the use of information and communication technologies, creating conditions for the development of pupils' interests and talents, particularly in the area of new technologies.</p> |
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<sup>60</sup> Poland, Act on the National Education Network ([Ustawa o Ogólnopolskiej Sieci Edukacyjnej](#)), 27 October 2017.

<sup>61</sup> Poland, Minister of Education and Science, Communication on the establishment of the Education Support Programme ([Komunikat o ustanowieniu Programu Wsparcia Edukacji](#)), 11 July 2022.

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|  |  | <p>It is also worth mentioning two 2021 initiatives that aim to raise the standard of child protection in this area. The first is the establishment by the Minister of Justice of the aforementioned <b>Team for the prevention of crimes against sexual freedom and decency against minors</b>.<sup>62</sup> By 2026, the Team is to carry out tasks that include the development of a national action plan for the prevention of crime against sexual freedom and decency to the detriment of minors, including in the digital space. The second measure is the creation of a new organisational unit within the structures of the Police, i.e. <b>the Central Office for Combating Cybercrime</b>.<sup>63</sup> This unit, as of 12 January 2022, is responsible for carrying out nationwide tasks in the area of identifying and combating crimes committed with the use of an IT system, an ICT system or an ICT network, as well as preventing these crimes, as well as detecting and prosecuting the perpetrators of these crimes and supporting, to the necessary extent, the organisational units of the Police in identifying, preventing and combating these crimes. Poland also has a governmental entity, the Scientific and Academic Computer Network - National Research Institute (NASK-PIB), whose mission is to search for and implement solutions to develop ICT networks in Poland and to improve their effectiveness and security, including the protection of children in the online world.</p> <p>In addition, in 2022, the Ministry of Digitalisation began legislative work on a new piece of legislation - <b>the Protection of Minors from Inappropriate Content on the Internet Act</b><sup>64</sup> - which aims to increase parental control of minors' access to pornographic content.</p> |
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<sup>62</sup> Poland, Minister of Justice, Order of the Minister of Justice of 29 September 2021 on the establishment of a Team for the prevention of crime against sexual freedom and morality to the detriment of minors ([Zarządzenie w sprawie powołania Zespołu do spraw przeciwdziałania przestępczości przeciwko wolności seksualnej i obyczajności na szkodę osób małoletnich](#)), 29 September 2021.

<sup>63</sup> Poland, Act amending certain laws in connection with the establishment of the Central Office for Combating Cybercrime ([Ustawa o zmianie niektórych ustaw w związku z powołaniem Centralnego Biura Zwalczania Cyberprzestępczości](#)), 17 December 2021.

<sup>64</sup> Poland, Minister of Digitalisation, [Draft law on the protection of minors from access to inappropriate content on the Internet](#), 10 October 2022;  
<https://www.sejm.gov.pl/sejm9.nsf/agent.xsp?symbol=RPL&Id=RM-0610-40-23>

|   |   |  |
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| <p>1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform?</p> <p>If <u>yes</u>, are appropriate child protection and safety measures in place?</p> | X | <p>The child participation policy has been developed over the last years in Poland and it is gaining more and more importance. All institutions enabling children's participation are described in point 7. It should be pointed out that the "Strategy for Responsible Development until 2020 (with an outlook until 2030)"<sup>65</sup> indicates the development of social capital and the "Youth Solidarity in Action Programme" - a package of measures aimed at creating and shaping social activity of young people, through the organisation of volunteering, participation in public life, education of competences and social values and skills - is listed as one of the strategic projects in this area.</p> <p>Child participation activities are also included in other strategic documents, i.e.</p> <ul style="list-style-type: none"> <li>- Human Capital Development Strategy 2030 in terms of supporting the activities of young people in entities representing them,</li> <li>- Social Capital Development Strategy (interaction, culture, creativity) 2030.</li> </ul> <p>In addition, the "Government Programme Youth Fund 2022-2033", which aims to provide financial support for social activation measures for young people and is intended to support initiatives undertaken by young people.</p> |
|---|---|--|

#### 1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children's participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children's right to be heard).

##### 1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

<sup>65</sup> Poland, Strategy for Responsible Development until 2020 (with an outlook until 2030) (*Strategia na rzecz Odpowiedzialnego Rozwoju do roku 2020 z perspektywą do 2030 r.*), 14 February 2017.

| Policy developments   | Legislative developments  |
|---|---|
| <p>1) The Minister of Justice, in September 2021, established the Team for Counteracting Crimes against Sexual Liberty and Morality to the Detriment of Minors.<sup>66</sup> The Team is developing the first national action plan for counteracting crime against sexual freedom and decency to the detriment of minors. The plan has not yet been published.</p> <p>2) On 9 September 2022, the Ministry of Justice signed a memorandum of understanding with UNICEF to strengthen the legal protection of children from abuse.<sup>67</sup></p> <p>3) In February 2016, the Attorney General issued the Guidelines on the Principles of Conduct of Common Law Enforcement Units in Domestic Violence Cases.<sup>68</sup> The Guidelines were aimed at prosecutors and each prosecutor should apply them in the performance of their duties. According to the Guidelines, prosecutors had to inform the victim of domestic violence of all possible support measures (including information on the nearest shelter for victims of domestic violence) and make decisions to refer domestic violence cases to mediation proceedings with the utmost scrutiny. In addition, the guidelines suggested that, where possible, a victim of domestic violence should be interviewed only once and that the presence of a psychologist during the interview should be taken into account in each case. From December 2022, the Guidelines 1/2022 adopted by the Prosecutor</p> | <p>1) By the Act of 30 August 2019,<sup>71</sup> the State Commission for the clarification of cases of acts against sexual freedom and morality against a minor under 15 years of age was established. The Commission is a state office that clarifies cases of acts against sexual freedom and morality against a minor under 15 years of age and conducts educational and preventive activities.</p> <p>2) By the Act of 30 April 2020 amending the Code of Civil Procedure and certain other acts (the so-called Anti-Violence Act 1.0),<sup>72</sup> an immediate order for the perpetrator of violence to leave the home and a restraining order for the perpetrator of violence to stay away were introduced into the Polish legal order. The abovementioned orders and prohibitions are issued administratively (and not judicially) by the Police or the Military Police for 14 days. Extension of the orders and prohibitions may only be imposed by the court.</p> <p>3) With regard to children who have been harmed by a crime by one or both parents, a very important change was the improvement of the institution of a representative guardian. The change consisted in amending the content of Article 99 of the Family and Guardianship Code and adding subsequent Articles 99<sup>1</sup> - 99<sup>3</sup> to it. The amendment provides for an increase in the competence of the guardian in criminal cases, as the guardian may become an advocate or solicitor who demonstrates special knowledge of matters concerning the child or has completed special training on the principles of child representation, the rights or needs of the child. A number of obligations are also imposed on the</p> |

<sup>66</sup> Poland, Minister of Justice, [Order on the establishment of a Team for the prevention of crime against sexual freedom and morality to the detriment of minors](#), 29 September 2021.

<sup>67</sup> Poland, Minister of Justice, [Agreement between the Ministry of Justice and UNICEF](#), 9 September 2022.

<sup>68</sup> Poland, Prosecutor General, Guidelines on the prevention of domestic violence ([Wytyczne Prokuratora Generalnego w zakresie przeciwdziałania przemocy w rodzinie](#)), 22 February 2016.

<sup>71</sup> Poland, [Act on the State Commission for the Prevention of Sexual Exploitation of Minors under 15 years of age](#), 30 August 2019.

<sup>72</sup> Poland, Act amending the Code of Civil Procedure and certain other acts ([Ustawa o zmianie ustawy Kodeks postępowania cywilnego oraz niektórych innych ustaw](#)), 30 April 2020.

General on 6 December 2022 are in use (reference number: 1001-1.024.13.2022)<sup>69</sup>.

4) Since 2006 the Minister of Labour and Social Policy has been obliged to prepare an annual National Programme on Counteracting Family Violence. The main objective of the Programme is to increase the effectiveness of counteracting family violence and to reduce this phenomenon. Among the specific objectives of the Programme there is increasing the effectiveness of assistance provided to victims of family violence. The draft Programme also contains a detailed description of the planned actions, such as, among others, campaigns promoting non-violent upbringing of children and informing about the binding ban on corporal punishment, creating protection measures and actions aimed at children taken away from their families on the basis of Article 12a of the Family Violence Prevention Act. From 2021 onwards, the Programme is enacted annually and not, as before, for longer periods of time, e.g. 2014-2020.

5) In 2016 and 2017 and for 2018-2020 and the programme entitled 'Władysław Stasiak Government Programme for Reducing Crime and Antisocial Behaviour – Together Safer' was in operation. In 2018-2020, the Programme was implemented through four specific objectives:

- Safety in public places with a focus on creating local safety systems;
- Safe pedestrian crossings;
- Counteracting pathological phenomena and protecting children and young people
- Education for safety

Under the 2022-2024 Programme, local government units and NGOs can apply for funding for safety initiatives under:

guardian such as, among others, the duty to contact the represented child.

4) By the Act of 23 March 2017 amending the Penal Code, the Juvenile Proceedings Act and the Criminal Procedure Code,<sup>73</sup> it was introduced:

- amendment to the general directives for the assessment of punishment, by supplementing the catalogue of circumstances contained in Article 53(2) of the Penal Code, which the court takes into account when assessing punishment. The introduction of an additional circumstance to the sentencing directives will result in the courts – when imposing a sentence in all criminal cases – being obliged to check whether the offence was not committed to the detriment of a minor. If it is established that this was the case, the court should impose a higher penalty than in the case of an analogous offence but committed without harm to a minor;
- tightening responsibility for offenders who allow mutilation, abduction, child abandonment or child trafficking;
- the legal obligation to notify the law enforcement authority of the criminal preparation or attempted or committed offences against life and health, freedom and against sexual freedom and morals against the welfare of a child. A person who has knowledge of child abuse has not only a moral but also a legal duty to report it to law enforcement authorities. If he or she fails to do so, he or she faces a sentence of three years' imprisonment.

5) The Act of 13 January 2023 amending the Code of Civil Procedure and certain other acts<sup>74</sup> (the so-

<sup>69</sup> <https://www.gov.pl/web/sprawiedliwosc/zalecenia-prokuratora-generalnego-pomoga-skuteczniej-chronic-ofiary-przemocy-domowej>

<sup>73</sup> Poland, Act amending the Penal Code and certain other acts ([Ustawa o zmianie ustawy - Kodeks karny oraz niektórych innych ustaw](#)), 23 March 2017.

<sup>74</sup> Poland, Governmental draft act amending the Code of Civil Procedure and certain other acts ([Rządowy projekt ustawy o zmianie ustawy - Kodeks postępowania cywilnego oraz niektórych innych ustaw](#)), parliamentary print no. 2615, 19 September 2022.

- Strengthening security in public places, with a particular focus on creating local security systems;
- Raising awareness of social safety risks locally and effective methods of prevention.

6) On 10 April 2020, the Council of Ministers of the Republic of Poland adopted the National Action Plan Against Trafficking in Human Beings for 2020-2021.<sup>70</sup> The National Action Plan for 2020-2021 (NAP) aims to intensify prevention activities, strengthen the role of Voivodship Anti-Trafficking Teams and introduce corrective measures so that all parts of the anti-trafficking system are complementary. The main objective of the Plan is to ensure the conditions necessary to effectively counteract human trafficking in Poland and to support victims of this crime. In this context, the specific objectives of the Plan are as follows: - raising public awareness of the phenomenon of trafficking in human beings; - raising the standard of support provided to victims of trafficking in human beings (including underage victims of trafficking in human beings); - improving the effectiveness of activities of institutions responsible for prosecuting the crime of trafficking in human beings by improving legal tools, structures and implementation of best practices; - raising the qualifications of representatives of institutions and organisations involved in counteracting trafficking in human beings and supporting victims of this crime; - improving knowledge of the phenomenon of trafficking in human beings and the effectiveness of actions taken, especially in the context of forced labour; - strengthening international cooperation.

called Anti-Violence Act 2.0, work on the Act already started in 2021, the Act will enter into force in August 2023) provides the possibility for the Police or Military Police to issue an administrative order for a period of 14 days against the perpetrator of violence:

- a prohibition on approaching the person affected by the violence at a distance set in metres;
- a prohibition on contacting the person affected by domestic violence to prevent him/her from being harassed also by means of remote communication;
- a ban on entering and staying in certain places, such as a workplace, school or educational, care and artistic institutions and a sports facility attended by the person affected by domestic violence or their children;

6) The Act of 9 March 2023 amending the Code of Criminal Procedure and certain other acts (work on the Act already started in 2021) provides for the introduction in the Criminal Code:

- an increase in the maximum penalty for promoting or endorsing paedophilic behaviour from two to three years in prison. The same increase - from two to three years' imprisonment - has also been made to the maximum penalty for publicly displaying pornographic content to a person who does not wish it
- the upper limit of the penalty imposed for the production of pornographic content which contains a manufactured or processed image of a minor (so-called phantoms) has been raised. This penalty will be increased from 2 to 3 years of imprisonment.

#### 1.4.2. Children with disabilities

Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities

Policy developments

Legislative developments

<sup>70</sup> Poland, Council of Ministers, [National Action Plan against Trafficking in Human Beings 2022-2024](#) (*Krajowy Plan Działań przeciwko Handlowi Ludźmi na lata 2022-2024*), 17 November 2021.

Over the past five years, one of the most significant policy developments concerning the situation of children with disabilities is the project set up in 2021 by the Ministry of Family and Social Policy, **'Development of a draft law implementing the Convention on the Rights of Persons with Disabilities with the proposed name: Act on the Equalisation of Opportunities for Persons with Disabilities, together with a Regulatory Impact Assessment and justification, as well as proposals for legislative changes following the new law'**, whose implementation was planned for the period 01.07.2021 - 31.12.2023.<sup>75</sup> The project is implemented by the Ministry of Family and Social Policy in partnership with the Polish Forum of People with Disabilities, the Foundation Institute for Regional Development, the University of Warsaw, the Warsaw School of Economics and the Scientific Foundation Institute for Structural Research. The project consists in the preparation of a draft law implementing the UN Convention on the Rights of Persons with Disabilities, drawn up in New York on 13 December 2006, with the proposed name: Act on Equalisation of Opportunities for Persons with Disabilities, together with an impact assessment and an explanatory memorandum, as well as a proposal for legislative amendments following the new law.

The UN Convention on the Rights of Persons with Disabilities (CRPD) obliges State Parties to this document to take all measures to make its provisions a reality and to monitor their implementation, as well as to disseminate its provisions in the awareness of citizens, including citizens with disabilities. Ratification of the UN Convention, therefore, imposed on Poland a permanent obligation to remove the barriers faced by persons with disabilities in realising their rights.

1. With regard to legal procedures, in the last five years, an amendment has been made **to the Code of Criminal Procedure**, in relation to persons with mental disorders, developmental disorders, disruptions of the ability to perceive or reproduce his/her perceptions, including children. The Act of 13 January 2023 amending the Code of Civil Procedure and certain other Acts<sup>76</sup> was passed, which also provides for amendments to the provisions of the Code of Criminal Procedure. The change with regard to children with disabilities would consist of the introduction of Articles 185e and 185f to the Code of Criminal Procedure, which provide for a special protective mode of questioning, including of children as witnesses, who have mental, developmental disorders, disturbances in their ability to perceive or reproduce their perceptions. This amendment is expected to come into force in January 2024.
2. In 2017, the **'For Life' ("Za życiem")** Programme was launched.<sup>77</sup> The Programme introduced additional early life support instruments for children with and at risk of disability. The inclusion of children at risk of disability in the support system leads to shorter waiting times for specialised assistance and, in some cases, gives the child the only opportunity to benefit from such support. The basis for a child's admission is a medical certificate. A team of specialists determines the type and nature of support activities. The programme is also open to children who are undergoing early development support on the basis of an opinion stating such a need. For these children, the programme provides the opportunity to extend the range of specialist classes and to benefit

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<sup>75</sup> Poland, Office of the Government Plenipotentiary for Disabled Persons, [Development of a draft law implementing the Convention on the Rights of Persons with Disabilities with the proposed name: Law on Equalization of Opportunities for Persons with Disabilities](#), 26 November 2021.

<sup>76</sup> Poland, Act of 13 January 2023 amending the Act - Code of Civil Procedure and certain other acts ([Ustawa o zmianie ustawy - Kodeks postępowania cywilnego oraz niektórych innych ustaw](#)), 13 January 2023.

<sup>77</sup> Poland, Minister of National Education, ["For Life" Programme](#) (accessed 30.03.2023).



The realisation of some of them requires legislative or educational measures. The development and subsequent adoption of the Equalisation of Opportunities for Persons with Disabilities Act will serve to ensure a fuller opportunity for every person with disabilities to realise their right to a dignified and independent life by supporting the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities and strengthening the existing mechanisms for implementing the Convention. The implementation of activities in the field of social communication is in line with the project documents and is an implementation of the provisions of the CRPD raising public awareness and developing sensitivity to the rights of persons with disabilities, supporting positive perceptions and encouraging all mass media to present the image of persons with disabilities, will ensure wide access to information about the solutions developed under the project and the accessibility of the presented materials, taking into account different forms of disabilities and related difficulties in accessing information. The importance of the processes affecting communication and information accessibility is also expressed in the Strategy for Persons with Disabilities 2021-2030 and the Accessibility+ programme.

In recent years, the number of children and adolescents receiving specialised help due to mental disorders has been increasing in Poland. Reforms have been undertaken to improve the standard of medical and therapeutic care for children and adolescents:

- The reform started with the establishment of the Child and Adolescent Mental Health Team in February 2018. The Team includes representatives from various health care groups - including prominent experts in psychiatry, psychology and psychotherapy. Currently, the Team continues its activities by monitoring the changes that are being implemented and preparing recommendations for improving the care of children and adolescents in psychiatric treatment.

from consultations with specialists. County councils identify the public school or institution which in the given county performs the function of the leading coordination and rehabilitation centre (OKRO). This function is carried out by schools and institutions prepared to fulfil this task. These are often special education care centres, which are very well equipped with modern facilities, including: sensory integration rooms, rooms for learning about the world, specialised pedagogical, psychological or speech therapy rooms.

3. As part of the 'Za życiem' programme, early development support was introduced through the **Regulation of the Minister of National Education on the organisation of early development support for children**.<sup>78</sup> Early development support is extended to children with disabilities and their families from the moment the child is diagnosed with a disability until the start of schooling. The basis for including a child is an opinion on the need for early development support issued by a team of adjudicators operating in a public psychological-educational counselling centre. Early development support classes can be organised in public and non-public: kindergartens and primary schools, including special schools, other forms of pre-school education, special education care centres, special educational care centres, remedial care centres and psychological-educational counselling centres, including specialist counselling centres in which an early development support team has been established. The early development support team comprises: an educator, psychologist, speech therapist and, depending on needs, other specialists. Classes within the framework of early development support are organised for 4 to 8 hours per month. In cases justified by the needs of the child and its family, the monthly number of hours of early development support classes may be

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<sup>78</sup> Poland, Minister of National Education, Regulation of the Minister of National Education of 24 August 2017 on the organisation of early childhood development support ([Rozporządzenie w sprawie organizowania wczesnego wspomagania rozwoju dzieci](#)), 24 August 2017.

- By order of 28 October 2019., The Minister of Health established the position of Plenipotentiary for Reform in Child and Adolescent Psychiatry. The main task of the Plenipotentiary is to initiate and coordinate activities aimed at reforming and developing child and adolescent psychiatric care.

- Relevant provisions have been included in the National Health Programmes (NHPs) 2016-2020 and now 2021-2025. In the current programme, mental health is addressed in Operational Objective 3. It provides for tasks related to mental health promotion and suicidal behaviour prevention.

- Another important document is the National Programme for the Protection of Mental Health introduced by the Ordinance of the Council of Ministers of 8 February 2017 on the National Programme for the Protection of Mental Health for 2017-2022. It contains, among other things, a strategy of action to provide citizens with comprehensive, multifaceted and universally accessible health care and other forms of care and assistance necessary for living in a family and social environment. The programme also addresses issues concerning the formation of appropriate social attitudes towards people with mental disorders, in particular understanding, tolerance, kindness and counteracting their discrimination.

- In addition, the Ministry of Health has prepared and launched the project Supporting the implementation of the reform introducing a new model of mental health care system for children and adolescents. The project is funded under the Operational Programme Knowledge Education Development 2014-2020, co-financed by the European Social Fund.

- In addition, a programme to support child and adolescent psychiatry has been prepared to

higher than 8 hours. An increase in the number of hours requires the consent of the authority in charge of the educational system unit where the child attends early development support classes.

4. **The amount of the attendance allowance was increased** – in 2015, it was PLN 153, while in 2022 it was increased to PLN 215, 84 per month.<sup>79</sup>
5. **The amount of the carer's allowance was increased** – in 2015, it was PLN 520 per month, while in 2020 it was increased to PLN 620 per month.<sup>80</sup>
6. **the Regulation of the Minister of National Education of 9 August 2017 on the conditions of organising education, upbringing and care for children and young people with disabilities, socially maladjusted and at risk of social maladjustment that** entered into force on 1 September 2017, provides for a number of solutions to ensure appropriate conditions for the education of children with disabilities, including, for example, the creation of the institution of a support teacher (para 1 of the Regulation). A support teacher is a person who helps to care for children with disabilities (physical as well as mental) or socially maladjusted. E.g. children who do not speak, with symptoms of autism, genetic diseases and other disorders. A suitably trained educator focuses on the special needs of a particular child. He or she is a kind of promoter and promoter of inclusive education, as well as a guardian of students with disabilities.<sup>81</sup>
7. **the Regulation of the Minister of Health of 14 August 2019 amending the Regulation on guaranteed services in the field of psychiatric care and addiction treatment,**<sup>82</sup>

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<sup>79</sup> Poland, Minister of Family and Social Policy, [Attendance allowance](#) (accessed 30.03.2023).

<sup>80</sup> Poland, Minister of Family and Social Policy, [Care allowance](#) (accessed 30.03.2023).

<sup>81</sup> Soszyńska K., (2021), *The role and importance of the support teacher in the therapy process of students with special educational needs*, Disabled Student, Sketches and Dissertations, No. 21, pp. 39-65.

<sup>82</sup> Poland, Minister of Health, Regulation amending the Regulation on guaranteed services in the field of psychiatric care and addiction treatment ([Rozporządzenie Ministra Zdrowia z dnia 14 sierpnia 2019 r.](#)

improve the situation in the child and adolescent mental health care system, especially in the context of the challenges of counteracting the negative effects of the SARS-CoV-2 epidemic. The programme provides additional funds for the purposes of child and adolescent mental health care. A total of PLN 220 million will be earmarked for, among other things, the improvement of infrastructure and modernisation of facilities, conducting a pilot programme of therapeutic interventions aimed at children and adolescents with problems using new digital technologies and their families, and increasing the valuation of guaranteed services in the field of psychiatric care and addiction treatment.

- Within the framework of the Operational Programme Knowledge Education Development on 4 December 2019, a call for proposal was launched (POWER 5.4), under which the training of personnel of the health care, education and social assistance system to obtain qualifications in, among others, new professions providing assistance to children and adolescents, i.e. child and adolescent psychotherapy specialist, clinical psychologist in the field of clinical psychology of children and adolescents, community therapist for children and adolescents

**introduced** new model of psychiatric care for children and adolescents. The new model of the child and adolescent mental health care system consists of three reference levels:

- 1 reference level:

One of the basic premises of the reform is the construction of a network of centres where psychologists, psychotherapists and community therapists would work. These are Community Psychological and Psychotherapeutic Care Centres for children and adolescents, referred to as Level I. Very importantly, patients can take advantage of these centres without a medical referral. Such centres will provide assistance to those children who do not need a psychiatric diagnosis or pharmacotherapy and will therefore not be staffed by a psychiatrist. In fact, for many mental disorders occurring in childhood, effective help can be provided through interventions such as individual and group psychotherapy, family therapy or work with a peer group. A prerequisite for this is an early response to emerging problems. This prevents the patient's mental health from deteriorating and avoids hospitalisation in a psychiatric ward, which is often a difficult experience for a young person. This is a direction of change in line with current trends in the design of mental health systems in other European countries and in line with international recommendations.

- 2 reference level:

In addition to Level I centres, there will also be Level II centres (Child and Adolescent Mental Health Centre), where a psychiatrist will work and patients requiring more intensive care will be able to receive services in a day unit (in selected Child and Adolescent CZPs). One such centre would cover several neighbouring counties with support.

- 3 reference level:

Centres for highly specialised round-the-clock psychiatric care will operate at the highest level of reference. In such centres,

patients requiring the most specialised assistance, including in particular those in life and health-threatening emergencies, will find help. For reasons of patient safety, it is essential that there is at least one such centre in each province.

The centres will also train future psychiatric doctors and other specialists in the system.

8. Child and adolescent psychiatry is included in the list of priority areas and so undertaking training in this field is financially rewarded and additional residency places are provided. An essential element in the functioning of the new model is the development of the remaining cadres of professionals involved in the mental health care of the youngest. Therefore, it was decided to introduce regulations for new professions:
  - The specialisation of child and adolescent psychotherapy was introduced by a regulation of the Minister of Health of 31 January 2019 amending the regulation on specialisations in fields applicable to health care;<sup>83</sup>
  - The market qualification 'Providing community-based therapy for children and young people' was included in the Integrated Qualifications System by the announcement of the Minister of Health on 19 December 2018;<sup>84</sup>
  - A new clinical psychology specialisation programme in clinical child and adolescent psychology has been developed (April 2018).
9. **The amendment of 16 May 2019 to the Act of 6 November 2008 on Patients' Rights and Patients' Ombudsman**<sup>85</sup> allowed parents to stay free of charge in health care facilities with their sick children.

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<sup>83</sup> Poland, Minister of Health, Regulation of the Minister of Health amending the Regulation on specialisations in fields applicable to health care ([Rozporządzenie zmieniające rozporządzenie w sprawie specjalizacji w dziedzinach mających zastosowanie w ochronie zdrowia](#)), 31 January 2019.

<sup>84</sup> Poland, Minister of Health, Announcement on the inclusion of the market qualification 'Providing community therapy for children and young people' in the Integrated Qualifications System ([Obwieszczenie w sprawie włączenia kwalifikacji rynkowej "Prowadzenie terapii środowiskowej dzieci i młodzieży" do Zintegrowanego Systemu Kwalifikacji](#)), 19 December 2018.

<sup>85</sup> Poland, Act amending the Act on Patients' Rights and Patients' Ombudsman ([Ustawa o zmianie ustawy o prawach pacjenta i Rzeczniku Praw Pacjenta](#)), 16 May 2019.

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|  | <p>10. <b>The Law of 12 April 2019 on pupil health care</b> has been adopted.<sup>86</sup> The Act aims to ensure equal access to health care at school, regardless of the student's place of residence and type of school, and to increase the efficiency of publicly funded health services provided as part of this care. The Act aims to integrate the activities of those who provide health care for pupils and to enable real cooperation with parents and adult pupils. Pupil health care provided at school will include preventive health care and dental care in terms of general dental services and preventive dental services.</p>  |
| <p>1.4.3. Children in the context of migration</p> <p>Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented - irregular migrant families; asylum seeking children; refugee children</p>   |   |
| <p>Policy developments</p>   | <p>Legislative developments</p>   |
| <p><b>1) Children from Ukrainian foster care institutions</b></p> <p>On 30 June 2022, the Polish Ministry of Family and Social Policy signed a Political Declaration (also referred to as a 'memorandum') on cooperation with the Ukrainian authorities regarding children evacuated from Ukrainian foster care institutions.<sup>87</sup> The Declaration states, inter alia, that:</p> <ul style="list-style-type: none"> <li>-Polish and Ukrainian authorities will cooperate for the voluntary return of these children to their homeland after the end of the war;</li> <li>-the Polish authorities will register in a special register (see legislative developments) all</li> </ul> | <p><b>1) Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of the country<sup>90</sup></b></p> <p><u>Refugee children who are Ukrainian citizens in general</u></p> <p>Introducing a special form of temporary protection on the territory of Poland for Ukrainian citizens who left their country after 24 February 2022 due to the war - also covering persons under 18 years of age. It provides for them to be covered by, inter alia, the right to education, as well as for their parents and legal guardians to have access to a large part of the social support benefits available to Polish citizens.</p> <p>Significantly, the right to temporary protection under the Polish special law covers - in the case of</p> |

<sup>86</sup> Poland, Law on pupil health care (*Ustawa o opiece zdrowotnej nad uczniami*), 12 April 2019.

<sup>87</sup> Poland, Minister of Family and Social Policy, [Polish and Ukrainian ministries sign declaration on child protection](#), 30 June 2022.

<sup>90</sup> Poland, Law on assistance to citizens of Ukraine in connection with the armed conflict on the territory of the country (*Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa*), 12 March 2022.

unaccompanied Ukrainian children and children in group care;

In addition, there is a commitment on the Polish side to ensure that children from one institution can be in close contact with each other if the group has been split into smaller ones - while striving not to separate these groups.

In practice, this means the non-inclusion of children evacuated from Ukrainian care centres into the Polish foster care system, whose standards they often do not meet, especially in terms of group size. The Polish authorities confirmed this interpretation in the justification of one of the amendments to the special law. As a result, legal care for this group of children in Poland is provided in the form of temporary care and children are often placed in large ad hoc centres (e.g. several hundred children in the Ossa centre near Łódź) organised by the local government or private sponsors.

## **2) Access to education in Poland for refugee children from Ukraine**

### Continuing distance learning in the Ukrainian education system

The Regulation of the Minister of Education and Science of 21 March 2022<sup>88</sup> introduces the possibility for minor Ukrainian citizens enjoying temporary protection in Poland to continue their education remotely in the Ukrainian education system. Children continuing their education in a Ukrainian school are exempt from compulsory education in Poland on the basis of a statement that the child or pupil is continuing education in the Ukrainian education system. Neither the Ordinance nor other legal acts provide for the possibility of verification of these declarations by Polish institutions.

### Memorandum from the Ministry of Education and Science and UNICEF

On 8 June 2022, the Ministry of Education and Science signed a memorandum of understanding with UNICEF on countering the educational

minors - persons of Ukrainian nationality. The Implementing Decision of the Council of the European Union establishing an EU Temporary Protection Mechanism, which is also in force in Poland, defines its subjective scope somewhat more broadly, also including 'family members of Ukrainian citizens'.

Article 27 - extending most family and parental benefits to Ukrainian nationals.

Article 53 et seq. - Introducing additional solutions to facilitate the education of Ukrainian children in the Polish education system:

- the provision of material assistance in the form of school aid;
- The right to special education for children with disabilities;
- introducing the possibility of organising preparatory classes and additional Polish language classes in inter-school cooperation.

In addition, additional funding is provided for schools receiving pupil-citizens of Ukraine (Article 50 et seq.).

### Unaccompanied Ukrainian minors

Article 25 - introduction of the institution of a temporary guardian for minor Ukrainian citizens residing in Poland without legal guardians. The rights and obligations of temporary guardians include both legal guardianship (taking decisions that are important for the child's life - also in relation to Polish institutions and health care facilities) and providing daily care, place of residence, appropriate conditions for growth, etc. Thus, it is a far more comprehensive institution than the previously existing (and still valid for unaccompanied minors who are not Ukrainian citizens) institution of a guardian for the proceedings for granting international protection in Poland and for other proceedings.

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<sup>88</sup> Poland, Minister of National Education, Regulation on the organisation of education, upbringing and care for children and youth who are citizens of Ukraine ([Rozporządzenie w sprawie organizacji kształcenia, wychowania i opieki dzieci i młodzieży będących obywatelami Ukrainy](#)), 21 March 2022.

exclusion of children and young people from Ukraine.<sup>89</sup> Among other things, the agreement provided for support for teacher training methods in relation to the refugee crisis, including the organisation of teacher training on mental health, learning Polish as a foreign language, inclusive education and additional supplementary classes.

Temporary guardians are appointed by the family court in a simplified 3-day procedure. The court is obliged to hear both parties before making a final decision - but may limit the evidence procedure to documentary evidence if the candidate for temporary guardian has actual custody of the minor and the circumstances of the case do not raise doubts about the proper exercise of that custody.

Article 25a - creation of a 'register of minors', i.e. a register of unaccompanied minors of Ukrainian citizens who have arrived in Poland. The register is run jointly by the Ministry of Family and Social Policy and district family assistance centres. The data from the register are intended to be made available to Polish state institutions and Ukrainian consuls in Poland (Article 25b).

Article 27 - creation of a special, simplified, path for the establishment of a foster family for Ukrainian nationals enjoying temporary protection for underage Ukrainian citizens who have arrived in Poland without legal guardians. The Act waives in their case, inter alia, the obligation to undergo preparatory courses.

This article also provides for other ways of integrating unaccompanied Ukrainian minors into the Polish foster care system. However, this solution is not applied to children and adolescents evacuated from Ukrainian foster care institutions, for whom temporary guardians are rather appointed in Poland, and accommodation and living conditions are provided in informal centres created by the local government or private sponsors.

#### 1.4.4.Children in alternative care

| Policy developments  | Legislative developments  |
|--|---|
| <p><b>Resolution of the Council of Ministers No. 105 of 17 August 2021 (National Programme for Counteracting Poverty and Social Exclusion. Update 2021-2027, public policy with an</b></p> | <p>On 7 October 2022, <b>the Act amending the Act on family support and the foster care system and some other acts</b> was passed. <b>The Act entered into force on 1 February 2023.</b> This Act provides for changes concerning both family foster care, institutional care and adoption.</p> |

<sup>89</sup> Poland, Minister of National Education, [Minister Przemysław Czarnek and UNICEF sign Memorandum of Understanding on countering educational exclusion of children and young people from Ukraine](#), 8 June 2022.

**outlook to 2030).**<sup>91</sup> This project, in Chapter III 'Priorities of the National Programme for Counteracting Poverty and Social Exclusion', envisages, among others, actions aimed at deinstitutionalisation of foster care consisting in the development of prevention and community services; the introduction of a comprehensive system of support for foster parents was announced, covering employment stabilisation, a system of professional development, including the adjustment of salaries to the local labour market, therapeutic support for children in their care, the organisation of care for children during holidays, training and the lending of buildings by local governments for the purposes of professional family foster care. Their aim will be to raise awareness of family forms of foster care, the realities of their operation, the challenges they face, the benefits for children in them, the problems foster families face on a daily basis, and above all to appoint new foster families and encourage local authorities to transform the structure of foster care. In addition, an indirect goal will be to show the benefits of the deinstitutionalisation of this system for foster carers and ultimately for the local community.

These changes include<sup>92</sup>:

1. **a ban on the creation of new care and educational institutions of the socialisation, intervention and specialist-therapeutic types, regional care and therapeutic centres and intervention pre-adoption centres.**- Such institutions may be created only in special cases, e.g. if it results from special local needs or if the number of places in the institutions within a given poviát or voivodeship does not increase. In addition in first case the Ombudsman for Children must give an appropriate opinion;
2. **derecognition of foster care** - foster families will no longer be strongly obliged to cooperate exclusively with the poviát in which they live, but will be able in some cases- to choose which poviát they want to cooperate with, and this from the initial qualification and training stage;
3. **training for foster family candidates** - before the amendment, counties only organised training for foster family candidates once a sufficient number of people had gathered - now they will be obliged to organise training within 3 months of the candidates' application;
4. **introduction of the so-called ban on blocking places for children in foster families** – poviát's governors (*starostowie powiatów*, in short: starosts) will no longer be able to refuse to accept children from outside their poviát in foster families in their area. Such a possibility of refusal existed and this resulted in many poviáts having places in family forms of care, while in neighbouring poviáts' children were placed in institutional foster care.
5. **A poviát in which foster families or family-type children's homes operate may refuse to place a child in a given foster family or family-type children's home** only if the number of children placed in family foster care from outside the poviát exceeds 25 per cent;
6. **the introduction of a Central Register of Foster Care**, which will bring together in one place a set

<sup>91</sup> Poland, Council of Ministers, Resolution No. 105 on the adoption of a public policy entitled "National Programme for Combating Poverty and Social Exclusion. Update 2021-2027, public policy with an outlook to 2030" ([Uchwała nr 105 w sprawie przyjęcia polityki publicznej pod nazwą "Krajowy Program Przeciwdziałania Ubóstwu i Wykluczeniu Społecznemu. Aktualizacja 2021-2027, polityka publiczna z perspektywą do roku 2030"](#)), 17 August 2021.

<sup>92</sup> Poland, Minister of Family and Social Policy, [Amendment of the Act on family support and foster care system. Questions and answers](#), 16 February 2023.



of data allowing, among other things, a quicker and easier search for a vacant place for a child throughout the poviast;

7. **higher remuneration for foster families** - the remuneration for a professional foster family and a person running a family foster home has increased from no less than PLN 2168.76 to no less than PLN 4100 per month, while in the case of families performing the function of a emergency family shelter from no less than PLN 2819.39 to no less than PLN 5084. The salaries will be indexed according to the inflation index;

8. **Introducing the possibility of a one-off return to the current form of foster care for adults who have already left these forms of care and started the process of becoming independent.**

It happens that young people make a premature decision on trying to live independently, and then they want to return to the existing form of foster care, but, unfortunately, they didn't have such a possibility in the previous legal status. The new law assumes that in special life situations, an adult foster child have an opportunity to return to the existing form of foster care on a one-off basis, with the consent of the starost or marshal and a person managing a given form of care, respectively.

9. **Extending the catalogue of persons which are allowed to remain in the existing form of foster care after reaching the age of majority.** In fact, in the case of persons holding a severe or moderate disability certificate, the obligation to learn, which has been applicable so far, was abolished.

10. **Abandoning the income criterion applicable to granting aid for becoming independent and aid for settlement to persons becoming independent (i.e. persons leaving foster care after reaching the age of majority).**

The above-mentioned forms of aid were granted, as a rule, to persons becoming independent whose monthly income does not exceed PLN 1,200. In practice, this meant that they often weren't used by young people who were becoming adults and have already been working. Therefore, the abandonment of the above-mentioned income criterion has made it possible for a wider group of persons becoming independent to obtain aid.

11. (leave on the terms of maternity leave) **Significant amendments to the right to paternity leave, leave on the conditions of**

**maternity leave and parental leave granted to an employee who has taken a child into custody and applied to the guardianship court with a request to initiate proceedings on the adoption of a child.** These rights, as a rule, have been extended until a child turns 14 years old (in the previous legal status, they were generally granted until a child turns 7 years old or, in exceptional cases, 10 years old). This should make it easier for candidates to make a decision to adopt older children waiting for their parents.

**By the Act of 16 October 2019 amending the Penal Code and the Code of Civil Procedure,<sup>93</sup> it was indicated that illegal or irregular adoptions of children are criminalised.** The Act criminalises illegal or conducted by circumvention of the law adoptions of children. It is punishable both to place a child for adoption by a person who has parental authority over the child (Article 211a § 2 of the Penal Code) and to receive a child for adoption by a person from whom the child does not originate, who is not the child's biological parent (Article 211a § 3 of the Penal Code), if this person does so in order to achieve a pecuniary or personal benefit while concealing this fact from the court ruling in the adoption proceedings, or does so with the omission of the adoption proceedings. It is also punishable to conceal this fact (acting for pecuniary or personal gain) from the court accepting the declaration of consent to the future adoption of the child without naming the adopter. The sanction provided for the commission of the criminal offences set out in Article 211a § 2 and 3 of the Penal Code is imprisonment from 3 months to 5 years. The Act introduces for the purposes of criminal law, in Article 115 of the Penal Code, a legal definition of the term "adoption". The amendments to the Code of Civil Procedure are complementary to the solutions provided for in the Penal Code and impose an obligation on the court to instruct the participants in adoption proceedings about the content of the penal norms contained in Article 211a § 2 item 1 and § 3 of the Penal Code and, if the participant acted with the aim of gaining a material or personal benefit, about the obligation to make a statement that he or she acted with such a purpose. The obligation to instruct also applies to matters related to consenting to the adoption of a child in the future without indicating the adopter.

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<sup>93</sup> Poland, Act amending the Penal Code and the Code of Civil Procedure ([Ustawa o zmianie ustawy - Kodeks karny oraz ustawy - Kodeks postępowania cywilnego](#)), 16 October 2019.

#### 1.4.5. Children affected by custody disputes, including parental abduction

| Policy developments  | Legislative developments  |
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| <p>On 27 June 2016, <b>the Ombudsman for Children and the Ombudsman jointly sent a letter to the Minister of Justice-Prosecutor General.</b><sup>94</sup> In the letter, they drew attention to the problem that in court cases in which family issues, such as the way of exercising parental authority, the child's place of residence or, for example, the child's contact with the parent, are decided, there is often a fundamental and deep conflict between the parents. They take extreme procedural positions and present mutually exclusive concepts on the child's educational situation. This means that the interests of the child are not adequately represented in these proceedings. Admittedly, in cases where the child is a participant in the proceedings and the other parent or the parent's spouse is the opposing party, pursuant to Article 98(2) of the Family and Guardianship Code, the child's other parent is excluded from representation. Then, pursuant to Article 99 of the Code, the guardianship court appoints a so-called conflict guardian for the child. However, in cases for the termination of parental authority and in cases for the removal of the child, the child is not a participant in such proceedings and is therefore deprived of procedural representation despite the fact that these are cases of great importance for the shaping of the child's life situation. The Ombudsman and the Children's Ombudsman therefore pointed out in their submission that the proper exercise of the child's procedural rights would be to grant or status as a participant in these proceedings. And they further called for: extending the catalogue of cases in which the so-called conflict superintendent acts to cases concerning deprivation of liberty, limitation or suspension of parental authority, as well as contact cases (at least to cases in which, in the opinion of the court, there was a real threat to the child's welfare by the actions of the parent,</p> | <p>With regard to children affected by custody disputes over the past few years, a very important change was the improvement of the institution of a guardian representing the child, as called for by the Ombudsman for Children and the Ombudsman in their joint letter of 27 June 2016. The change consisted in <b>amending the content of Article 99 of the Family and Guardianship Code, and adding Articles 99<sup>1</sup> - 99<sup>3</sup> to the Code.</b> The amendment provides for an increase in the powers of the guardian, as the guardian may be a lawyer or solicitor who demonstrates special knowledge of the child's cases or has completed special training on the principles of child representation, the rights or needs of the child. In other, less complex cases (with the exception of criminal cases), a person with legal training and who demonstrates knowledge of the child's needs (e.g. a trainee advocate or solicitor) may be appointed guardian.</p> <p><b><u>The problem of parental abductions</u></b></p> <p>On 27 August 2018, <b>the Act of 26 January 2018 on the performance of certain activities of the central authority in family matters of the scope of legal transactions on the basis of European Union law and international agreements</b> entered into force.</p> <p><b>The purpose of the Act is to ensure that applications for international transfers of children under the Convention on the Civil Aspects of International Child Abduction, drawn up at The Hague on 25 October 1980, are correctly handled, protecting the rights of children.</b></p> <p><b>The law provides, among other things:</b></p> <ol style="list-style-type: none"><li>1. that the courts of first instance competent to examine an application for the surrender of a child from Poland are the district courts;</li><li>2. that the time limit for the district court to hear the case is 6 weeks;</li></ol> |

<sup>94</sup> Poland, Ombudsman for Children and Ombudsman, [Joint letter to the Minister of Justice-Prosecutor General](#), 27 June 2016.

in particular procedural actions; ensuring the proper level of qualifications of the conflict superintendent; ensuring that the child in custody proceedings can be assisted by a professional attorney who would act in accordance with the indications and wishes of the child.

3. the appellate court is the Court of Appeal in Warsaw;
4. Introduction of a cassation appeal against decisions in cases of removal of a person subject to parental authority or guardianship conducted under the 1980 Hague Convention - a cassation appeal to the Supreme Court may be brought by: Prosecutor General, Ombudsman or Ombudsman for Children;
5. introduction of compulsory advocacy in cases of surrender of a child abroad;
6. courts are obliged to state in writing the reasons for their decisions;
7. that applications addressed to the Minister of Justice for the surrender of a Polish child abroad, if they do not meet formal requirements, are, after not being supplemented within a reasonable period of time, returned to the applicants;
8. that the Minister of Justice may take all possible measures to facilitate agreement between persons who are in dispute over the return of a child;
9. that the Minister of Justice acting as the Central Authority may act *ex officio* whenever he perceives a threat to the welfare of a child.

In January 2023, a law was enacted providing for amendments to the Code of Civil Procedure (**Act of 26 January 2023 amending the Act - Code of Civil Procedure and certain other acts**), concerning the issue of international child abduction. The Act entered into force on 1 March 2023 and provides, *inter alia*, for the following changes:

1. **introduction of the institution of mandatory *ex officio* suspension of the enforcement of a final court decision which orders the return of a child to the country of habitual residence within a specified period of time**, in the event of an appeal in cassation by the competent authority.
2. **mandatory suspension of the execution of an order of surrender of a child under the Hague Convention** at the request of the Prosecutor General, the Children's Ombudsman or the Ombudsman submitted to the court of second instance,
3. the **Prosecutor General, the Children's Ombudsman or the Ombudsman shall have 2 months from the date**

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|   | <p><b>the order becomes final</b> to lodge an appeal in cassation resulting in the suspension of the execution of the order. The lodging of a cassation complaint within this period extends by law the suspension of the execution of the order until the cassation proceedings are completed. Failure to lodge a complaint will cause the suspension to cease.</p> <p>4. the <b>lodging of an extraordinary appeal in a case of deprivation of a child on the basis of the Hague Convention suspends the enforcement of the order by operation of law until the conclusion of the appeal proceedings.</b></p> <p>In addition, in 2018, <b>Ordinance No. 48 of the Police Chief Commandant of 28 June 2018 on the conduct of the police search for a missing person and proceedings in the event of the discovery of a person of undetermined identity or the discovery of unknown remains and human remains</b> came into force. The Ordinance provides for special solutions in the case of missing children, including those concerning parental abduction, i.e. an event whereby one parent or legal guardian with parental authority, without the will and knowledge of the other parent or legal guardian under the pretext of a short-term stay, removes or detains a minor permanently, thereby depriving the other parent or legal guardian with parental authority of the possibility to maintain contact with the minor to the extent to which he or she is legally entitled (§2 of the Ordinance).</p> |
| 1.4.6. Missing children   |   |
| Policy developments   | Legislative developments  |
| <p>On 18 February 2021, the Ministry of the Interior and Administration announced a competition to run a hotline for missing children.<sup>95</sup> The winner of the competition was <b>Itaka Foundation</b>, whose task as the winner was to run a nationwide toll-free hotline for missing children and the elderly available 7 days a week. The winner was obliged to develop cooperation with institutions professionally involved in the search for children. This primarily involves cooperation with the police and the media. In addition, the Itaka Foundation has also been obliged to</p> | <p>In 2018, <b>Ordinance No. 48 of the Police Chief Commandant of 28 June 2018 on the conduct by the Police of a search for a missing person and proceedings in the event of the discovery of a person of undetermined identity or the discovery of unknown remains and human remains</b> came into force. The Ordinance provides for special arrangements for missing children, as well as templates for: (1) consent to the dissemination of a communication about a missing minor through interactive media and mass media; (2) model notification of the arbitrary departure of a minor or a minor.</p>   |

<sup>95</sup> Poland, Minister of Interior and Administration, [Competition to run hotline for missing children settled](#), 10 May 2021.

undertake projects consisting of conducting and developing international cooperation and providing assistance to the families of missing persons (e.g. psychological and legal support).

**§ 2 of the Order provides for certain rules concerning search for missing minors:**

- 1) minors whose disappearance is associated with a real, imminent threat to their life, health or freedom, the rescue of which requires direct and immediate search operations involving significant police forces and resources;
- 2) minors whose disappearance is associated with a reasonable suspicion of risk to their life, health or freedom;
- 3) the so-called guardianship search – a search for a minor in connection with their arbitrary departure from a shelter for minors or a reformatory or other institution where the minor has been placed pursuant to a decision of the family court, or with the failure to return of a minor staying on a pass or leave within the prescribed time limit, or with the arbitrary departure of a minor aged 14 or over from the family home, care and educational centre, youth sociotherapy centre or other similar institution providing foster care or not returning from a pass to such centres and institutions;
- 4) the so-called parental kidnapping – an event where one parent or legal guardian with parental responsibility removes or permanently detains a minor without the will and knowledge of the other parent or legal guardian under the pretext of short-term residence, thereby depriving the other parent or legal guardian with parental responsibility of the possibility to maintain contact with the minor to the extent permitted by law.

**1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE)**

| Policy developments   | Legislative developments  |
|---|---|
| <p>1. Between 2014 and 2020, the <b>“National Programme for Combating Poverty and Social Exclusion 2020. A new dimension of active integration”</b> adopted by Resolution of the Council of Ministers No. 165 of 12 August 2014</p> | <p>Over the past few years, a significant change in legislation to help the child and the family was the entry into force on 1 April 2016 of the <b>Act of 11 February 2016 on State Aid for Raising Children</b> .</p> |

was implemented,<sup>96</sup> which, with regard to children, envisaged providing such assistance to the family that, as a result, the risk of the child being taken away from the family was eliminated or a quick return to the family was ensured for a child who, due to his or her welfare, had to be temporarily placed outside the family. The programme indicated that it was important to create and provide a comprehensive package of services, including early and comprehensive rehabilitation services for families in which children with disabilities are born and raised.

2. **Resolution of the Council of Ministers No. 105 of 17 August 2021, the "National Programme for Counteracting Poverty and Social Exclusion. Update 2021-2027, public policy with an outlook until 2030".<sup>97</sup>**

In Chapter III "Priorities of the National Programme for Counteracting Poverty and Social Exclusion", the resolution indicates that assistance to children affected by poverty should primarily focus on reducing parental poverty by increasing employment in families and preventive and compensatory measures consisting of financial support and development of social services for families with children and it is also important, that children from poorer families benefit from care and education (crèches, kindergartens)

The law introduced the **"Family 500+"** programme.<sup>99</sup> Under this programme, families with dependent children are entitled to a child-rearing benefit of PLN 500 per child up to the age of 18, regardless of the income earned by the family. **It is the financial foundation of family support. The programme came into force on 1 April 2016 and has significantly improved the material situation of families, strengthened them and gave them due priority.**

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<sup>96</sup> Poland, Council of Ministers, Resolution No. 165 on the adoption of the programme entitled "National Programme for Combating Poverty New Dimension of Active Inclusion" ([Uchwała Nr 165 w sprawie przyjęcia programu pod nazwą „Krajowy Program Przeciwdziałania Ubóstwu i Wykluczeniu Społecznemu 2020. Nowy wymiar aktywnej integracji”](#)), 12 August 2014.

<sup>97</sup> Poland, Council of Minister, Resolution No. 105 on the adoption of a public policy entitled "National Programme for Combating Poverty and Social Exclusion. Update 2021-2027, public policy with an outlook to 2030" ([Uchwała nr 105 w sprawie przyjęcia polityki publicznej pod nazwą "Krajowy Program Przeciwdziałania Ubóstwu i Wykluczeniu Społecznemu. Aktualizacja 2021-2027, polityka publiczna z perspektywą do roku 2030"](#)), 17 August 2021.

<sup>99</sup> Poland, Minister of Family and Social Policy, [Highlights of the government programme "Family 500+"](#) (accessed 30.03.2023).

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| <p>from an early age, services to support the child-rearing process (family assistant, day-care centres, support families) and health services.</p> <p>3. Adoption of the <b>Resolution of the Council of Ministers of 15 October 2018, which established the government programme "A meal at school and at home" for the period 2019-2023<sup>98</sup></b> – this is a long-term government programme implemented throughout the calendar year. It aims to provide assistance both to children who grow up in disadvantaged families and to elderly and disabled people with low incomes. The programme provides school-age children with a hot meal prepared in the school canteen. The programme is funded from the state budget and the local government's own funds.</p> |  |
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1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.

| Policy developments   | Legislative developments  |
|---|---|
| <p>In Poland, activities concerning improvement of socio-economic situation of children belonging to national or ethnic minorities mainly refer to the Roma.</p> <p>In terms of policy measures for ethnic minority children between 2015 and 2021, the following should be highlighted:</p> <ol style="list-style-type: none"> <li>1. The adoption in 2014 by the Council of Ministers of the <b>'Programme for the integration of the Roma community in Poland for 2014-2020'</b>, which included the following measures for children: funding was provided to enable systematic attendance of Roma children in kindergartens and zero grades, as well as the provision of school supplies, teaching aids, gym clothes and cleaning products to pupils</li> </ol> | <ol style="list-style-type: none"> <li>1. <b>Adoption by the Council of Ministers of the Resolution No. 2020/2014 of 7 October on the adoption of the "Programme for the integration of the Roma community in Poland for 2014-2020"</b></li> <li>2 <b>Adoption by the Council of Ministers of the Resolution No. 190/2020 of 21 December 2020 on the adoption of the "Programme of social and civil integration of the Roma in Poland for 2021-2030"</b></li> </ol> |

<sup>98</sup> Poland, Minister of Family and Social Policy, [A Meal at School and at Home \("Posiłek w szkole i w domu"\)](#) (accessed 30.03.2023).



in particular need of material assistance, and, although to a lesser extent, funding for school meals, travel to and from school and insurance of pupils against dangerous accidents, extra-curricular remedial classes were organized, summer camps, excursions, after school common rooms, scholarships systems, non-formal education activities, medical examinations and vaccinations etc.

2. The adoption in 2020 by the Council of Ministers of the "**Programme of social and civil integration of Roma in Poland for 2021-2030**" of the Ministry of Interior, which, with regard to children, primarily addresses issues related to the education of Roma children, with focus on vocational education.<sup>100</sup> The programme points out significant problems with this education, e.g. the phenomenon of such children leaving school prematurely despite the existing compulsory schooling until the age of 18 and appropriate solutions to improve this situation.
3. The Integration Programme for 2021-2030 identifies 4 particular groups subject to support on account of their specific needs and integration potential, among them: Roma youth and Roma children.
4. Since 2011 as part of successive Roma integration strategies, a system of scholarships for Roma pupils on the secondary level has been introduced the Minister of Interior and Administration. In a period 2015-2022 the number of scholarships awarded was as follows: in 2015 – 51 scholarships, 2016 – 57, 2017 – 67, 2018 – 53, 2019 – 52, 2020 – 79, 2021 – 79, 2022 - 51 (scholarship is offered to all applicants who submits a set of

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<sup>100</sup> Poland, Council of Ministers, [The Council of Ministers has adopted a new Programme for Social and Civic Integration of Roma in Poland for 2021-2030](#), 21 December 2020.

documents). The scholarship amount does not exceed PLN 2,500 and an additional grant of the amount between PLN 800 and PLN 1,200 for special achievements. The total number of scholarships offered in period od 2011-2022 is 736.

5. Since 2004 as part of successive Roma integration strategies, a system of scholarships for Roma students on the tertiary level was introduced by the Minister of Interior and Administration. In the period 2015-2022 Minister awarded the following number of scholarships: in 2015 - 37, 2016 -34, 2017 - 41, 2018 – 40, 2019 – 42, 2020 – 42, 2021 – 34, 2022 - 40 (scholarship is offered to all applicants, who submits a set of documents ). The amount varies from PLN 3,500 to PLN 5,500, with an additional grant of PLN 1500) for special achievements. The total number of scholarships offered to Roma students in period 2004-2022 is 981.
6. Since 2004 as part of successive Roma integration strategies, the system of scholarships for Roma talented pupils of school age was introduced by the Minister of Interior and Administration. In a period 2015-2022 the Minister awarded the following number of scholarships: 20 in 2015, 21 in 2016, 21in 2017, 23 in 2018, 22 in 2019, 21 in 2020, 22 in 2021, 26 in 2022. The amount varies from 4.400 PLN to 6.050 PLN. The total number of scholarships offered to Roma talented pupils in period 2004-2022 is 353.

#### 1.4.9. Children involved in judicial proceedings as victims or witnesses or parties

| Policy developments   | Legislative developments   |
|---|--|
| 1) As already mentioned, in September 2021 the Minister of Justice established the Team for Counteracting Crimes against Sexual | 1) The Act of 13 January 2023 amending the Code of Civil Procedure and certain other acts (the so-called Anti- |

Freedom and Vice against Minors. The Team is developing Poland's first national action plan for counteracting crime against sexual freedom and decency to the detriment of minors and one of the goals of the Plan is to address raising the standard of child-friendly justice.

2) As already mentioned, on 9 September 2022, the Ministry of Justice signed a Memorandum of Understanding with UNICEF to strengthen the legal protection of children from harm and also a child-friendly access to justice package for children, which includes, among other things, instructions written in simple language and training for judges to better prepare them to conduct procedural activities with minors, as well as standards for the protection of children from harm in institutions where the child resides.

Violence Act 2.0, which will enter into force in August 2023) provides for the introduction:

- in the Code of Criminal Procedure:

- a detailed questionnaire on the individual needs of the victim in order to prepare legal procedures in a way that takes into account the victim's personal situation;
- the Letter of Rights and Obligations for persons under 18 years of age will be drafted in plain, intelligible language and additional explanations will be given regarding the rights and obligations of children. The instructions and explanations will be given in descriptive or graphic form;
- it will be compulsory for each child, at least 3 days before the audition, to receive information, written in accessible language, on the course, manner and conditions of the audition. The information will be prepared in graphic form;
- the child will be allowed to be accompanied at the hearing by an adult designated by the child;
- there is a prohibition on asking interviewees questions about their sex life, unless this is necessary for the outcome of the case;
- in Poland, child victims and witnesses of the most serious crimes are, as a rule, only allowed to testify once. One exception to this rule was that re-examination could be requested by a perpetrator of a crime who had no defence counsel at the first hearing. The Act raises the standard of protection against re-hearing by indicating that an automatic request by the offender alone is not sufficient and that the request is subject to an in-depth assessment by the court.

- in the Law on the System of Common Courts:

- an obligation for judges adjudicating in criminal matters to participate, every four years, in training and further training organised with a view to supplementing their specialist knowledge and professional skills in hearing persons under the age of 18.

2) As already mentioned, in 2019, there was a reform of the provisions of the Family and Guardianship Code, in

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|  | <p>which the requirements for guardians representing children have been increased (Act of 16 May 2019 amending the Family and Guardianship Code and the Civil Procedure Code). A child who cannot be represented by the parents in legal procedures (e.g. due to the fact that the case concerns one of them or another child), is to be represented only by a guardian who meets certain requirements and the guardian himself or herself has to fulfil a number of tasks and duties to guarantee increased representation of children in legal procedures.</p> |
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1.4.10. Children involved in judicial proceedings as suspects or accused persons

| Policy developments   | Legislative developments   |
|---|--|
| <p>There were no changes in this respect during the reporting period.</p> | <p>1) The Act of 9 March 2023 amending the Code of Criminal Procedure and certain other Acts provides:</p> <p>- <u>in the Code of Criminal Procedure:</u></p> <ul style="list-style-type: none"> <li>• the Letter of Rights and Obligations for defendants under the age of 18 will be drafted in plain, intelligible language and additional explanations will be given about the rights and responsibilities of children. The instructions and explanations will be in descriptive or graphic form;</li> <li>• an accused under the age of 18 will be able to attend the trial in the presence of a legal representative or the person in whose custody he or she remains. If the participation of these persons is not possible, the court will appoint a family assistant who has the requirement of appropriate qualifications to work with children and, to this end, the tasks of the family assistant have been clarified so that he or she can accompany defendants who are under 18 years of age to a sitting or hearing with their participation;</li> <li>• the obligation to carry out a community interview in respect of any defendant who was under the age of 18 at the time of the act;</li> </ul> <p>- <u>in the Executive Penal Code:</u></p> <ul style="list-style-type: none"> <li>• the placement of an adult with a juvenile or juveniles under 18 years of age, as well as the placement of a juvenile with juveniles under 18</li> </ul> |

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|   | <p>years of age, may only take place if this is not contrary to the welfare of the juvenile or juveniles concerned.</p> <p>2) The Act of 13 January 2023 amending the Code of Civil Procedure and certain other acts (the so-called Anti-Violence Act 2.0, which will enter into force in August 2023):</p> <p>- <u>in the Code of Criminal Procedure:</u></p> <ul style="list-style-type: none"> <li>• it will be compulsory for each child, at least 3 days before the audition, to receive information, written in accessible language, on the course, manner and conditions of the audition. The information will be prepared in graphic form;</li> </ul> <p>- <u>in the Law on the system of common courts:</u></p> <ul style="list-style-type: none"> <li>• introduction of an obligation for judges adjudicating in criminal matters to participate, every four years, in training and further training organised with a view to supplementing their specialist knowledge and professional skills in hearing persons under the age of 18.</li> </ul> <p>3) The Act of 7 July 2022 amending the Penal Code and certain other acts (to come into force on 1 October 2023) lowers, under certain conditions, the age of criminal responsibility of children from the age of 15 to the age of 14. According to the wording of the newly-introduced Article 10(2a) of the Penal Code, a juvenile who, after the age of 14 and before the age of 15, commits a criminal act referred to in Article 148(2) or (3) (aggravated murder), may be held liable under the rules set out in this Code if the circumstances of the case and the degree of development of the perpetrator, his or her personal characteristics and conditions support this and there is a reasonable suspicion that the application of educational or correctional measures is not capable of ensuring the juvenile's rehabilitation.</p> |
| <p>1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence</p> |  |
| <p>Policy developments</p>  | <p>Legislative developments</p>  |
| <p>There were no changes in this respect during the reporting period.</p>   | <p>The Act of 13 January 2023 amending the Code of Civil Procedure and certain other acts (the so-called Anti-</p>   |

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|  | <p>Violence Act 2.0, which will enter into force in August 2023) provides for:</p> <ul style="list-style-type: none"> <li>• addition of Article 191b of the Penal Code, which criminalises the so-called forced marriages, which should be understood as unions recognised as marriages under the Polish legal order as well as unions corresponding to marriage in the confessional or cultural circle of the perpetrator. The provision provides for a punishable offence of bringing about, by violence, unlawful threat or abuse of a relationship of dependence, an official, confessional or cultural marriage and facilitating the commission of this offence by using deception or using a relationship of dependence to induce another person to leave the territory of the Republic of Poland;</li> <li>• addition of Article 156a of the Penal Code, which makes it a criminal offence to subject a minor to an act causing serious and permanent disfigurement of the body or to perform such an act on the minor's own body, including by use of violence, deceit or unlawful threat, and to subject an adult to an act causing serious and permanent disfigurement of the body or to perform such an act on the minor's own body by use of violence, deceit or unlawful threat.</li> </ul> |
| 1.4.12. Children whose parents are in prison/custody               |  |
| Policy developments  | Legislative developments   |
| There were no changes in this respect during the reporting period. | By the <b>Act of 5 August 2022 amending the Executive Penal Code and certain other acts</b> , <sup>101</sup> an amendment to Article 105a was introduced, effective from 17 September 2022, according to which a minor under 15 years of age shall enjoy a visitation with a convicted person under the custody of a legal representative who remains at large or an adult next of kin, and in the event that the person entitled to care for the minor during the visitation has not obtained permission for the visitation, does not want or is unable to use it - under the custody   |

<sup>101</sup> Poland, Act amending the Act - Executive Penal Code and certain other acts ([Ustawa o zmianie ustawy - Kodeks karny wykonawczy oraz niektórych innych ustaw](#)), 5 August 2022.

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|   | <p>of an officer or employee of the prison designated by the director of the prison.</p> <p>A very important change is the introduction of legal solutions regarding the possibility of custody for underage mothers in conflict with the law. In <b>the Act on the Support and Rehabilitation of Minors of 9 June 2022</b>,<sup>102</sup> Article 135 stipulates that in order to enable a minor mother placed in a district educational centre, correctional institution or shelter for minors to exercise custody or participate in the day-to-day care of the child, mother and child homes shall be organised in designated centres, institutions or shelters. In mother and child homes, a child may stay until the age of 3 years, unless the child's welfare and educational or health considerations do not support this.</p>  |
| <p>1.4.13. Children who drop out of compulsory education and working children under the legal age for work</p>  |   |
| <p>Policy developments</p>  | <p>Legislative developments</p>   |
| <p>In the analysed area, measures deserving attention as a reaction to children's non-compliance with the compulsory schooling obligation may be programmes providing for the upbringing of children and subsidising the purchase of school supplies and books, as one. The causes of children's evasion of compulsory schooling are also family poverty and the poor financial situation of parents. Among such programmes we can mention:</p> <ul style="list-style-type: none"> <li>- <b>the "Family 500+" programme</b> – under this programme, families with dependent children are entitled to a child-rearing benefit of PLN 500 per child up to the age of 18, regardless of the income earned by the family. Family 500+ is the financial foundation of family support. The programme came into force on 1 April 2016 and has significantly improved the material situation of families, strengthened them and gave them due priority;</li> <li>- <b>the "Good Start" programme</b><sup>103</sup> – is a PLN 300 one-off support for all students starting the school year. Families will receive the</li> </ul> | <p><u>With regard to the non-compliance of children with compulsory education</u></p> <p>On 1 September 2017, the Law of 14 December 2016 - Education Law entered into force, which introduced the following measures aimed at enforcing a child's compulsory education:</p> <ul style="list-style-type: none"> <li>• according to Article 35, education is compulsory until the completion of the 18th year of life. A child's compulsory education begins at the beginning of the school year in the calendar year in which the child turns 7 years old and lasts until the completion of primary school, but no longer than until the completion of the 18th year. The Education Law distinguishes between a compulsory school pupil (primary school pupil) and a compulsory education pupil (secondary school pupil);</li> <li>• compulsory education consists of compulsory attendance at a primary school. It begins in the calendar year in which the child turns 7. At the request of the parents or legal guardian, primary</li> </ul> |

<sup>102</sup> Poland, Act on the Support and Rehabilitation of Juveniles ([Ustawa o wspieraniu i resocjalizacji nieletnich](#)), 9 June 2022.

<sup>103</sup> Poland, Minister of Family and Social Policy, [Good Start](#) (accessed 30.03.2023).

benefit regardless of income. The Good Start benefit is available once a year for a child studying at school until they reach the age of 20. A disabled child studying at school is entitled to the benefit until the child reaches the age of 24.

In addition, as indicated above, by Resolution of the Council of Ministers No. 105 of 17 August 2021, the **'National Programme for Combating Poverty and Social Exclusion. Update 2021-2021, Public Policy with an Outlook to 2030'** was introduced. In Chapter III "Priorities of the National Programme for Counteracting Poverty and Social Exclusion", the programme indicates that assistance to children affected by poverty should primarily focus on reducing parental poverty by increasing employment in families and preventive and compensatory measures consisting of financial support and the development of social services for families with children. It also stresses the importance of care and education (crèches, kindergartens) from an early age, services to support the child-rearing process (family assistant, day-care centres, support families) and health services. According to the programme, the support of the family and its material position might contribute to the children's fulfilment of their compulsory schooling.

#### **With regard to the policy developments on child labour below legal limit:**

The Act of 22 November 2018 amending the Act on Education Law, Act on the Education System and some other acts, introduced substantial changes in the education system and new provisions to the Labour Code regarding the employment of juveniles below 18 years of age. In the current legal status, a juvenile employee (i.e. a person remaining in an employment relationship) is a person who has turned 15 but has not turned 18 (Article 190 § 1 of the Labour Code). It is allowed to employ only those young people who have completed at least eight years of primary school and present a medical certificate stating

schooling may also begin for a child who turns 6 in a given calendar year (Article 35);

- the completion of primary school is followed by what is known as compulsory education, i.e. continuing education until the age of 18, not necessarily at school. This is the second educational obligation set out in Polish law besides the schooling obligation. This obligation is fulfilled by attending a public or non-public post-primary school or by pursuing, in accordance with separate regulations, vocational training with an employer. The responsibility for educating a student-juvenile worker lies with both the employer, who implements practical vocation training, and the vocational school where the student carries out theoretical vocational training and general education. Therefore, it is necessary for the school and the employer to cooperate in the implementation of the school vocational curriculum.
- In Poland, there is a right to bring up a child e.g. according to one's own convictions, but parents do not decide whether their child will go to school or not;<sup>105</sup>
- a child's non-fulfilment of compulsory education may consist of not being enrolled in the relevant school institution at all or of truancy. However, it should be emphasised that ensuring that the child fulfils his/her compulsory education obligation is not the responsibility of the child, but of his/her parents or guardians. According to Article 40 of the Education Law, the parents of a child subject to compulsory education are obliged to complete the steps for registering the child for school, ensure that the child attends school regularly and to provide conditions for the child to prepare for classes;

The above-mentioned parental obligations are subject to control. Headmasters of public primary schools control the fulfilment of compulsory education by children residing in the periphery of these schools, and the municipality controls the fulfilment of compulsory education by young people residing in the area of this municipality and keeps records of fulfilment of compulsory education and compulsory education. In the implementation of the above control, the head of the school is assisted by the head of the municipality (mayor,

<sup>105</sup> Pilich M. (2022), *Prawo oświatowe. Commentary*, Warsaw, electronic access/Lex.



that the work of a given type does not endanger their health. An adolescent who does not have professional qualifications may be employed for the purpose of vocational preparation, which may take place through vocational training or training to perform a specific job. Occupations in which vocational training takes place are defined in the classification of occupations in sectoral vocational education<sup>104</sup>.

Due to the above-mentioned reform of the education system, which introduced eight-year primary school, in order to enable its graduate, who on the day of graduation from this school has not yet turned 15, to fulfill the obligation to study by carrying out vocational training at the employer as a juvenile employee, a legal solution was introduced to the Labour Code, according to which the above-mentioned person may be employed under the rules specified for juveniles for the purpose of vocational training. The condition for employing such a person is the consent of their statutory representative or legal guardian and obtaining a positive opinion from a psychological and pedagogical counselling centre. The above restriction does not apply to a person who is under 15 years of age, but is employed in the calendar year in which they reach that age. This solution enabled graduates of an eight-year primary school who were under 15 years of age to undergo vocational training at the employer's from the first year of this training.

A juvenile under the age of 16 may not work more than 6 hours a day.

town president), who is obliged to provide the heads of public primary schools in the municipality's area with information on the current status and changes in the records of children and young people aged 3-18 (Article 40 of the Education Law).

Pursuant to Article 120(2) of the Act of 17 June 1966 on Enforcement Proceedings in Administration,<sup>106</sup> non-attendance of a child at school will result in a fine being imposed on the child's legal representatives (parents) to enforce the parental obligation to ensure the child's regular attendance.

If the headmaster determines that a child does not fulfil his/her compulsory education obligation, he/she is obliged to issue a reminder to the parents on the basis of Article 15 of the Act of 17 June 1966 on enforcement proceedings in administration. The task of the principal is, therefore, to bring about the performance of the enforceable obligation, i.e. to coerce the parents into the desired behaviour of the child and/or the parents themselves, by means of a coercive fine. If the obligation specified in the enforcement order (regular attendance of the child at school) is fulfilled, coercive fines imposed and not paid or collected shall be cancelled (Article 125 of the Act of 17 June 1966 on enforcement proceedings in administration).

After the lapse of 7 days from the date of service of the reminder, the director may perform another action aimed at applying the enforcement measure in the form of a coercive fine. This is: issuing an enforcement title (art. 26 § 1 and art. 27 of the Act on Enforcement Proceedings in Administration of 17 June 1966) and then applying for the initiation of enforcement (art. 28 of the Act on Enforcement Proceedings in Administration of 17 June 1966). As the enforcement concerns an obligation of a non-monetary nature, the director-creditor should indicate the enforcement measure in the application. This is a fine for the purpose of coercion (art. 1a item 12 letter b and art. 119 of the Act of 17 June 1966 on

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<sup>104</sup> Poland, Minister of National Education Regulation on the general objectives and tasks of sectoral vocational education and the classification of sectoral vocational education occupations (*Rozporządzenie Ministra Edukacji Narodowej w sprawie ogólnych celów i zadań kształcenia w zawodach szkolnictwa branżowego oraz klasyfikacji zawodów szkolnictwa branżowego*), 15 February 2019.

<sup>106</sup> Poland, Act on Enforcement Proceedings in Administration (*Ustawa o postępowaniu egzekucyjnym w administracji*), 17 June 1966.

Enforcement Proceedings in Administration). The fine shall not be applied to the pupil as a minor.

If the measures taken have been unsuccessful and the pupil continues not to attend school, the head teacher has a duty to respond. The school is obliged to notify the guardianship court whenever there is a suspicion or risk of negligence in relation to the exercise of the powers or fulfilment of the duties flowing from the parental authority vested in parents with respect to minor children. This obligation results from Article 572 of the Code of Civil Procedure, according to which anyone to whom an event justifying the initiation of ex officio proceedings is known is obliged to notify the guardianship court of it. This obligation is primarily incumbent on civil registry offices, courts, prosecutors, notaries, bailiffs, local government and government administration bodies, police bodies, educational institutions, social guardians and organisations and establishments involved in the care of children or mentally ill persons.

If the court finds that the parents are improperly exercising parental authority and the child's welfare is at risk, it will issue appropriate orders (Article 109 of the Family and Guardianship Code). The conditions for its application are the threat to the child's welfare and the improper exercise of parental authority – culpable or non-culpable misconduct of the parents.

Pursuant to Article 109 of the Family and Guardianship Code the court may:

- 1) oblige the parents to behave in a certain way, in particular to work with a family assistant, implement other forms of work with the family, refer the minor to a day-care centre specified in the provisions on family support and the foster care system, or refer the parents to a centre or a specialist dealing with family therapy, counselling or providing other appropriate assistance to the family, while indicating the manner of controlling the implementation of the orders issued;

- 2) limit the parental authority of the parents, e.g. by ordering the placement of the minor in a foster family, or family children's home, placing the child in institutional foster care, subjecting the exercise of parental authority to the permanent supervision of a probation officer .

According to the Educational Information System, 3,801 pupils did not fulfil their compulsory education in the 2021/2022 school year.<sup>107</sup>

There is no ordinance that responds to children dropping out of school. The only measures that are taken are exhaustively described earlier in this section. On the other hand, as for the activities of the Educational Information System, data on the rate of children who drop out of education on regular basis are collected in this system, as school principals are obliged, in accordance with Article 41 of the Educational Law,<sup>108</sup> to keep records of fulfilment of compulsory schooling and compulsory education and to send to this system information about children fulfilling compulsory schooling in the perimeter of the school where the child lives. There is, however, no information as to how often the headmaster sends this information to the Educational Information System (the data in this system is updated by 10 September each year). The head of the school is assisted in fulfilling his/her duty to keep records by the head of the municipality (mayor or town president), who is obliged to provide the heads of public primary schools in the municipality area with information on the current status and changes in the records of children and young people aged 3-18.

With regard to the non-compliance of children with compulsory education

On 1 September 2017, the Law of 14 December 2016 - Education Law entered into force, which introduced the following measures aimed at enforcing a child's compulsory education:

- according to Article 35, education is compulsory until the completion of the 18th year of life. A child's compulsory education begins at the beginning of the school year in the calendar year in which the child turns 7 years old and lasts until the completion of primary school, but no longer than until the completion of the 18th year. The Education Law distinguishes between a compulsory school pupil (primary school pupil) and a compulsory education pupil (secondary school pupil);
- compulsory education consists of compulsory attendance at a primary school. It begins in the calendar

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<sup>107</sup> Portalsamorządowy.pl, [Tysiące dzieci w Polsce nie chodzi do szkoły. Te liczby zatrważają](#), 12 July 2022.

<sup>108</sup> Poland, Educational law (*Prawo oświatowe*), 14 December 2016.

year in which the child turns 7. At the request of the parents or legal guardian, primary schooling may also begin for a child who turns 6 in a given calendar year (Article 35);

- the completion of primary school is followed by what is known as compulsory education, i.e. continuing education until the age of 18, not necessarily at school. This is the second educational obligation set out in Polish law besides the schooling obligation. This obligation is fulfilled by attending a public or non-public post-primary school or by pursuing, in accordance with separate regulations, vocational training with an employer.. The responsibility for educating a student-juvenile worker lies with both the employer, who implements practical vocation training, and the vocational school where the student carries out theoretical vocational training and general education. Therefore, it is necessary for the school and the employer to cooperate in the implementation of the school vocational curriculum.

- In Poland, there is a right to bring up a child e.g. according to one's own convictions, but parents do not decide whether their child will go to school or not;

- a child's non-fulfilment of compulsory education may consist of not being enrolled in the relevant school institution at all or of truancy. However, it should be emphasised that ensuring that the child fulfils his/her compulsory education obligation is not the responsibility of the child, but of his/her parents or guardians. According to Article 40 of the Education Law, the parents of a child subject to compulsory education are obliged to complete the steps for registering the child for school, ensure that the child attends school regularly and to provide conditions for the child to prepare for classes;

The above-mentioned parental obligations are subject to control. Headmasters of public primary schools control the fulfilment of compulsory education by children residing in the periphery of these schools, and the municipality controls the fulfilment of compulsory education by young people residing in the area of this municipality and keeps records of fulfilment of compulsory education and compulsory education. In the implementation of the above control, the head of the school is assisted by the head of the municipality (mayor, town president), who is obliged to provide the heads of public primary schools in the municipality's area with information on the current status and changes in the

records of children and young people aged 3-18 (Article 40 of the Education Law).

Pursuant to Article 120(2) of the Act of 17 June 1966 on Enforcement Proceedings in Administration, non-attendance of a child at school will result in a fine being imposed on the child's legal representatives (parents) to enforce the parental obligation to ensure the child's regular attendance.

If the headmaster determines that a child does not fulfil his/her compulsory education obligation, he/she is obliged to issue a reminder to the parents on the basis of Article 15 of the Act of 17 June 1966 on enforcement proceedings in administration. The task of the principal is, therefore, to bring about the performance of the enforceable obligation, i.e. to coerce the parents into the desired behaviour of the child and/or the parents themselves, by means of a coercive fine. If the obligation specified in the enforcement order (regular attendance of the child at school) is fulfilled, coercive fines imposed and not paid or collected shall be cancelled (Article 125 of the Act of 17 June 1966 on enforcement proceedings in administration).

After the lapse of 7 days from the date of service of the reminder, the director may perform another action aimed at applying the enforcement measure in the form of a coercive fine. This is: issuing an enforcement title (art. 26 § 1 and art. 27 of the Act on Enforcement Proceedings in Administration of 17 June 1966) and then applying for the initiation of enforcement (art. 28 of the Act on Enforcement Proceedings in Administration of 17 June 1966). As the enforcement concerns an obligation of a non-monetary nature, the director-creditor should indicate the enforcement measure in the application. This is a fine for the purpose of coercion (art. 1a item 12 letter b and art. 119 of the Act of 17 June 1966 on Enforcement Proceedings in Administration). The fine shall not be applied to the pupil as a minor.

If the measures taken have been unsuccessful and the pupil continues not to attend school, the head teacher has a duty to respond. The school is obliged to notify the guardianship court whenever there is a suspicion or risk of negligence in relation to the exercise of the powers or fulfilment of the duties flowing from the parental

authority vested in parents with respect to minor children. This obligation results from Article 572 of the Code of Civil Procedure, according to which anyone to whom an event justifying the initiation of ex officio proceedings is known is obliged to notify the guardianship court of it. This obligation is primarily incumbent on civil registry offices, courts, prosecutors, notaries, bailiffs, local government and government administration bodies, police bodies, educational institutions, social guardians and organisations and establishments involved in the care of children or mentally ill persons.

If the court finds that the parents are improperly exercising parental authority and the child's welfare is at risk, it will issue appropriate orders (Article 109 of the Family and Guardianship Code). The conditions for its application are the threat to the child's welfare and the improper exercise of parental authority – culpable or non-culpable misconduct of the parents.

Pursuant to Article 109 of the Family and Guardianship Code the court may:

1) oblige the parents to behave in a certain way, in particular to work with a family assistant, implement other forms of work with the family, refer the minor to a day-care centre specified in the provisions on family support and the foster care system, or refer the parents to a centre or a specialist dealing with family therapy, counselling or providing other appropriate assistance to the family, while indicating the manner of controlling the implementation of the orders issued;

2) limit the parental authority of the parents, e.g. by ordering the placement of the minor in a foster family, subjecting the exercise of parental authority to the permanent supervision of a probation officer or placing the child in a foster care centre.

According to the Educational Information System, 3,801 pupils did not fulfil their compulsory education in the 2021/2022 school year.

There is no ordinance that responds to children dropping out of school. The only measures that are taken are exhaustively described earlier in this section. On the other hand, as for the activities of the Educational Information System, data on the rate of children who

drop out of education on regular basis are collected in this system, as school principals are obliged, in accordance with Article 41 of the Educational Law, to keep records of fulfilment of compulsory schooling and compulsory education and to send to this system information about children fulfilling compulsory schooling in the perimeter of the school where the child lives. There is, however, no information as to how often the headmaster sends this information to the Educational Information System (the data in this system is updated by 10 September each year). The head of the school is assisted in fulfilling his/her duty to keep records by the head of the municipality (mayor or town president), who is obliged to provide the heads of public primary schools in the municipality area with information on the current status and changes in the records of children and young people aged 3-18.

With regard to the legislative developments on child labour below legal limit:

The provisions of the Labour Code distinguish a special category of an employee – a juvenile employee (i.e. a person remaining in an employment relationship, who has turned 16 but has not turned 18), for whom there are separate regulations on the rules of vocational training in the scope of concluding and terminating employment contracts, health protection, and the obligation to further education.

Pursuant to the provisions of art. 22 § 2 of the Labour Code, a person who has turned 18 may be an employee, while under the conditions set out in section 9, concerning the employment of minor, a person who has not turned 18 may also be an employee. An adolescent who does not have professional qualifications may be employed for the purpose of vocational preparation, which may take place through vocational training or training to perform a specific job.

Juvenile workers may also be employed for purposes other than vocational training, i.e. on the basis of an employment contract, but only for light work. This work may not pose a threat to the juvenile's life and health, and may not make it difficult for him to fulfill his school duty. The list of such works is determined by the employer after obtaining the consent of the occupational medicine physician and approval by the competent labour inspector. The rules for performing light work by juveniles are set out in the provisions of the

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|  | <p>Labour Code. Therefore, in the case of juveniles who have completed their education (e.g. in stage I sectoral vocational school) and passed a vocational exam, but are under 18, it is possible to employ them under an employment contract for purposes other than vocational training, i.e. in performing work light.</p> <p>A juvenile may not work more than 8 hours a day (a juvenile under the age of 16 - no more than 6 hours a day). If the daily working time of a juvenile is longer than 4.5 hours a day, a break from work lasting 30 minutes continuously must be introduced, which is included in the working time. Moreover, a juvenile, unlike an adult employee, may not be employed at night or overtime (Article 203 § 1 of the Labour Code). A break in the work of a juvenile, including night time, should last continuously for at least 14 hours. A juvenile is entitled to at least 48 hours of uninterrupted rest each week, which should include Sunday.</p> <p>The elements of state care over children are also regulated in the Constitution of the Republic of Poland itself. This includes the protection of children in employment, the protection of children's health and the right of children to education. Art. 65 sec. 3 of the Constitution indicates that permanent employment of children under the age of 16 is prohibited, and the forms and nature of acceptable employment are specified by the Labour Code. Under the Act on Education Law, a child is obliged to continue education until the age of 18, which follows directly from Art. 70 sec. 1 sentence 2 of the Constitution stating that education until the age of 18 is compulsory. This is due to the fact that the basic working time of an adult is 8 hours a day and, on average, 40 hours a week, while the daily working time standard may be extended to 12 hours (Article 129 § 1 and 2 of the Labour Code). With such working hours, a person under the age of 18 would be practically unable to fulfill the obligation to study under Art. 70 sec. 1 of the Constitution.</p> |
| <p>1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (<i>add rows as needed</i>)</p>  |  |
| <p>Policy developments</p>   | <p>Legislative developments</p>  |
| <p>In 2018, in relation to children and adolescents struggling with alcohol and psychoactive substance addiction, the Ministry of Health, in cooperation with representatives of the National Health Fund and, among others,</p> | <p>On 1 September 2022, <b>the Act of 9 June 2022 on the Support and Rehabilitation of Minors</b> came into force, which also provides for courses of action and tools against children who use alcohol and drugs.</p>   |



representatives of patients' organisations, developed the **National Programme for the Prevention of Addiction to Alcohol and Other Psychoactive Substances in Adolescents and Other Young Adults**, the implementation period of which covers the years: 2019-2023.<sup>109</sup>

The project was developed as part of the project entitled "Development of concepts and substantive assumptions of health policy programmes planned for implementation in the competition procedure", co-funded from the Operational Programme "Knowledge Education Development" for the years 2014-2020. The aim of the programme is, among others, to increase the detection and early identification of 15-26 year olds using alcohol and other psychoactive substances through the use of screening tests by medical staff in primary care facilities, to develop action guidelines to increase awareness and knowledge of the prevention of alcohol and other psychoactive substance use among the staff of health care facilities (not related to addiction treatment) regarding early detection, treatment and further management of users of alcohol and other psychoactive substances through the use of relevant recommendations developed within the framework of the programme, increase the level of knowledge about risks, health and social consequences related to the use of alcohol and other psychoactive substances in the population of adolescents and young adults aged 15 - 26, as well as available places and forms of assistance through the organisation of information and education campaigns conducted during the implementation of the programme.

The consumption of alcohol and psychoactive substances is, in the case of a child, a sign of demoralisation and, when this occurs, the family court may take certain actions and measures against the child.

A juvenile who has been found to show signs of demoralisation involving the use of alcohol or psychoactive drugs may be subject to a therapeutic measure or an appropriate educational measure. Pursuant to Article 8 of the Act on the Support and Rehabilitation of Minors of 9 June 2022, a therapeutic measure is placement in a correctional facility where psychiatric care or addiction treatment is provided to minors.

On the other hand, on the basis of the catalogue of upbringing measures set out in Article 7 of the Act of 9 June 2022 on the Support and Rehabilitation of Minors, it can be considered that the following upbringing measures can be applied to a minor who consumes alcohol or psychoactive drugs:

- 1) admonition;
- 2) an obligation to behave in a certain way, in particular to participate in appropriate educational, therapeutic activities, in particular addiction therapy, psychotherapy, psychoeducation or training, to refrain from being in certain environments or places, to refrain from contacting other persons in a certain way or to refrain from using a psychoactive substance;
- 3) responsible supervision by the minor's parents or guardian;
- 4) supervision of a social organisation, including a non-governmental organisation, the statutory purpose of which is to work with minors of an educational, therapeutic or training nature, to prevent the demoralisation of minors or to assist in the social readaptation of minors, an employer or a person of trust providing surety for a minor;
- 5) probation supervision;
- 6) referral to a probation centre, as well as to a social organisation, including a non-governmental organisation or an institution working with minors of an educational, therapeutic or training nature, after prior agreement with the organisation or institution;
- 7) Placement with a specialist professional foster family that has completed training to prepare for the care of the minor;

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<sup>109</sup> Poland, Minister of Health, National programme of prevention of alcohol addiction and other psychoactive substances in adolescents and young adults ([\*Ogólnopolski program profilaktyki uzależnień od alkoholu i innych substancji psychoaktywnych u młodzieży i młodych dorosłych\*](#)), 2018.

8) placement in a youth education centre.

It should, however, be emphasised that the family court may only apply the above measures to a minor who shows signs of demoralisation in the form of addiction or abuse of alcohol or psychoactive drugs and has reached the age of 10. If a child shows such signs and has not reached the age of 10, no proceedings can be initiated against such a minor [Article 1(1)(1) of the Act of 9 June 2022 on the Support and Rehabilitation of Minors].

This does not mean, however, that such behaviour of the child will be disregarded, because, according to Article 109 of the Family and Guardianship Code, if the welfare of the child is at risk, the guardianship court will issue appropriate orders. The guardianship court may in particular:

- 1) oblige the parents and the minor to behave in a specified way, in particular to work with a family assistant, implement other forms of work with the family, direct the minor to a day-care centre specified in the regulations on family support and the foster care system, or direct the parents to a centre or a specialist dealing with family therapy, counselling or providing other appropriate assistance to the family, at the same time indicating the manner of controlling the implementation of the orders issued;
- 2) specify what acts cannot be done by the parents without the court's authorisation, or subject the parents to other restrictions to which the guardian is subject;
- 3) submit the exercise of parental authority to the permanent supervision of a probation officer;
- 4) refer the minor to an organisation or institution set up for professional preparation or to another institution with partial custody of children;
- 5) order the placement of a minor in a foster family, a family children's home family children's home or in institutional foster care, or temporarily entrust the function of a foster family to spouses or a person who does not meet the conditions for foster families with regard to the necessary training, as specified in the provisions on family support and the foster care system, or order the placement of a minor in a nursing or therapeutic care facility or in a therapeutic rehabilitation facility.

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international/EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

In the Alternative Report on Poland's respect for the provisions of the 2020 Convention on the Rights of the Child, NGOs pointed out, among others, that there is no definition of commercial sexual exploitation of children or trafficking in children in the Criminal Code, despite the fact that Poland ratified the Optional Protocol on the sale of children, child prostitution and child pornography to the Convention on the Rights of the Child.

The Committee on the Rights of the Child, in its "Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Poland" of 6 December 2021, encourages Poland, inter alia:

- to withdraw its interpretative declaration in relation to Articles 12-16 and 24 (2) (f) of the Convention on the Rights of the Child;
- to recognise, in accordance with the Convention on the Rights of the Child, that a child is a person under the age of 18 and amend its legislation to remove all exceptions which allow marriage to be contracted by persons under the age of 18 (in Poland, marriage is allowed to women who have reached the age of 16. According to Article 10 § 1 of the Civil Code, 'A person under the age of eighteen may not marry. However, for important reasons, the guardianship court may allow a woman who has reached the age of sixteen to enter into marriage, and the circumstances indicate that entering into marriage will be compatible with the good of the established family.');
- to adopt a single definition of disability based on the Convention on the Rights of Persons with Disabilities and use the International Classification of Functioning, Disability and Health;
- to eliminate the various minimum ages, between 13 and 15, at which children can be brought into the criminal justice system, in violation of Article 40 (3) (a) of the Convention on the Rights of the Child, and thus the Committee calls for the application of a minimum age of criminal responsibility of 15, below which a child cannot be held responsible in criminal proceedings and cannot be placed in a children's or youth shelter.

Poland has still not ratified the Third Optional Protocol to the Convention on the Rights of the Child. The Helsinki Foundation for Human Rights appealed for action in this regard, among others, in 2020, which submitted a petition to the Senate on the adoption of a resolution to present to the Sejm a draft law expressing consent to the ratification of the said Protocol and launched an online collection of signatures<sup>110</sup> in this regard.

Infringement proceedings concerning the implementation of Directive 2011/93/EU were initiated against Poland in 2019. The Act of 9 March 2023 amending the Code of Criminal Procedure and certain other acts<sup>111</sup> (work on the act had already started in 2021) was aimed at implementing the above-mentioned directive.

At the same time, the above-mentioned Act of 9 March 2023 amending the Code of Criminal Procedure and certain other acts was also aimed at transposing into the national legal order the provisions of the Directive of the European Parliament and of the Council (EU) 2016/800 of 11 May 2016 on procedural guarantees for children who are suspects or accused in criminal proceedings. In the opinion of the Helsinki Foundation for

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<sup>110</sup> Helsinki Foundation for Human Rights, [Ratification of the Third Optional Protocol to the Convention on the Rights of the Child](#), 19 November 2020.

<sup>111</sup> Poland, Government Bill amending the Code of Criminal Procedure and certain other acts ([Rządowy projekt ustawy o zmianie ustawy - Kodeks postępowania karnego oraz niektórych innych ustaw](#)), 9 March 2023.

Human Rights,<sup>112</sup> the aforementioned Act inadequately transposes the provisions of this Directive, which directly translates into inadequate protection of the rights of children suspected of criminal offences, inter alia, by failing to introduce mandatory recording of interrogations of suspected children and by failing to introduce measures to ensure that they have effective access to the assistance of a lawyer immediately after the child's arrest or before the first interrogation as a suspect.

#### 1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

The nature of national policy and legislation has not changed since the 2014 mapping, i.e. the child protection system in Poland is fragmentary and not based on one devoted piece of legislation. Child protection issues are regulated on the side of other major social matters, such as family, foster care, social assistance, prevention of domestic violence, criminal law, law on aliens and healthcare system regulations. Since the system is fragmented, it is difficult to assess its general character. Child protection in various sector regulations of social assistance, family support and foster care or criminal law have different character, in some – preventive, in others – intervention, which is also related to the character of those sectors.

Thus, the system of family support and foster care is profiled towards prevention of placement children in foster care, or the fastest return of children to their biological families if the problems of their families were solved. The system of domestic violence prevention has both a dimension of intervention, i.e. it creates mechanisms of action after the event has occurred, but also that of prevention, reflected in the work of an interdisciplinary team with the parties in the domestic violence context, which aims to reduce the possibility of repeated violence.

Legislation is only one aspect of the child protection system of which practice is the other. In certain situations inadequate resources mean that the system designed as preventive may still have more of an intervention character. This may be the case with the system of family support and alternative care in Poland which has recently been changed to fulfil the idea of prevention of placement and family support, but needs substantial resources to reach its potential and achieve assumed goals.

#### 1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

Over the last 8 years, there has been a noticeable increase in the state's interest in legislative measures to improve the situation of children. In particular, it is worth appreciating the enactment of the so-called Anti-

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<sup>112</sup> Helsinki Foundation for Human Rights, HFHR opinion: The directive on procedural guarantees for children who have committed an offence has not been sufficiently implemented ([Opinia HFPC: Dyrektywa dotycząca gwarancji proceduralnych dla dzieci, które popełniły przestępstwo, nie została wdrożona dostatecznie](#)), 15 February 2023.

Violence Law 1.0<sup>113</sup> and Anti-Violence Law 2.0<sup>114</sup>, which were appreciated by the international community such as UNICEF and GREVIO. An important action was the establishment of the Office of the State Commission for the Prevention of Sexual Exploitation of Minors under 15 years of age and the Team under the Minister of Justice for the Prevention of Sexual Crime against Children. Poland has also carried out activities aimed at improving the mental health care of children and adolescents through the so-called reform of child psychiatry, as well as activities aimed at providing assistance and care to children from Ukraine in connection with the ongoing war in Ukraine.

Also noticeable in the State's policy is the approach of putting in place measures that primarily aim to protect the family and indirectly also children, but the family is the main area of protection.

The main problem in Poland is still the lack of a unified strategy, an action plan for children. Issues related to children are scattered in numerous strategic documents and programmes. Each ministry conducts its own activities, and there is a lack of monitoring at national level. In addition, non-governmental organisations, e.g. Dajemy Dzieciom Siłę Foundation, claim that despite very good legal solutions concerning e.g. participation of a child in legal procedures, it is more and more often possible to observe a bad practice of law application, which differs from its literal provisions.

### 1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The following promising practices in child protection laws and policies are worth mentioning:

- Children's Rights Ombudsman Helpline and Children's Rights Ombudsman Chat<sup>115</sup> – the Children's Rights Ombudsman operates a 24/7 telephone and online helpline service for children and young people on the telephone number 800 12 12 12 and on the website [www.czat.brpd.gov.pl](http://www.czat.brpd.gov.pl);
- a reform in the child and adolescent mental health system consisting of three reference levels of care provision for the youngest;<sup>116</sup>
- the establishment of a Team under the Minister of Justice for the prevention of sexual offences against children to carry out, by the end of 2026, an analysis of current national solutions in the area of the broadly defined prevention of crime against sexual freedom and decency to the detriment of minors; develop a

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<sup>113</sup> Poland, Act amending the Code of Civil Procedure and certain other acts ([Ustawa o zmianie ustawy Kodeks postępowania cywilnego oraz niektórych innych ustaw](#)), 30 April 2020.

<sup>114</sup> Poland, Governmental draft act amending the Code of Civil Procedure and certain other acts ([Rządowy projekt ustawy o zmianie ustawy - Kodeks postępowania cywilnego oraz niektórych innych ustaw](#)), parliamentary print no. 2615, 19 September 2022.

<sup>115</sup> Poland, Ombudsman for Children's Rights, [The Children's Ombudsman's Helpline](#) (accessed 30.03.2023).

<sup>116</sup> Poland, Ministry of Health, [Information on the current status of reform in the child and adolescent mental health system](#), 17 May 2022.

national action plan to prevent crimes against sexual freedom and morality against minors; develop a legislative proposal in this area and a proposal for systemic change.<sup>117</sup>

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<sup>117</sup> Poland, Minister of Justice, [Order on the establishment of a Team for the prevention of crime against sexual freedom and morality to the detriment of minors](#), 29 September 2021.

## 2. Governance, coordination structures, and services

### 2.1. Primary institutions and main service providers responsible for child protection

| Question  | Yes | No | Comments  |
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| <p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p>If yes, please provide the name in the comments box.</p> | X   |    | <p>Yes, there is such an institution in Poland and it is the <b>Ombudsman for Children (<i>Rzecznik Praw Dziecka</i>)</b>, which is a constitutional one-person state authority. The authority to act to protect the rights of children in Poland derives from Article 72(4) of the Constitution of the Republic of Poland of 2 April 1997, according to which a separate act defines the competences and the manner of appointment of the Ombudsman.</p> <p>The Constitution refers to the Act of 6 January 2000 on the Ombudsman for Children.<sup>118</sup> Pursuant to Article 1(2) of the Act, the Ombudsman for Children, hereinafter referred to as the Ombudsman, upholds the rights of the child as set out in the Constitution of the Republic of Poland, the Convention on the Rights of the Child and other laws, all actions are taken in the best interests of the child, the principle of equality, concern for the protection of the rights of each child, the principle of respect for the responsibility, rights and duties of both parents for the development and upbringing of the child.</p> <p>The Ombudsman for Children upholds the rights of the child, in particular: the right to life and health protection, the right to upbringing in the family, the right to decent social conditions, the right to education. The Ombudsman takes action to ensure the full and harmonious development of the child, respecting his/her</p> |

<sup>118</sup> Poland, Act on the Children's Rights Ombudsman (*Ustawa o Rzeczniku Praw Dziecka*), 6 January 2000.

dignity and subjectivity. The object of the Ombudsman's concern is all children; he gives special care to children with disabilities who have a difficult start in life (Article 3).

**The Commissioner for Human Rights (*Rzecznik Praw Obywatelskich*)** is also active in the protection of children's rights and interests and is a constitutional single-person state authority. The power to act to protect the rights of children in Poland derives from Articles 208 - 212 of the Constitution. The activities of the Ombudsman are regulated by the Act of 15 July 1987 on the Ombudsman.<sup>119</sup>

It should further be emphasised that, apart from the Ombudsman for Children and the Commissioner for Human Rights, **all public authorities are obliged to respect and observe the rights of the child.** This follows from Article 72(1)-(3) of the Constitution of the Republic of Poland, according to which the Republic of Poland ensures the protection of children's rights. Everyone has the right to demand from public authorities the protection of the child against violence, cruelty, exploitation and demoralisation. A child deprived of parental care has the right to care and assistance from public authorities. In the course of establishing the rights of the child, public authorities and those responsible for the child are obliged to listen to and, as far as possible, take into account the views of the child.

The protection of children's rights is dealt with indirectly by the **Ministry of Family and Social Policy (*Ministerstwo Rodziny i Polityki Społecznej*)**, whose aim is to lay the foundations for improving the quality of life in terms of family, work and social security issues - strong family, stable work. At the centre of the Ministry's work is the family. Through its activities, it supports the family at every stage: starting with leave for parents to care for a newborn child, through the development of crèche care places, monthly support under the "Family 500+" programme, assistance in

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<sup>119</sup> Poland, Act on the Commissioner for Human Rights ([\*Ustawa o Rzeczniku Praw Obywatelskich\*](#)), 15 July 1987.



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|   |   |   | completing a school layette from the "Good Start" programme and family care capital. <sup>120</sup>  |
| 2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?<br>If yes, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions. |   | X | The Ombudsman for Children performs his tasks through the Office of the Ombudsman for Children, whose statutory organisational units are: Bureau Team (its primary task is to provide substantive and organisational support for the tasks carried out by the Ombudsman); Family and Juvenile Affairs Team, Social Affairs Team, Education and Upbringing Team, International and Constitutional Affairs Team, Children's Helpline and Stakeholder Services Team, Administrative and Financial Team. The work of the Office is managed by the Director of the Office, who is appointed and dismissed by the Ombudsman for Children. <sup>121</sup>   |
| 2.1.3. Are there child focal points or similar in different ministries or agencies?<br><br>If yes, in which ministry are they located, what are they called, and what roles/functions do they have? How do they coordinate?   | X |   | Yes, the <b>Department of Family and Juvenile Affairs (<i>Departament Spraw Rodzinnych i Nieletnich</i>)</b> was separated in the structure of the Ministry of Justice by Order No. 75 of the President of the Council of Ministers of 21 June 2016 amending the Order on the granting of statutes to the Ministry of Justice. Within this Department, there is: the Department of International Family Proceedings; the Department of Family Support and Family and Juvenile Justice; the Department of Supervision of Juvenile Institutions which includes the Team of Specialists for Referral to Correctional Institutions and Juvenile Shelters; the Team for Victim Assistance; and the Department of National and European Family Law.<br><br>The tasks of the Department of Family and Juvenile Affairs on behalf of children include: |

<sup>120</sup> Poland, Ministry of Family and Social Policy, About the Ministry ([O ministerstwie](#)) (accessed 30.03.2023).

<sup>121</sup> Poland, Children's Rights Ombudsman, Organisational structure ([Struktura organizacyjna](#)) (accessed 30.03.2023).

- 1) Developing solutions for the organisation and operation of correctional institutions and juvenile shelters;
- 2) To undertake and coordinate the implementation of tasks within the scope of action of the Minister of Justice concerning the prevention of domestic violence, in particular related to the implementation of the National Programme for the Prevention of Family Violence;
- 3) Development of legal solutions in the field of family law and juvenile proceedings
- 4) Promote good practice in cooperation between the Ministry of Justice and family courts with state bodies, local government, NGOs, support services and other institutions.<sup>122</sup>
- 5) performing tasks under the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), concluded in Lanzarote on October 25, 2007;
- 6) Performing tasks aimed at implementing the idea of a child-friendly justice system

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

| Name of the body | Level<br>(national/regional/local). | Area of responsibility and roles in child protection | Comments<br><i>(for example in case of ombuds institution, compliance with the Paris Principles)</i> |
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<sup>122</sup> Poland, Ministry of Justice, Department of Family and Juvenile Affairs ([Departament Spraw Rodzinnych i Nieletnich](#)) (accessed 30.03.2023).

|   |          | <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>   |  |
|---|----------|--|--|
| <i>Ombudsman for Children (Rzecznik Praw Dziecka)</i> | national | <p>The Ombudsman for Children safeguards children's rights, in particular: the right to life and health protection, the right to upbringing in the family, the right to decent social conditions, the right to education. The Ombudsman takes measures to ensure the full and harmonious development of the child, with respect for his/her dignity and subjectivity (Article 1(2) of the Act of 6 January 2000 on the Ombudsman for Children). The object of the Ombudsman's concern is all children; special care is given to children with disabilities who have a difficult start in life.<sup>123</sup></p> <p>The addressees of the Ombudsman's activities are all public authorities (inter alia: the Sejm, the President of the Republic of Poland, the Council of Ministers, the courts), local</p> | <p>It upholds the rights of the child as set out in the Constitution of the Republic of Poland, the Convention on the Rights of the Child and other laws, all actions are taken in the best interests of the child, the principle of equality, concern for the protection of the rights of each child, the principle of respect for the responsibility, rights and duties of both parents for the development and upbringing of the child.<sup>125</sup></p> |

<sup>123</sup> Blicharz J. (2021), *Protection of children's rights against the background of the 1997 Constitution of the Republic of Poland - normative framework*, ACTA UNIVERSITATIS WRATISLAVIENSIS, no. 4072, pp. 15-33.

<sup>125</sup> Blicharz J. (2021), *Protection of children's rights against the background of the 1997 Constitution of the Republic of Poland - normative framework*, ACTA UNIVERSITATIS WRATISLAVIENSIS, no. 4072, pp. 15 - 33).

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|  |          | governments, government institutions and non-governmental organisations to which the Ombudsman may turn to: to provide explanations and necessary information, as well as to provide access to files and documents, including those containing personal data, to take action by them in favour of the child, in accordance with the scope of their competence, presenting assessments and conclusions aimed at ensuring effective protection of the rights and welfare of the child, to put forward a legislative initiative or to issue or amend other legal acts. <sup>124</sup> |  |
| <i>Commissioner for Human Rights (Rzecznik Praw Obywatelskich)</i> | national | <p>It examines whether, as a result of an act or omission of bodies, organisations and institutions obliged to observe and realise these freedoms and rights, there has been a violation of the law, as well as of the principles and principles of co-existence and social justice (Article 1(3) of the Act of 15 July 1987 on the Commissioner for Human Rights).</p> <p>Moreover, it performs the functions of a visiting body for the prevention of torture and other cruel, inhuman or degrading treatment or punishment within the meaning of the</p>                        | It safeguards the freedoms and human and civil rights set out in the Constitution of the Republic of Poland and other normative acts, including the implementation of the principle of equal treatment (Article 1(2) of the Act of 15 July 1987 on the Commissioner for Human Rights). |

<sup>124</sup> Blicharz J. (2021), *Protection of children's rights against the background of the 1997 Constitution of the Republic of Poland - normative framework*, ACTA UNIVERSITATIS WRATISLAVIENSIS, no. 4072, pp. 15 - 33).

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|  |  | <p>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly in New York on 18 December 2002 (Article 1(4).</p> <p>It examines whether the actions of officials and various institutions towards the citizen were in accordance with the law. It also examines whether officials, courts, hospitals, schools and other services have been negligent in cases brought to their attention by people. In some situations, the Ombudsman can also help in court. Whereas the Ombudsman is not a lawyer bringing cases on behalf of people, he tries to intervene especially where a court decision may be of importance to many citizens. In addition to helping with specific cases, the Ombudsman can also put forward ideas on how to improve the law and the way the state operates (such action by the Ombudsman is called a general address). However, the Ombudsman does not draft laws. Instead, he or she points out to the authorities what the problem is that affects many people (e.g. there is a mistake in the laws, or they may not foresee the situation in which people find themselves). The</p> |  |
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|  |          | Ombudsman can see this precisely through the complaints he receives from citizens. <sup>126127</sup>  |   |
| <i>State Commission for the prevention of sexual exploitation of minors under 15 years of age (Państwowa Komisja do spraw przeciwdziałaniu wykorzystaniu seksualnemu małoletnich poniżej lat 15)</i> | national | <p>The Commission has two main tasks:</p> <ol style="list-style-type: none"> <li>1) clarifying cases of sexual abuse of minors under 15 years of age,</li> <li>2) carrying out preventive and educational activities.<sup>128</sup></li> </ol> <p>The Commission's powers and responsibilities include:</p> <ol style="list-style-type: none"> <li>1) Notification of suspected offences to the public prosecutor's office</li> <li>2) Notifying the public prosecutor's office of suspected failure to notify persons who have knowledge of a suspected offence</li> </ol> | <p>The basis for the activities of this Commission is the Act of 30 August 2019 on the State Commission for the Prevention of Sexual Exploitation of Minors under 15.<sup>129</sup></p> <p>The Commission is guided by the welfare of those who, as children, suffered as a result of acts against sexual freedom and decency, bearing in mind their pain, feelings of loneliness and traumatic experiences, which also affect them as adults, taking into account the duty to do justice to society.</p> |

<sup>126</sup> Poland, Commissioner for Human Rights, [Czym zajmuje się Rzecznik Praw Obywatelskich?](#) (accessed 30.03.2023).

<sup>127</sup> Trociuk S. (2020), *Ustawa o Rzeczniku Praw Obywatelskich. Komentarz*, access el./Lex: <https://sip.lex.pl/#/commentary/587231870/635519/trociuk-stanislaw-ustawa-o-rzeczniku-praw-obywatelskich-komentarz-wyd-ii?cm=URELATIONS>).

<sup>128</sup> Państwowa Komisja do spraw przeciwdziałaniu wykorzystaniu seksualnemu małoletnich poniżej lat 15, Tasks ([Zadania](#)) (accessed 30.03.2023).

<sup>129</sup> Poland, [Ustawa o Państwowej Komisji do spraw przeciwdziałania wykorzystywaniu seksualnemu małoletnich poniżej lat 15](#), 30 August 2019.

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|  |  | <ol style="list-style-type: none"><li>3) Monitoring of the action in a given case - undertaken on the basis of a request or notification - by public authorities, organisations and other entities - the Commission is then kept informed of the course of the proceedings in question and has the right to inspect the file</li><li>4) Issuing orders for the registration in the Sexual Offender Register of a person identified as an offender</li><li>5) Intervention and support for aggrieved persons: 1) participating in criminal proceedings in court as an auxiliary prosecutor which is an additional legal support; 2) making requests to the Public Prosecutor General to file an extraordinary complaint or cassation appeal against a final decision ending the case; 3) making requests to the Public Prosecutor's Office to place the case under special supervision.</li><li>6) Examination of the way in which state bodies, organisations and other actors respond</li><li>7) Providing information to the authorities of organisations and entities about suspected criminal offences committed by their employees, members.</li></ol> |  |
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|  |          | <ul style="list-style-type: none"> <li>8) Identification of problems arising in the practice of prosecuting and punishing offenders</li> <li>9) Requesting legislative initiatives from relevant actors in order to change the law, giving opinions on legal acts</li> <li>10) Advocate for measures that will increase the legal protection of children from sexual crimes, provide assistance and support to victims - advocacy can be addressed to state authorities, NGOs and other institutions</li> <li>11) Conducting educational activities and information campaigns</li> <li>12) Interacting with and supporting the social endeavours of entities such as schools, universities, educational and cultural institutions, associations, foundations, NGOs, professional bodies, churches and religious associations, civic movements and the media;</li> <li>13) Preparation of State Commission reports with conclusions and recommendations for bodies, organisations and others.</li> </ul> |   |
| <i>Ministry of the Family and Social Policy (Ministerstwo Rodziny i Polityki Społecznej)</i> | national | The Ministry's aim and objective with regard to children's rights is to lay the foundations for improving the quality of life in terms of family,   | The legal basis for the Ministry of Family and Social Policy is the Regulation of the Council of Ministers of 7 October |



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|   |                 | <p>work and social security issues - strong family, stable work. At the centre of the Ministry's work is the family. Through its activities, it supports it at every stage. Beginning with leave for parents to care for a newborn child, through the development of crèche care places, monthly support under the "Family 500+" programme, assistance in completing a school layette from the "Good Start" programme and family care capital.</p>  | <p>2020 on the establishment of the Ministry of Family and Social Policy.</p> <p>The tasks of the minister competent for family matters also include monitoring the implementation of tasks resulting from the Act of 9 June 2011 on family support and the foster care system, as well as task of the central authority designated pursuant to Article 6 of the Convention of 29 May 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption (OJ. U. 2000, No. 39, item 448),</p> |
| <p><i>Ministry of Education and Science (Ministerstwo Edukacji i Nauki)</i></p> | <p>national</p> | <p>The Ministry of Education and Science is responsible for conducting state policy in the areas of education and upbringing and science and higher education.</p> <p>It carries out tasks related to the preparation of strategic solutions, development and financing:</p> <ul style="list-style-type: none"> <li>• kindergartens,</li> <li>• primary, secondary, special and post-secondary schools,</li> <li>• Polish schools abroad,</li> <li>• universities,</li> <li>• research institutes, scientific institutes.</li> </ul> <p>It creates and implements educational and scientific programmes adapted to the challenges of the modern world and changing realities. It aims to build a modern school,</p> | <p>The Ministry of Education and Science was established by the Decree of the Council of Ministers of 17 December 2020 on the establishment of the Ministry of Education and Science and the abolition of the Ministry of National Education and the Ministry of Science and Higher Education.</p>  |

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|   |                 | <p>develop the competences of the future and ensure equal access to quality education for all students. It cares for the innovative development of Polish science and its active cooperation with the economy. It supports scientists in their pursuit of scientific excellence, in the development of their careers and in conducting innovative research.<sup>130</sup></p>   |  |
| <p><i>Ministry of Health<br/>(Ministerstwo Zdrowia)</i></p> | <p>National</p> | <p>The Ministry of Health is responsible for child protection in the area of health and includes legislation, policy-making, training of professionals, supervision of institutions. The Ministry of Health ensures the protection of children's rights through, for example:</p> <ol style="list-style-type: none"> <li>1) the running of programmes for the protection and perinatal support of the mother and child and support for the pregnant woman, taking into account women with complicated pregnancies and situations of obstetric failure, as well as children diagnosed with a severe and irreversible disability or an incurable disease threatening their life, which arose during the prenatal period of the child's development or during</li> </ol> | <p>The legal basis for the Ministry of Health is the Decree of the Council of Ministers of 26 October 1999 on the establishment of the Ministry of Health.</p> |

<sup>130</sup> Poland, Ministry of Education and Science, Basic information ([Podstawowe informacje](#)) (accessed 30.03.2023).

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|  |                 | <p>birth (e.g. the "Za życiem" programme<sup>131</sup>);</p> <p>2) Providing training to staff in kindergartens and schools on child diabetes awareness - topics include diabetes knowledge and the principles of first aid for the diabetic child;<sup>132</sup></p> <p>3) conducting oral health prevention activities for children;<sup>133</sup></p> <p>4) actions to protect the health of students.<sup>134</sup></p>   |  |
| <p><i>Ministry of Justice<br/>(Ministerstwo Sprawiedliwości)</i></p> | <p>National</p> | <p>The Ministry of Justice undertakes activities for the protection of children's rights, within the scope of its jurisdiction, within all branches of law. The main activities of the Ministry of Justice in favour of children are of a legislative nature, aiming at the introduction of solutions protecting children, e.g.: the amendment of the Act on Counteracting Domestic Violence, which includes solutions allowing the victim and their guardians to obtain immediate support, so that they are not forced to live</p> | <p>The legal basis for the Ministry of Justice is the Regulation of the Council of Ministers of 3 November 1999 on the establishment of the Ministry of Justice,</p> |

<sup>131</sup> Poland, Ministry of Health, [O ustawie i programie za życiem](#) (accessed 30.03.2023).

<sup>132</sup> Poland, Ministry of Health, [Dziecko z cukrzycą](#) (accessed 30.03.2023).

<sup>133</sup> Poland, Ministry of Health, [Stomatologia dziecięca](#) (accessed 30.03.2023).

<sup>134</sup> Poland, Ministry of Health, [Zdrowie ucznia](#) (accessed 30.03.2023).

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|   |          | <p>under the same roof with the persecutor or to seek shelter outside their own home.<sup>135</sup></p> <p>In addition, the law introduced new tools: a restraining order prohibiting the perpetrator of the violence from approaching the person he or she is victimising, a ban on communicating with him or her and a ban on entering certain places (such as a school or workplace).</p>   |  |
| <p><i>Ministry of the Interior and Administration (Ministerstwo Spraw Wewnętrznych i Administracji)</i></p> | National | <p>As part of its activities, the Ministry of the Interior and Administration also undertakes actions that affect the protection of children. First and foremost, the Ministry conducts activities against human trafficking through:</p> <ol style="list-style-type: none"> <li>1) activities of the Committee for Counteracting Trafficking in Human Beings, whose tasks include proposing and giving opinions on actions taken to effectively combat and prevent trafficking in human beings, as well as evaluating the implementation of the National Action Plan against Trafficking in Human Beings (which aims, inter alia, to raise the standard of support provided to victims of trafficking in human beings, including underage victims of trafficking);<sup>136</sup></li> </ol> |  |

<sup>135</sup> Poland, Ministry of Justice, [Kolejne wzmocnienie ochrony osób dotkniętych przemocą domową](#), 13 January 2023.

<sup>136</sup> Poland, Ministry of Interior and Administration, [Przeciwdziałanie handlowi ludźmi](#) (accessed 30.03.2023).

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|                                 |  | <ol style="list-style-type: none"> <li>2) creation of a National Intervention and Consultation Centre to identify victims of human trafficking, take intervention measures, run shelters for victims, provide comprehensive support to victims of human trafficking (accommodation, medical and psychological care, legal consultations);<sup>137</sup></li> <li>3) running an anti-trafficking portal, which provides a range of information on anti-trafficking, protection and support for victims.<sup>138</sup></li> </ol> |   |
| <i>Governors (województwie)</i> | regional (government bodies at regional level) | <p>The main tasks of provincial governors (voivodes, <i>województwie</i>) in the field of child protection are defined by laws such as:</p> <ol style="list-style-type: none"> <li>1) Act of 9 June 2011 on family support and the foster care system,</li> <li>2) Act of 29 July 2005 on counteracting domestic violence,</li> <li>3) Act of 12 March 2004 on social assistance.</li> </ol> <p>The analysis of the above-mentioned laws shows that the competences of the voivodes</p>   | <p>E.g., on the basis of the Act of 9 June 2011 on family support and the foster care system, the voivode's tasks include, above all, the control of implementation of tasks in the field of family support, foster care, independence of adult pupils and adoption performed by local government units and organisational units of family support and foster care system. He also issues authorisations for facilities/centres forming a system of institutional foster care (Articles 106 and 113). Governors also supervise these facilities (art. 122).</p> <p>On the basis of Article 7 of 29 July 2005 on counteracting family violence, governors: establish standards for</p> |

<sup>137</sup> Poland, [Krajowe Centrum Interwencyjno-Informacyjne dla Ofiar Handlu Ludźmi](#) (accessed 30.03.2023).

<sup>138</sup> Poland, Ministry of Interior and Administration, [Portal o przeciwdziałaniu handlowi ludźmi](#) (accessed 30.03.2023).

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|   |  | <p>fall into the categories of standard-setting, implementation and monitoring, licensing, control or supervision. Supervisory and control competences apply to all units of local government administration (both in relation to their own and commissioned/delegated tasks) and to institutions of the foster care and social welfare system.</p>   | <p>intervention in crisis situations; monitor the phenomenon of family violence and the implementation of the National Plan for Counteracting Family Violence; supervise the implementation of tasks in the field of counteracting family violence by local government units and commissioned private entities.</p> <p>The main tasks of the provincial governor in the field of social assistance are set out in Article 22 of the Social Assistance Act of 12 March 2004. E.g. they issue permits to various entities (including local government units) to establish social assistance homes and other institutional social welfare units (Articles 22 and 57) and supervise the quality of services (Articles 22 and 126); they also coordinate the integration of foreigners (Articles 22 and 93 - 94).</p> |
| <p><i>Regional marshals (marszałkowie województw)</i></p> | <p>regional (executive bodies of local government at regional level)</p> | <p>The main tasks of regional marshals in the field of child protection are defined by laws such as:</p> <ol style="list-style-type: none"> <li>1) Act of 9 June 2011 on family support and the foster care system,</li> <li>2) Act of 12 March 2004 on social assistance.</li> </ol> <p>Marshals perform tasks of an executive nature, supervision of institutions, oversight of procedures and training of professionals.</p> | <p>For example, Article 154 of the Act of 9 June 2011 on family support and the foster care system imposes certain tasks on marshals in relation to adoption centres. Adoption centres are run by regional governments or units to which the regional government has assigned these tasks. If the task is delegated to e.g. a non-governmental or church organisation, marshals delegate the task to these entities for a period of 5 years and announce lists of adoption centres conducting adoption proceedings in the region. Marshals also select an adoption centre that maintains a provincial database of children awaiting adoption and monitors adoption procedures in the province (Article 162 of the Act of 9 June 2011 on family support and the foster care system).</p>                          |

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|   |  |   | <p>Own tasks of voivodeship self-government shall also include operation of pre-adoptive intervention centres as well as regional care and therapy centres.</p> <p>Pursuant to the Act on Social Assistance, marshals determine the average monthly cost of living in these homes (Article 60(1)(3) of the Act of 12 March 2004 on Social Assistance). Pursuant to Article 113(3) of the Act, marshals exercise supervision over social assistance organizational units subordinate to them, particularly in financial and administrative matters. Pursuant to Article 113(4) of the Act, marshals may authorise directors of regional centres of social policy to issue administrative decisions in individual matters within the scope of social assistance belonging to the competence of the regional self-government. Pursuant to Article 118(1d) of the Act, marshals shall provide technical and administrative services to district examination commissions for professional qualifications of social workers.</p> |
| <p><i>County governors (starostowie powiatów)</i></p> | <p>Local (local government executive bodies)</p> | <p>Their main tasks in the field of child protection, insofar as it is part of the foster care and social assistance systems, are defined by laws such as:</p> <ol style="list-style-type: none"> <li>1) Act of 9 June 2011 on family support and the foster care system,</li> <li>2) Act of 12 March 2004 on social assistance.</li> </ol> | <p>For example, on the basis of the Act of 9 June 2011 on family support and the foster care system, county governors issue decisions in individual foster care cases within the competence of the counties (Article 182(3) of the Act of 9 June 2011 on family support and the foster care system). These decisions may also be issued, with the approval of the governor, by the directors of county family support centres. County governors may sign agreements with foster families (art. 54 and art. 55 of the Act of 9 June 2011 on family support and the foster care system), appoint foster care organisers (art. 76), provide economic</p>  |

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|   |   | <p>The county governors have a wide range of competences in both social welfare and foster care. Tasks are of an executive/managerial nature, e.g. issuing decisions in individual cases, signing contracts in the field of social welfare, but also of a supervisory and controlling nature.</p> <p>Pursuant to Article 182 of the Act on Support for the Family and the Foster Care System, they perform foster care tasks through county family support centres.</p>  | <p>and administrative services to foster care institutions (art. 94).</p> <p>Pursuant to the Act on Social Assistance, the county governor issues decisions on placement in a social welfare home, determines the average monthly maintenance costs of persons residing in county social welfare homes (Article 60(2)(2)) and distributes assistance for independent living (Article 89(6)).</p>  |
| <p><i>County councils (rady powiatów)</i></p> | <p>local (local government law-making bodies)</p> | <p>The county council's child protection duties, insofar as this is part of the social welfare and foster care systems, derive from various pieces of legislation, including:</p> <ol style="list-style-type: none"> <li>1) Act of 5 June 1998 on county self-government,</li> <li>2) Act of 12 March 2004 on social assistance,</li> <li>3) Act of 9 June 2011 on family support and the foster care system.</li> </ol> <p>As law-making bodies, they create various county organisational units, enact county policy and supervise (among other things, in</p> | <p>According to the Act on county self-government,<sup>139</sup> in order to realise their tasks, counties may create various organisational units or contract non-governmental organisations (Article 6). For example, in order for the county to fulfil its tasks in the field of social assistance and foster care, the county council creates county family assistance centres,. County family assistance centres are organisational units of social assistance at powiat/county level. The tasks of the county (powiat) include help in gaining independence and integration of people leaving various forms of institutional care, support in the integration of foreigners, running and development of the infrastructure of social assistance houses.</p> |

<sup>139</sup> Poland, Act on county self-government ([Ustawa o samorządzie powiatowym](#)), 5 June 1998.



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|   |  | terms of policy implementation) the executive bodies of the county government.   |   |
| <i>Municipal councils (rady miejskie / rady gmin)</i>       | local (the law-making body of the municipality)                          | <p>Municipal councils' child protection duties, insofar as this is part of the social care and foster care systems, derive from various pieces of legislation, including:</p> <ol style="list-style-type: none"> <li>1) Act of 8 March 1990 on Municipal Self-Government,</li> <li>2) Act of 12 March 2004 on Social Assistance,</li> <li>3) Act of 9 June 2011 on Family Support and the Foster Care System.</li> </ol> <p>As law-making bodies, they create various municipal organisational units, enact municipal policies and control the executive bodies of the municipal government.</p> | Pursuant to the Act on Municipal Self-Government, <sup>140</sup> in order to perform their tasks, municipalities may create various organisational units or contract non-governmental organisations (Article 9). For example, in order for a municipality to perform its tasks in the field of social welfare or family support, the municipal council creates social assistance centres, which are the basic organisational units of the social assistance system, but also of family support within the social assistance area. Pursuant to Article 110(10), council develops local social assistance programmes. |
| <i>Mayors (wójtowie / burmistrzowie / prezydenci miast)</i> | local (executive bodies of the municipal self-government administration) | <p>Their main tasks in the field of child protection, insofar as it is part of the foster care and social assistance systems, are defined by laws such as:</p> <ol style="list-style-type: none"> <li>1) Act of 9 June 2011 on family support and the foster care system,</li> </ol>   | For example, in accordance with Article 8(1) of the Act of 9 June 2011 on family support and the foster care system, the head of the municipality provides assistance to families having difficulties in fulfilling their upbringing and caring functions in the forms listed in this article. This is done through family assistants and support centres. On the basis of Article 19, mayors issue permits for the establishment of day-care facilities. Mayors also conclude and sign family support agreements for families  |

<sup>140</sup> Poland, Act on municipal self-government ([Ustawa o samorządzie gminnym](#)), 8 March 1990.

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|  |  | <p>2) Act of 29 July 2005 on counteracting domestic violence,</p> <p>3) Act of 12 March 2004 on social assistance.</p> <p>Their powers and duties are executive in nature. They include the provision, management and sometimes licensing of services within the system of family support and foster care and social assistance, as well as the coordination of measures to counter domestic violence. These tasks are carried out through various institutions and bodies (municipal organisational units).</p> | <p>experiencing difficulties in fulfilling care and educational functions (Articles 30-31). Pursuant to Article 9a(1) and (2) of the Act on Counteracting Family Violence, a mayor appoints members of interdisciplinary teams through which the municipality undertakes measures to counteract family violence.</p> <p>Pursuant to Article 110(3) of the Act on Social Assistance of 12 March 2004, social assistance homes are guided by the guidelines of mayors of the municipalities when performing their own tasks.</p> |
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2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc.). Please indicate notably if an integrated approach has been sought and/or achieved.

On 17 November 2015, the Ministry of Family, Labour and Social Policy was established. The scope of this Ministry included 3 departments: labour, family and social security. From the point of view of children's rights, the most relevant department was the family department, covering the following matters: development and protection of the institutions of marriage, children and the family, government programmes to support the family (especially families in a difficult material and social situation, as well as families with many children); counteracting pathologies and discrimination in the family; demographic conditions in the country; coordinating and organising cooperation of public administration bodies, non-governmental organisations and institutions in the area of the rights of the family, children and the elderly in need of support, international cooperation concerning the implementation and protection of the rights of the family, children, youth, women, men and the elderly.

As of 6 October 2020, the Ministry of Family and Social Policy was established by the Regulation of the Council of Ministers of 7 October 2020 by way of transformation of the Ministry of Family, Labour and Social Policy. The existing divisions have been retained, however, the family division has been slightly modified and currently covers

matters in the field of: demographic conditions in the country, care of the child up to the age of 3; protection and support of the family with dependent children, in particular families in a difficult material and social situation; development of the foster care system for the child; coordination and organisation of cooperation of public administration bodies, non-governmental organisations and institutions in the field of realisation of the rights of the family and the child, international cooperation concerning the realisation and protection of the rights of the family and the child.<sup>141</sup>

The Ministry of Family Affairs, Labour and Social Policy focuses its activities and tasks around the provision of social support to the family and assistance in terms of family benefits and assistance in raising children.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children at risk.

| Service providers<br><i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>                      | Type of services<br><i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness -training activities, etc.).</i> | Target groups<br><i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i> | Funding<br><i>(national budget, EU funded, other)</i> |
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| <p>Social assistance homes<br/><i>(domy pomocy społecznej)</i></p> <p>They are organisational units of the social assistance system. They may be created</p> | <p>The basic regulations for social assistance homes are contained in the Act on social assistance.</p> <p>These are care facilities offering a variety of services, including: accommodation, care,</p>        | <p>Persons requiring round-the-clock care due to age, illness or disability who are unable to function independently in daily life and for whom the necessary support in the form of care services cannot be provided.</p>  | <p>state budget;<br/><br/>Local budget</p>            |

<sup>141</sup> Poland, Ministry of Family and Social Policy, About the Ministry ([O ministerstwie](#)) (accessed 30.03.2023).

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| <p>and run by local government units (municipalities and counties) or their maintenance may be outsourced to religious organisations and non-governmental organisations (Articles 54 - 66 of the Act of 12 March 2004 on social assistance).</p>   | <p>support and education adapted to individual needs (Articles 54 - 66).</p>  | <p>There are several types of social assistance homes, but most relevant to this report are residential social assistance homes for children and youth with intellectual disabilities.</p> <p>Other types of social assistance homes serve:</p> <p>1) elderly persons; 2) persons with chronic somatic illnesses; 3) persons with chronic mental illnesses; 4) adults with mental disabilities; 5) persons with physical disabilities; 6) persons with alcohol dependency (Articles 54 - 66).</p> | <p>Self-generated funds, e.g. from EU funds</p>   |
| <p>Specialist advice centres</p> <p>They are organisational units of the social assistance system. The organisation of specialised advice centres is the responsibility of the counties themselves, which may (through the county councils) create specialised counselling centres. In practice, specialised counselling does not have to be (and often is not) offered in separate facilities/institutions, but may be offered within other organisational units of social welfare. Specialised</p> | <p>The regulation of specialised advice centres is contained in the Act of 12 March 2004 on social assistance.</p> <p>Specialised advice centres offer specialist legal, psychological and family advice. Legal advice includes information on family and guardianship law, social welfare and tenancy law. Psychological counselling covers the processes of diagnosis, prevention and therapy. Family counselling covers issues such as guardianship and family therapy (art. 46 - 46a of the Act of 12 March 2004 on social assistance (Journal of Laws 2023, item 185).</p> | <p>They offer counselling to families and individuals who are experiencing difficulties and need help in solving life's problems (Article 46).</p>  | <p>State budget (earmarked subsidy); Local budget, Self-generated funds, e.g. from EU funds</p> |

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| counselling can also be outsourced to NGOs. <sup>142143</sup>  |  |   |  |
| <p>Social assistance centres</p> <p>They are organisational units of the social assistance system. Their creation is a mandatory own task of municipalities. Social assistance centres are thus created by municipalities, by way of resolutions of municipal councils (Articles 110-110a of the Act of 12 March 2004 on social assistance).<sup>144</sup></p> | <p>As they carry out the municipality's social welfare tasks, they are often the first point of contact for people in difficult life situations. They also coordinate the implementation of municipal strategies for solving social problems. The services they provide include: financial assistance (determination of entitlement to benefits and distribution of benefits); procedural competence (centre directors may initiate maintenance proceedings on behalf of centre clients; centres may file applications to declare inability to work, disability and degree of disability) (Articles 110-110a of the Act on Social Assistance).</p> | <p>It offers its services to anyone who is experiencing or has experienced: poverty, parental childlessness, homelessness, unemployment, disability, long-term or serious illness, domestic violence, human trafficking, helplessness in matters of family life, etc.<sup>145</sup></p> | <p>State budget (earmarked subsidy);<br/>Local budget<br/>Self-generated funds, e.g. from EU funds</p> |
| District family assistance centre  | <p>They coordinate the implementation of district strategies for solving social problems. Through the district family assistance centre,</p>   | <p>It offers its services to families and individuals in need. In particular, as foster care providers - children</p>   | <p>State budget (earmarked subsidy);<br/>Local budget</p>  |

<sup>142</sup> Poland, Ministry of Family and Social Policy, [Poradnictwo specjalistyczne](#) (accessed 30.03.2023).

<sup>143</sup> Sierpowska I. (2021), *Pomoc społeczna. Commentary*, Warsaw, access el./Lex: <https://sip.lex.pl/#/commentary/587230025/660211/sierpowska-iwona-pomoc-spooleczna-komentarz-wyd-vi?cm=URELATIONS>).

<sup>144</sup> Poland, Ministry of Family and Social Policy, [Instytucje pomocy społecznej](#) (accessed 30.03.2023).

<sup>145</sup> Bochenek M. (2021), Protection of whistleblowers in organisational units of social assistance, Warsaw, access el./Lex: <https://sip.lex.pl/#/publication/470169770/bochenek-michal-ochrona-sygnalistow-w-jednostkach-organizacyjnych-pomocy-spoolecznej?cm=URELATION>

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| <p>While referring to cities with district status the tasks are performed by Municipal Social Assistance Centres which may be called Municipal Family Assistance Centres<br/>These are organisational units of the social assistance system , which perform the tasks of social assistance in counties (Article 112 of the Act of 12 March 2004 on social welfare).</p> | <p>the District governor monitors the functioning of the system specialist counselling units, including ones dealing with family counselling, as well as support centres, social assistance houses and crisis intervention centres. They also offer financial assistance, integration assistance, safe housing, training of social welfare workers.<sup>146</sup></p> | <p>deprived of or with partial parental care, young adults leaving the foster care system.</p> | <p>Self-generated funds, e.g. from EU funds</p>  |
| <p><u>Regional centres for social policy</u><br/>They are organisational units of the social assistance system. Their creation is the task of the provincial self-government (Article 113 of the Act of 12 March 2004 on</p>  | <p>They perform the tasks of the provincial self-government in the field of social assistance. They also coordinate the implementation of the regional social assistance strategy (Article 113 of the Act of 12 March 2004 on social assistance).<sup>147</sup></p>   |  | <p>State budget (earmarked subsidy);<br/>Local budget<br/>Self-generated funds, e.g. from EU funds</p> |

<sup>146</sup> Sierpowska I. (2021), *Pomoc społeczna. Commentary*, Warsaw, access el./Lex: <https://sip.lex.pl/#/commentary/587230025/660211/sierpowska-iwona-pomoc-spoleczna-komentarz-wyd-vi?cm=URELATIONS>).

<sup>147</sup> Sierpowska I. (2021), *Pomoc społeczna. Commentary*, Warsaw, access el./Lex: <https://sip.lex.pl/#/commentary/587230025/660211/sierpowska-iwona-pomoc-spoleczna-komentarz-wyd-vi?cm=URELATIONS>).

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| social assistance (Journal of Laws of 2023, item 185).  |  |  |  |
| <p>Support centres</p> <p>They are organisational units of the social assistance system. Their creation and maintenance is the responsibility of municipalities (optional task, support centres for persons with mental health disorders) and counties (with the exclusion of community self-help centres and other support centres for persons with mental health disorders). They are established by municipal or county councils. Tasks related to the running of support centres may also be outsourced to religious organisations and non-governmental organisations (art. 51 - 51c of the Act of 12 March 2004 on social assistance).</p> | <p>They are set up to enable a person to stay in the local environment and prevent institutionalisation; they offer day care, specialised care, meals, but also recreational and cultural activities, education, counselling and sometimes overnight accommodation (art. 51 - 51c of the Act of 12 March 2004 on Social Assistance).</p> | <p>It directs its services to people who, due to age, illness or disability, require partial/daily care and assistance (art. 51 - 51c of the Act on Social Assistance of 12 March 2004).</p> | <p>State budget (earmarked subsidy);<br/>Local budget<br/>Self-generated funds, e.g. from EU funds</p> |
| <p>Crisis intervention centres</p> <p>These are organisational units of social assistance. Their creation and maintenance is</p>  | <p>Intervention centres offer specialised services. These include immediate specialised psychological assistance, social assistance and, if necessary, legal advice, the provision</p>   | <p>The offer is aimed at people in dramatic life situations, including foreigners, including victims of human trafficking.</p>   | <p>State budget (earmarked subsidy);<br/>Local budget</p>  |

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| <p>the responsibility of the counties. The tasks of running crisis intervention centres can be outsourced to non-governmental organisations and religious associations.<sup>148149</sup></p> | <p>of shelter, in justified cases - a shelter for up to 3 months (Article 47 of the Act of 12 March 2004 on Social Assistance (Journal of Laws 2023, item 185).</p>   |  | <p>Self-generated funds, e.g. from EU funds</p>  |
| <p>Family assistant<br/>Family assistants are employed by family work providers, in practice these are usually social welfare centres.</p>   | <p>The provisions concerning family assistants are contained in the Act of 9 June 2011 on family support and the foster care system. They contain detailed statements of qualifications, tasks and other information concerning family assistants. Family assistants are employed by municipal organisational units or organisations selected by municipalities. Work with the family provided by family assistants consists of: consultation and specialist counselling, therapy and mediation, support for families with children, legal assistance, organisation of support groups. One of the main tasks of the assistant is to develop, in cooperation with the family and the social worker or the coordinator of family foster care (in the case</p> | <p>Families experiencing difficulties in fulfilling care functions, including families whose children remain in foster care (art. 12-17 of the Act of 9 June 2011 on family support and the foster care system).</p> | <p>State budget (earmarked subsidy);<br/>Local budget<br/>Self-generated funds, e.g. from EU funds</p> |

<sup>148</sup> Poland, [Map of crisis intervention centres](#) (accessed 30.03.2023).

<sup>149</sup> Poland, Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [PERFORMANCE OF TASKS IN THE FIELD OF CRISIS INTERVENTION FOR THE BENEFIT OF INDIVIDUALS AND FAMILIES BY THE COUNTIES](#), 2021.



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|                   | <p>of a child in foster care), a plan of work with the family. Family assistants work on the basis of these plans. They offer a wide range of support services for all kinds of problems - social, psychological, caring, employment (Articles 12-17 of the Act of 9 June 2011 on family support and the foster care system).</p>   |   |  |
| Supporting family | <p>The institution was introduced in the Act of 9 June 2011 on family support and the foster care system.</p> <p>Supporting families offer help with childcare, household management and the formation and fulfilment of basic social roles. The supported family must accept the extent of the support. Supporting families can be recruited from the child's immediate environment (e.g. relatives, neighbours, etc.). They are created by the mayor of the municipality after obtaining a positive opinion from the director of the social welfare home on the basis of a social opinion and an interview with the family. The mayors of the municipalities sign agreements with the supporting families in which they set the rules for reimbursement. Mayors of municipalities may authorise directors of social welfare homes to establish supporting families (art. 29 - 31 of the Act of 9 June 2011 on family support and the foster care system).</p> | Supporting families provide assistance to families experiencing difficulties in fulfilling their caring and upbringing functions (Article 29 of the Act of 9 June 2011 on family support and the foster care system). | <p>State budget (earmarked subsidy);</p> <p>Local budget</p> <p>Self-generated funds, e.g. from EU funds</p> |

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| <p>Ombudsman for Children - Helpline (800 12 12 12) and web chat</p>     | <p>Counselling and psychological support, as well as an indication of where to go and what to do and from which entities to seek help in situations of experiencing depression, domestic violence, peer violence, crimes including sexual offences. The location of the Children's Helpline within the structures of the Office of the Children's Ombudsman enables its consultants to deal with the problem, monitor the situation and organise further help on the basis of cooperation with many institutions.<sup>150</sup></p>   | <p>Children of all ages, as well as children with disabilities, children experiencing violence and crime. All children can benefit, including those from Ukraine and also in Ukrainian, as well as Russian.</p> | <p>National budget, telecom operator Orange</p> |
| <p>“Empowering Children” Foundation (Fundacja “Dajemy Dzieciom Się”)</p> | <p>The “Dajemy Dzieciom Się” Foundation (formerly known as Nobody’s Children Foundation / Fundacja Dzieci Niczyje) runs Children's Aid Centres, where children who have been harmed by crime can receive comprehensive, specialised and free help, including: medical help, legal help and psychological support. In addition, the Dajemy Dzieciom Się Foundation deals with the protection of young children (up to about 6 years of age) from abuse through support and education of parents (free psychological and psychiatric consultations and educational workshops and meetings), as well as the promotion of good parenting, as violence</p> | <p>Children of all ages, as well as children with disabilities, children experiencing violence and crime.</p>   | <p>Other</p>                                    |

<sup>150</sup> Poland, Ombudsman For Children, [Dziecięcy Telefon Zaufania Rzecznika Praw Dziecka](#) (accessed 30.03.2023).

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|  | against children often occurs due to parents' helplessness and confusion, their frustration and lack of parental competence. <sup>151</sup>   |   |       |
| “Empowering Children” (“Dajemy Dzieciom Siłę”) Foundation – 116 111 Helpline for Children and Young People | “Dajemy Dzieciom Siłę” Foundation also runs a Helpline for Children and Young People, which operates every day 7 days a week, 24 hours a day. Children who call this Helpline can talk about anything and get support, including legal and psychological support, and in a situation where there is a threat to the health or life of the calling child, a representative of the Helpline will contact the entities that will take care of the child's safety and take appropriate action. <sup>152</sup> | Children of all ages, as well as children with disabilities, children experiencing violence and crime. All children can benefit, including children from Ukraine and also in Ukrainian. | Other |
| „Notice me!” Foundation (Fundacja „Zobacz mnie!”) <sup>153</sup>   | The Foundation helps to find funds for unreimbursed treatment, e.g. Experimental medicines, surgeries, therapies for children with rare diseases, stem cell transplants; seeks treatment for children in clinics in Poland and abroad when they have no chance for treatment in Poland; conducts health prevention activities - organises screening tests, environmental actions to draw  | Children of all ages, including sick children and children with disabilities, gifted children.  | Other |

<sup>151</sup> “Dajemy Dzieciom Siłę” Foundation, [Co robimy?](#) (accessed 30.03.2023).

<sup>152</sup> “Dajemy Dzieciom Siłę” Foundation, [116 111 helpline](#) (accessed 30.03.2023).

<sup>153</sup> Notice me! Foundation to help children, [About us](#) (accessed 14.04.2023).

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|   | <p>attention to the importance of everyday ecological activities that affect our health; conducting art therapy for the wards, organising festivals, fests, competitions and workshops; organising drumming workshops for deaf children, conducting art workshops, preparing art therapy classes, supporting children who have exceptional talents in various fields by: developing children's interests, individual predispositions, abilities; motivating children to self-improvement, overcoming their own limitations; preparing gifted children to participate in competitions, subject Olympiads, art competitions, sports competitions; organising events to promote young athletes and gifted children and young people.<sup>154</sup></p> |   |              |
| <p>Caritas Polska – charitable institution of the Catholic Church in Poland</p> | <p>It runs support programmes for children from families in difficult financial or life situations, consisting of organising holidays for children and young people, educational support, fostering the development and passion of talents and daily care in day care centres. Children who lack adequate care at home can eat a warm meal, do their homework and participate in development activities during their stay at the Caritas day care centre.</p>   | <p>Excluded children, poor children, children with different types of deficits.</p> | <p>Other</p> |

<sup>154</sup> „Zobacz mnie!” Foundation, [Website](#) (accessed 30.03.2023).

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|   | Caritas Polska also runs life windows, where a mother can leave her newborn child anonymously, as well as therapeutic day care centres for children. <sup>155</sup>  |   |       |
| Committee for the Protection of Children's Rights – non-governmental organisation | It carries out intervention, control and preventive as well as educational and training activities, promotes knowledge of children's rights, discloses their violation in family and social life, takes initiatives and actions to improve the system of protection of children's rights, defends individual and collective rights of the child, ensures that the law is correctly applied to the child, initiates and develops specialised forms of family assistance, runs its own facilities such as: intervention centres, care and upbringing centres, crisis intervention centres, mediation centres, counselling centres for children and families, organises and conducts various forms of recreation for children and young people, takes measures to protect the rights of disabled children, provides comprehensive assistance to children and their families injured in traffic accidents, takes any other measures aimed at protecting the interests of the child, including, inter | Abused children – victims of emotional, physical, sexual abuse and neglect and inadequate care. | Other |

<sup>155</sup> Caritas Polska, [Rodzina, dzieci i młodzież](#) (accessed 30.03.2023).

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|   | aliainter alia, activities in the field of addiction prevention and counteracting violence. <sup>156</sup>   |   |                             |
| „Po Drugie” Foundation  | The Foundation, acting for the benefit of children, undertakes, among others. such activities as: re-education and further education, implementation of innovative projects related to both re-socialisation and independence of wards and development of their interests, support in crisis situations, implementation and support of programmes to counteract addiction to alcohol, tobacco and other psychoactive substances, assistance in acquiring practical skills provision of pedagogical, psychological, therapeutic professional counselling, legal and medical assistance, work with wards' families and work with pathological families at risk of social exclusion. <sup>157</sup> | Young people and young adults at risk of and affected by homelessness. Young people at risk of social exclusion, pathology and helplessness. The Foundation's assistance is provided primarily to former foster families, children's homes and re-socialisation centres, but increasingly also to people who grew up in a family, but who were raised in a family only in name. | Other                       |
| Centres and Local Help Points for Victims of Crime operating as part of the Crime Victims' Support Network <sup>158</sup> | Provide assistance to victims of crime and their relatives, they also provide assistance to witnesses and their relatives, including children under the Victim Assistance Program for 2019-2021 (currently the Victim Assistance Program for 2019-2025)  |   | State budget (Justice Fund) |

<sup>156</sup> Komitet Ochrony Praw Dziecka, [O KOPD/Misja](#) (accessed 30.03.2023).

<sup>157</sup> „Po Drugie” Foundation, [Website](#) (accessed 30.03.2023).

<sup>158</sup> <https://www.funduszsprawiedliwosci.gov.pl/pl/znajdz-osrodek-pomocy/>

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| Helpline „SOS helpline for Victims of Crime („SOS Linia Pomocy Pokrzywdzonym”), +48 222 309 900; www.numersos.pl. | Helpline operates every day 7 days a week, 24 hours a day and informs regarding the available support. It offers also a psychological support and legal advice. |  | State budget (Justice Fund) |
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2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

Yes, child participation mechanisms and feedback are part of child protection services. An example of taking into account information from children, which is obtained in order to determine what actions are necessary to be taken to ensure reliable protection of children's rights in Poland, is **“Dajemy Dzieciom Się” Foundation**. The aforementioned foundation has also been conducting research among children and young people for years and, on the basis of this research, has been creating reports in which it formulates postulates to the legislator and relevant authorities, e.g. the Ministry of Justice, to take appropriate legislative action. Examples of such reports include: Sajkowska M., Szeredzińska R. (2022), [Dzieci się liczą. Raport o zagrożeniach bezpieczeństwa i rozwoju dzieci w Polsce](#), Warsaw; Włodarczyk J. (2022), [Raport: Znajomość Telefonów Zaufania wśród młodzieży. Wyniki badania](#), Warsaw, Fundacja Dajemy Dzieciom Się; Makaruk K., Włodarczyk J. (2020), [Praktyka przesłuchiwanie dzieci w Polsce](#), Warsaw, Fundacja Dajemy Dzieciom Się.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

| Question  | YES | NO | Comments  |
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| <p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?<br/> <u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p> |     | X  | <p>As of 10 August 2021, 21 000 organisations in Poland declared activities whose recipients were children or adolescents. Among them, the largest number are associations (approximately 16 600) and foundations (over 1 800).<sup>159</sup></p> <p>Whereas there is no official register of such organisations in Poland, it is possible to search for an organisation by entering its name, KRS or REGON number in the database run by NGO portal (ngo.pl). If an organisation is listed, one can access its profile on the register with basic information and a description of its activities.</p> <p>In addition, lists of NGOs and other entities cooperating with the Ministry of Justice are available on the website of the Ministry of Justice.<sup>160</sup></p> <p>The publication of the list of non-governmental organisations and other entities cooperating with the Ministry of Justice in 2017-2020 results from the implementation of the obligation under § 15(6b) of the Internal Organisational Regulations of the Department of Strategy and European Funds and §12 of the Order of the Minister of Justice on conducting legislative work in the Ministry of Justice of 19 February 2021, as well as obligations resulting from the implementation of the <i>Programme of cooperation of the Minister of Justice with non-governmental organisations and other entities mentioned in Article 3(3) of the Act on public and voluntary activity for 2017-2020</i>, and the new <i>Programme of cooperation of the Minister of Justice with non-governmental organisations and other entities mentioned in Article 3(3) of the Act on public and voluntary activity for 2021-2025</i>. According to the 2017-2020 cooperation programme in force at the Ministry of Justice, databases of non-governmental organisations,</p> |

<sup>159</sup> Ngo.pl, [List of non-governmental organisations in Poland](#) (accessed 30.03.2023).

<sup>160</sup> Poland, Ministry of Justice, [Lista organizacji pozarządowych i innych podmiotów współpracujących z Ministerstwem Sprawiedliwości](#) (accessed 30.03.2023).



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|   |   | <p>including expert organisations, think-tanks, which can be helpful when developing strategic documents and conducting research and analysis, should be created and updated.</p> <p>The nature and type of organisations included in the list results directly from the various forms of cooperation envisaged by the <i>Programme</i>, which, apart from the public consultation processes conducted by the Ministry, also provide for cooperation with NGOs consisting in the activity of consultative and advisory bodies, financial cooperation with the use of the Fund for Victims' Aid and Post-Penitentiary Aid, and the use of the formula of patronage over various projects implemented by organisations.</p>  |
| <p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes,</u> which is the responsible authority? How frequent are reviews and inspections?</p> | X | <p>In Poland, every non-governmental organisation, including the ones working for children, must be registered with the National Court Register in order to operate. They can choose between the status of foundation or association. In the case of foundations, the Act of 6 April 1984 on Foundations<sup>161</sup> applies, and in the case of associations - the Act of 7 April 1989 - Law on Associations<sup>162</sup>.</p> <p>In addition to the obligation to register, NGOs are subject to supervision and control by authorities and institutions. However, control and supervision do not mean the same thing. <b>Control</b> means that the supervisor has the right to determine, to examine according to certain procedures, whether the organisation is acting in accordance with the law. Control powers over associations and foundations include: State Labour Inspectorate, Sanitary Inspectorate, Public Prosecutor's Office, Tax Inspection Offices, Supreme Audit Office, Regional Audit Office. <b>Supervision</b> is a broader concept than control. If an inspection shows that, for example, an organisation is breaking the law, the supervisor can interfere in the organisation's activities. The right to control does not give the power to interfere in the activities of an organisation.</p> <p><b>Foundations are supervised by (Article 12 of the Act on Foundations):</b></p> <p>(1) The minister competent with regard to the scope of activity and the objectives of the</p> |

<sup>161</sup> Poland, Act on foundations ([Ustawa o fundacjach](#)), 6 April 1984.

<sup>162</sup> Poland, Law on associations ([Prawo o stowarzyszeniach](#)), 7 April 1989.

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|  |          | <p>foundation (the competent minister should be indicated in the foundation's statute),</p> <p>2. the district governor (or mayor of a city with district rights) competent for the seat of the foundation.</p> <p><b>The supervision of associations is performed by (Article 8 of the Law on Associations):</b></p> <p>1. the governor of the county (or the president of the city with county rights) competent for the seat of the association,</p> <p>2. the provincial governor - in relation to associations of local government units.</p> <p><b>Independently of the supervision and control of non-governmental organisations, the organisations' exercise of their rights under the Public Benefit Activity Act is supervised by the Chairperson of the Public Benefit Committee, who may either carry out the control himself or commission it to the Governor or the Director of the National Freedom Institute. The Chairperson may also apply for an audit of a particular organisation to other governmental and self-governmental control institutions (e.g. Regional Chambers of Accounts, which are entitled to control the financial management of non-governmental organisations with respect to their use of subsidies granted from the budget of local self-government units. If an audit is scheduled, the organisation shall be informed about it 7 days prior to its commencement in writing and about the subject of the audit. (Articles 28 - 34 of the Act of 24 April 2003 on public benefit activity and volunteering).</b></p> |
| <p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p>If <u>yes</u>, what is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).</p> | <p>X</p> | <p>In Poland, there are <b>cooperation partnerships</b> between the government/local government units and civil society at national, as well as local level.</p> <p><b>At local (municipal) level</b></p> <p>Pursuant to Article 5a(1) of the Act of 24 April 2003 on public benefit activity and voluntary work, the decision-making body of a local government unit adopts, following consultations with non-governmental organisations, an annual programme of cooperation with non-governmental organisations. The annual cooperation programme is adopted by 30 November of the year preceding the programme period. In addition, the decision-making body of the local self-government unit may adopt a multi-annual programme of cooperation with non-governmental organisations. The executive body of the local government unit, not later than by 31 May each year, is obliged to submit</p>   |

to the constituting body of the local government unit and publish in the Public Information Bulletin a report on the implementation of the cooperation programme for the previous year.

**At national level**

Pursuant to Article 5b of the Act of 24 April 2003 on Public Benefit Activity and Volunteerism, the Minister or the Governor adopts, by way of an ordinance, after consultations with non-governmental organisations, an annual or multi-annual programme of cooperation with non-governmental organisations for a period no longer than 5 years. The government administration body shall, no later than by 30 April each year, publish in the Public Information Bulletin a report on the implementation of the cooperation programme for the previous year.

Pursuant to Article 5 of the Act of 24 April 2003 on Public Benefit Activity and Volunteering, cooperation of public administration bodies with non-governmental organisations in the field of activities for children in Poland may take the form of:

- 1) To commission non-governmental organisations to carry out public tasks according to the principles set out in the Act
- 2) Inform each other on planned courses of action
- 3) Consultation of non-governmental organisations on draft normative acts
- 4) To be consulted on draft normative acts concerning the sphere of public tasks of these organisations in the event of their creation by the competent local government units
- 5) Creation of joint teams of advisory and initiative character, composed of representatives of non-governmental organisations and representatives of public administration bodies
- 6) Contracts for the implementation of a local initiative under the terms of the Act
- 7) Partnership agreement as defined in Article 28a (1) of the Act of 6 December 2006 on the principles of development policy, agreement or partnership agreement as defined in Article 33 (1) of the Act of 11 July 2014 on the principles for the implementation of programmes within the scope of cohesion policy financed in the financial perspective 2014 - 2020 and the agreement or partnership agreement defined in Article 39(1) of the Act of 28 April 2022 on the principles for the implementation of tasks

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|  |  | <p>financed from the European funds in the financial perspective 2021-2027.</p> <p>This cooperation is based on the principles of subsidiarity, sovereignty of the parties, partnership, efficiency, fair competition and openness.</p> <p>One example of such cooperation at the national level is that of the Minister of Justice working with NGOs, including on the protection of children's rights.</p> <p><b>Examples of the Minister of Justice's cooperation for children with NGOs between 2017 and 2020 include:</b><sup>163</sup></p> <ul style="list-style-type: none"> <li>- The patronage of the Minister of Justice over the 15th National Conference "Helping Children - Victims of Crime", held on 22-23.10.2018 in Warsaw - organised by the foundation Dajemy Dzieciom Się</li> <li>- The patronage of the Minister of Justice over the Educational and Scientific Conference "Protecting the child from abuse", on 20.09.2018 in Rybnik - organised by the Family Foster Care Centre in Rybnik</li> <li>- The patronage of the Minister of Justice for the International Scientific Conference for the Development of Foster Parenting entitled. "Child in the support system" on 02-03.04.2019 in Wrocław, organised by the Lower Silesian Foundation for Foster Care "Przystanek Rodzina" Małgorzata Sawicka President</li> <li>- Patronage of the Minister of Justice for the Conference "Protecting children from violence" on 21.05.2019 in Złotow - Association of Foster Parenting</li> <li>- Carried out tasks related to the operation of the Fund for Victims' Aid and Post-Penitentiary Assistance - Justice Fund - by awarding grants to social organisations that carry out activities in the field of providing assistance to victims, including children, witnesses and persons closest to them</li> <li>- to consult draft regulations also with organisations working on behalf of children, such as the Committee for the Protection of Children's Rights.</li> </ul> |
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### 2.3. Inter-agency cooperation in the area of child protection

| Question | YES | NO | Comments |
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<sup>163</sup> Poland, Ministry of Justice, Cooperation programme ([Program współpracy](#)) (accessed 30.03.2023).

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| <p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p>If <u>yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation - coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p> | X | <p>There is no specific legal framework for coordination between national, regional or local authorities in the development and implementation of general child protection policies and legislation.</p> <p>In general, however, the legislative activities of the Council of Ministers, the Prime Minister and the various government administrative bodies are coordinated by the <b>Government Legislation Centre (<i>Rządowe Centrum Legislacyjne</i>)</b>. The Centre was established on the basis of the Act of 8 August 1996 on the Council of Ministers and operates on the basis of that Act and the Prime Minister's Order No. 79 of 28 June 2002 on conferring the status of the Government Legislation Centre.</p> <p>Among other things, the Centre prepares government draft laws and other government documents and analyses the jurisprudence of various courts and tribunals. It also participates in legislative work initiated by other entities, at the drafting stage but also during inter-ministerial consultations, etc.</p> <p>Despite the lack of formal, explicitly legislated coordination between national, regional or local authorities in the development and implementation of policies and legislation in the field of child protection, in practice a kind of coordination can be seen, which manifests itself especially in the legislative area, where different ministries and other actors (such as the Ombudsman for Children) are involved in the consultation process, but also on an ad hoc basis on various specific issues.</p> <p>Recently, a particular activity of entities presenting their position with regard to legislative measures in favour of the child could be observed in connection with the amendment of Article 10 of the Penal Code, consisting in the addition of § 2a to this provision, which reads: <i>"A minor who, after attaining the age of 14 and before attaining the age of 15, commits a criminal act referred to in Article 148 § 2 or 3 (aggravated murder – ed.), may be held liable under the rules set out in this Code if the circumstances of the case and the degree of development of the perpetrator, his or her personal characteristics and conditions support this, and there is a reasonable suspicion that the application of educational or corrective measures is unable to ensure the rehabilitation of the minor"</i>. State bodies such as, for example, the Ombudsman for</p> |
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|   |   | <p>Children or the Commissioner for Human Rights, as well as representatives of the judiciary in the person of the presidents of appellate courts, were invited to consult on this amendment. Unfortunately, despite the fact that the invited entities strongly opposed this amendment, also supporting their positions with the views of literature representatives, their demands were rejected and the amendment was adopted and will be in force from 14 March 2023.</p> <p>The reasons for the lack of provisions on cooperation/coordination in policy-making in the area of family support and foster care can be found in the general principle underlying the reform of Poland's territorial division, which introduced a three-tier local government system (municipalities, counties, regions). The reform was intended to provide local government units with a certain degree of independence from the central authority, putting into practice the principle of subsidiarity. In this sense, independence in developing their own programmes can be seen as an element of self-government autonomy. Moreover, such an arrangement forces local government units to take responsibility for the creation and implementation of activities in the area of family support and foster care. And due to the proximity of the problems to be addressed by the programmes, local government units seem to be the most predisposed to prepare such programmes. On the county (<i>powiat</i>) level, there are county family assistance centres - these are organisational units performing the tasks of the county in the field of social assistance. The tasks of county family assistance centres in cities with county rights are performed by municipal social assistance centres (municipal family assistance centres). The county provides financial support to these centres, which provide assistance to families in need of such assistance and indicate to the county authorities possible measures to be taken for the benefit of those in need.</p> <p>On the other hand, the lack of coordination makes it difficult to address and eliminate problems that arise throughout the country. Perhaps a solution to this problem would be the adoption of a nationwide programme for the support of families and foster care.</p> |
| 2.3.2. Is there inter-agency cooperation between the relevant actors having | X | Yes, a form of inter-agency cooperation exists in Poland. An example of it is the existence of the <b>Committee for Public Benefit (<i>Komitet do spraw</i>)</b>  |

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| <p>responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes, please mention how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p> |  | <p><b>Pożytku Publicznego</b>), which is a government administration body established to coordinate and organise cooperation between public administration bodies and entities operating in the sphere of volunteering and public benefit. The Committee, among other things, also arranges cooperation with NGOs working for the protection of children's rights.</p> <p>The tasks of the Committee for Public Benefit are defined by the Act of 15 September 2017 on the National Institute of Freedom - Centre for Civil Society Development<sup>164</sup> and include:</p> <ul style="list-style-type: none"> <li>• coordinating and monitoring cooperation between government bodies and the NGO sector and other organised forms of civil society;</li> <li>• preparing and consulting, with non-governmental organisations and other bodies active in the public interest, programmes to support the development of civil society and to monitor their implementation;</li> <li>• drafting and giving an opinion on draft legislation in the field of civil society development;</li> <li>• cooperation on matters relating to the development of civil society with other countries, international and foreign organisations and institutions;</li> <li>• cooperation in the preparation of reports and statements on the implementation of international agreements binding the Republic of Poland concerning the development of civil society;</li> <li>• presenting opinions on the possibility of the Republic of Poland's accession to international agreements concerning the development of civil society.</li> </ul> <p>Within the Public Benefit Committee there are:</p> <ol style="list-style-type: none"> <li>I. <b>expert teams</b><sup>165</sup> - for civic dialogue; for the promotion of civic guidance; for the reform of commissioning of public tasks - whose main purpose is to develop and consult the guidelines of programmes to support the</li> </ol> |
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<sup>164</sup> Poland, Act on the National Institute of Freedom - Centre for Civil Society Development ([Ustawa o Narodowym Instytucie Wolności – Centrum Rozwoju Społeczeństwa Obywatelskiego](#)), 15 September 2017.

<sup>165</sup> Poland, Government, Expert teams ([Zespoły eksperckie](#)) (accessed 30.03.2023).

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|  |  |  | <p>development of civil society; they are of an auxiliary and advisory nature; they were established as an expression of the Committee President's desire to establish permanent cooperation with non-governmental and academic circles, as well as to implement the principles of civic dialogue and civic participation in the work on drawing up government programmes to support the development of civil society</p> <p>II. <b>The Council for Public Benefit Activity</b> - a consultative and advisory body to the Chairperson of the Committee for Public Benefit established on the basis of the Act of 24 April 2003 on public benefit activity and volunteering</p> <p>III. <b>The Council for Dialogue with the Young Generation</b><sup>166</sup> – a consultative and advisory body of the Chairman of the Committee for Public Benefit; it was established under the Act amending the Act on Public Benefit Activity and Volunteering of 19 July 2019 as a response to the demands of youth circles; the main task of the Council is, inter alia, to express opinions on draft legal acts and government programmes in the scope concerning the young generation and to initiate and support activities for increasing the level of civic participation of young people in Poland.</p> |
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2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

The Supreme Audit Office's Report on the audit of the cooperation of administrative bodies with non-governmental organisations from 2017-2020 shows that all Ministers and Governors included in the audit assessed the cooperation with non-governmental organisations positively. In their assessments, they emphasised the important role of NGOs in various types of advisory resources when consulting draft legislation. However, they pointed to aspects that prevented the full use of the potential of NGOs due to the dispersion and fragmentation of these NGOs and the lack of organisations representing specific industries/sectors. Similarly, the existing cooperation with NGOs was assessed as satisfactory by the surveyed entities. They proposed several systemic solutions that could improve this cooperation, such as the creation of a generally accessible central register of grants awarded to NGOs or a portal presenting possible forms of obtaining funding for activities implemented by NGOs. Problems that arise in connection

<sup>166</sup> Poland, Government, [The Council for Dialogue with the Young Generation – basic information](#) (accessed 30.03.2023).



with cooperation with organisations, as pointed out by the organisations, include the late announcement of competitions, which leaves very little time to implement a task, and the overly complicated and non-transparent conditions for applying for grants, as well as the overly formalised/bureaucratic nature of the whole process. In addition, organisations point to the need to propose a more interesting and broader range of tasks that could be subsidised. In addition, many organisations indicated that they have difficulties in obtaining information about competitions organised by the government administration and suggested improving the way of informing about them by creating one platform with announcements or standardising the way of informing about competitions.<sup>167</sup>

| Question   | YES | NO | Comments   |
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| 2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children? | X   |    | <p>Since 2022, Poland has been involved in international cooperation related to the protection of refugee children coming to Poland from Ukraine - primarily unaccompanied children and children evacuated from Ukrainian foster care (cf. section 1.4.3.).</p> <p>Among other things, a register of unaccompanied minors benefiting from temporary protection in Poland was created under the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with armed conflict on the territory of that country. The register is jointly maintained by the Ministry of Family and Social Policy and district family assistance centres, and the data from it are to be made available, among others, to Ukrainian consuls.</p> <p>In addition, Poland has concluded a Political Declaration with Ukraine regarding unaccompanied Ukrainian children (see below).</p> <p>It is worth noting that all of these collaborations apply only to children arriving from Ukraine after 24 February 2022 and holding Ukrainian citizenship. Thus, they do not cover unaccompanied foreign minors in Poland who do not hold Ukrainian citizenship. Children in this situation are placed in Polish foster care under the conditions of Polish children (financed from the state budget) – Family Support and Foster Care Act.</p> |

If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries? Please provide information on main relevant agreements - cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification -return-relocation).

<sup>167</sup> Poland, Supreme Audit Chamber, [Cooperation of government administration bodies with non-governmental organisations](#), 2021.

Political declaration of 30 June 2022 on the protection of children affected by warfare and armed conflict (Polish Minister of Family and Social Policy Marlena Maląg - Ukrainian Minister of Social Policy Maryna Lazebna) - so-called 'memorandum'. Agreement between the Polish and Ukrainian ministries on Ukrainian children in Poland, primarily unaccompanied Ukrainian minors and children evacuated from Ukrainian foster care institutions. The declaration states, inter alia, that:

- Polish and Ukrainian authorities will work together for the voluntary return of these children to their homeland after the end of the war;
- Polish authorities will register in a special register (see legislative developments) all unaccompanied Ukrainian children and children in group care;

In addition, there is a commitment on the Polish side to ensure that children from one institution can be in close contact with each other if the group has been split into smaller ones - while striving not to separate these groups.

In practice, this means the non-inclusion of children evacuated from Ukrainian care centres into the Polish foster care system, whose standards they often do not meet, especially in terms of group size. The Polish authorities confirmed this interpretation in the justification of one of the amendments to the special law.

#### 2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

A very large manifestation of the development in the field of child protection, structures and services in the last 8 years is the establishment of the **State Commission for the prevention of sexual abuse of minors under 15 years of age**. The indicated Commission was established by the Act of 30 August 2019 on the State Commission for the prevention of sexual abuse of minors under 15 years of age. The Commission was established to investigate cases of activities directed against sexual freedom and morality against a minor under 15 years of age, in various entities, including state and private entities and abuse in the Catholic Church. It is obliged to report annually on its activities, which provide valuable material for those working with children, including psychologists, and are also taken into account by judicial authorities in the adjudication process. Furthermore, in its activities it cooperates with the media and is a constant reminder of the vital importance of the issue of caring for children in the context of both prevention and real support for those who have been wronged. Moreover, the Commission acts in criminal court proceedings as an auxiliary prosecutor, thus having a real impact on the protection of the interests and rights of the child victim.<sup>168</sup>

- 1) Other developmental activities in the field of child rights protection must also include the establishment of the **Department of Family and Juvenile Affairs** within the structure of the Ministry of Justice by Order No. 75 of the Prime Minister of 21 June 2016. Within this Department, there is the Department of International Family Proceedings; the Department of Family Support and Family and Juvenile Justice; the Department of Supervision of Juvenile Institutions, which includes the Team of Specialists for Referral to Correctional Institutions and Juvenile Shelters; the Team for Victim Assistance; and the Department of National and European Family Law. The tasks of the Department of Family and Juvenile Affairs on behalf of children include: developing solutions concerning the organisation and operation of correctional

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<sup>168</sup> Poland, State Commission for the prevention of sexual abuse of minors under 15 years of age, [Summary of the Second Report of the State Commission for the elucidation of cases against sexual freedom and decency against a minor under 15 years of age](#), October 2022.

institutions and juvenile shelters; undertaking and coordinating the implementation of tasks within the scope of the Minister of Justice's activities concerning the prevention of family violence, in particular related to the implementation of the National Programme for the Prevention of Family Violence; developing assumptions for legal solutions in the field of family law and proceedings in juvenile matters; promoting good practices in the field of cooperation between the Ministry of Justice and family courts with state authorities, local self-government, non-governmental organisations, auxiliary services and other institutions,<sup>169</sup> performing tasks under the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), concluded in Lanzarote on October 25, 2007; tasks aimed at implementing the idea of a child-friendly justice system.

The Commission's activity does not mean that children over 15 years of age are deprived of legal protection. In Polish criminal law there are certain offences in which the object of the executive action is a child who is under 15 years of age. Therefore, having sexual intercourse, for example, with a person over 15 years of age, if he or she freely consents to it, will not constitute a crime. However, children over the age of 15 will be subject to the protection of the law in the same way as adults subjected to an offence of a sexual nature, such as rape.

## 2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

### **Promising practices in governance, coordination structures and child protection services in recent years include:**

1. All legislative activities undertaken by authorised entities for the purpose of increasing the protection of children's rights in Poland and protecting them from abuse, e.g.: **by amending the Act of 9 June 2011 on Support for the Family and the System of Foster Care** (on 7 October 2022, an act was passed amending the Act on Support for the Family and the System of Foster Care and some other acts ), which provides for changes concerning both family foster care, institutional care and adoption); **issuing regulations improving the situation of children in everyday life, especially those affected by disabilities** (within the "Za życiem" programme, early development support was introduced through the Regulation of 24 August 2017 of the Minister of National Education on the organisation of early development support for children);
2. Development by ministries of projects, action programmes and campaigns in which they provide for specific solutions, e.g. in favour of children: those **affected by poverty** (adoption by the Council of Ministers of Resolution No. 105 of 17 August 2021 of the "National Programme for Counteracting Poverty and Social Exclusion. Update 2021-2027, public policy with an outlook to 2030"), **children from ethnic minorities** (adoption by the Council of Ministers of Resolution No. 2020/2014 of 7 October 2014 on the adoption of the "Programme for the integration of the Roma community in Poland for 2014-2020" followed by adoption by the Council of Ministers of resolution No.190/2020 of 20 December 2020 on the adoption of the "Programme of social and civic integration of the Roma community in Poland for 2021-2030"), **with disabilities** (Project of the Ministry of Family and Social Policy "Development of a draft law implementing the Convention on the Rights of Persons with Disabilities with the proposed name: Act on Equalisation of Opportunities for Persons with Disabilities together with Regulatory Impact Assessment and Justification, as well as proposals for legislative

<sup>169</sup> Poland, Ministry of Justice, [Department of Family and Juvenile Affairs](#) (accessed 30.03.2023).

changes following the new Act),<sup>170</sup> **sick children** (conducting trainings by the Ministry of Health among employees of kindergartens and schools on knowledge about diabetes in children - the topics of the trainings include knowledge about diabetes, as well as the principles of first aid for a child with diabetes),<sup>171</sup> **children struggling with stimulant/addiction problems** (the Ministry of Health, in cooperation with representatives of the National Health Fund, and, among others, representatives of patient organisations, in 2018 developed the "Nationwide programme for the prevention of addiction to alcohol and other psychoactive substances in adolescents and other young adults", the implementation period of which covers the years: 2019-2023);

3. creation of special institutions or internal units that in their activities focus on taking measures aimed at protecting children's rights: 1) the Department of Family and Juvenile Affairs was separated in the structure of the Ministry of Justice (by Order No. 75 of the Prime Minister of 21 June 2016), whose task is, inter alia, to undertake and coordinate the implementation of tasks within the scope of action of the Minister of Justice concerning the prevention of family violence, in particular related to the implementation of the National Programme for Counteracting Family Violence; 2) the establishment of the State Commission for Counteracting Sexual Exploitation of Minors under 15 years of age (by the Act of 30 August 2019 on the State Commission for Counteracting Sexual Exploitation of Minors under 15 years of age); 3) activities of the Committee for Counteracting Trafficking in Human Beings in the Ministry of the Interior and Administration, whose tasks include proposing and issuing opinions on actions undertaken to effectively combat and prevent trafficking in human beings, as well as evaluating the implementation of the National Action Plan against Trafficking in Human Beings, whose objective is to, among others, raise the standard of support provided to victims of trafficking in human beings, including underage victims of trafficking;
4. cooperation of the Ministries with non-governmental organisations working for the benefit of children in Poland (**e.g. cooperation for the benefit of children of the Minister of Justice with non-governmental organisations in 2017-2020**).

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<sup>170</sup> Poland, Government Plenipotentiary for Persons with Disabilities, [Development of a draft law implementing the Convention on the Rights of Persons with Disabilities with the proposed name: Law on Equalization of Opportunities for Persons with Disabilities](#), 26 November 2021.

<sup>171</sup> Poland, Ministry of Health, [Dziecko z cukrzycą](#) (accessed 30.03.2023).

### 3. Capacities (human and financial resources)

#### 3.1. Information on budget allocation and funding

| Question  | YES | NO | Comments  |
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| 3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments? |     | X  | <p>Polish legislation and policies still do not have a budget ring-fenced and specified exclusively for child protection. Poland still does not have legal regulations mandating specific financial resources to be allocated exclusively to children's issues. However, there are provisions in several pieces of legislation specifying the financial resources to be allocated to certain aspects of child protection. These aspects include: social assistance, the foster care system or the education system, the family.</p> <p>For example, in the laws on the state budget there are provisions specifying the exact amount of funds to be allocated to the Ombudsman for Children, social assistance or the family, among others.</p> <p>Articles 191-197 of the Act on Support for the Family and the Foster Care System<sup>172</sup> set out the principles of financing the system (including information on what costs related to placing a child in foster care should be covered by the county (district) and the percentage of these costs and the fees for placing a child in foster care covered by municipalities or the child's parents).</p> <p>In the case of the education system, which is one of the most decentralised systems in Europe, its financing is the responsibility of governmental and local government units. According to the Law on the Income of Local Government Units,<sup>173</sup> the total amount of the education subvention is determined in annual budget laws. The law guarantees a minimum amount of subvention (Article 28(1)). The total amount of the subsidy is distributed among local government units in accordance with the annual Regulation of the Minister competent for</p> |

<sup>172</sup> Poland, [Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#), 9 June 2011.

<sup>173</sup> Poland, [Ustawa o dochodach jednostek samorządu terytorialnego](#), 13 November 2003.

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|  |          |  | <p>education and upbringing specifying the principles and algorithm for the distribution of educational subsidy. The algorithm primarily takes into account the number of educational establishments and pupils of each local government unit.</p> <p>In addition, every policy or strategy document should include information on its financing. For example, the National Programme for the Prevention of Family Violence is financed from the budgets of the Minister of Family and Social Policy, the Minister of Health and the budgets of provincial governors.</p>   |
| <p>3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?</p> | <p>X</p> |  | <p>The State Budget does not clearly define the resources allocated to child protection. In the 2022 budget there are budget sections identified as:</p> <ul style="list-style-type: none"> <li>• section no 855 "Family" – amounting to PLN 62 297 071 000</li> <li>• section no 852 "Social assistance" – amounting to PLN 4 311 107 000</li> </ul> <p>in disposition of: the Ministry of Family and Social Policy, Social Insurance Institution (ZUS) and voivodeships.</p> <p>The main categories (divisions) of expenditure in section 855 are: Big Family card, Foster families, Care system for children up to 3 years of age, Education benefit, Supporting the family, Social security contributions (including persons on parental leave, receiving maternity allowance and for those employed as nannies), Health insurance contributions paid for persons at parental leave, for persons employed as nannies, Family care capital, Family benefits, benefit from the maintenance fund and contributions for retirement and disability insurance from social insurance, adoption centers, activities of care and educational institutions.</p> <p>The main categories of expenditure (divisions) in section 852 are: Social assistance, Social welfare centres, Tasks in the field of counteracting domestic violence, pensions and annuities, housing allowances, Poviats family support centers, Specialist counselling units, sheltered</p> |

|   |     |    | housing and centres, Nursing services and specialized care services, Nutrition assistance, assistance for foreigners, counteracting the effects of natural disasters.   |
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| <p>3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.</p>                          |     |    |   |
| <p><b>2022 r.</b></p> <p>The State budget in the budget headings described as section no 855 – ‘Family’ of PLN 62,297,071,000 and section no 852 'Social assistance' of PLN 4,311,107,000 totalled PLN 66,608,178,000 or 12.76% of the entire budget.<sup>174</sup></p> |     |    |   |
| <p><b>2021 r.</b></p> <p>The State budget in the budget section no 855 referred to as 'Family' of PLN 58,768,752,000 and no 852 - 'Social assistance' of PLN 4,184,883,000 totalled PLN 62,953,635,000 or 12.93% of the entire budget.</p>                              |     |    |   |
| <p><b>2020 r.</b></p> <p>The State budget in the budget section no 855 referred to as 'Family' of PLN 56 803 078 000 and no 852 'Social assistance' of PLN 4 077 373 000 totalled PLN 60 880 451 000 or 13.98 % of the entire budget.</p>                               |     |    |   |
| <p><b>2019 r.</b></p> <p>The State budget in the budget section 855 referred to as 'Family' of PLN 37,794,820,000 and no 852 - 'Social assistance' of PLN 3,903,045,000 totalled PLN 41,697,865,000 or 10.01% of the entire budget.</p>                                 |     |    |   |
| <p><b>2018 r.</b></p> <p>The State budget in the budget section no 855 referred to as 'Family' of PLN 38,760,545,000 and no 852 'Social assistance' of PLN 3,856,204,000 totalled PLN 42,616,749,000 or 10.72% of the entire budget.</p>                                |     |    |   |
| Question  | YES | NO | Comments  |
| 3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?  |     | X  | Comprehensive research and studies on the issue of sufficiency and sustainability of funding for the child protection system in Poland are still lacking. Information on the financing of various aspects of the potential child protection system is still disaggregated in various reports, analyses and expert opinions. |

<sup>174</sup> According to the Report on budget implementation, expenditure from section 855 amounted to PLN 63,083,853,000 and from the section no 852 – to PLN 7,430,049,000, <https://www.gov.pl/web/finanse/sprawozdanie-roczne-za-2022-rok>

*(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.).*

**The Committee on the Rights of the Child**, in its recent concluding observations (in 2021) on the budget, recommends that Poland:

- provide the Office of the Children's Ombudsman with the necessary resources to ensure the effective, independent and full implementation of its mandate to promote, protect and monitor children's rights (it should be pointed out that the average budget of the Children's Ombudsman between 2017 and 2021 was approximately PLN 12 million, increasing to PLN 17 million in 2022);
- allocate specific and adequate budgets for the implementation, monitoring and evaluation of policies and strategies at all levels;
- allocate sufficient authority and human, technical and financial resources to the Ministry of Family and Social Policy, which oversees activities related to the implementation of children's rights, so that the Ministry can coordinate all activities related to the implementation of the Convention in various sectors at national, regional and local levels.

**Supreme Audit Office (Najwyższa Izba Kontroli, NIK):**

- in the report entitled "Availability of psychiatric treatment for children and adolescents (in 2017-2019)" NIK indicated insufficient funds allocated to finance inpatient services: *"In 2017-2019 (Q1), the amounts for financing child and adolescent psychiatric health care services provided to hospitals under contracts concluded with the National Health Fund did not cover the costs of treating these patients. The value of contracts for financing these health care services provided to minor patients, concluded by the seven hospitals covered by the audit, amounted to: in 2017. - PLN 20.7 million, in 2018. - PLN 22.3 million and for the first quarter of 2019. - PLN 10.1 million . The value of*



*executed contracts amounted - in 2017-2018 - to PLN 20.7 million (99.7%), PLN 22.6 million (101.6%) and in Q1 2019, respectively, PLN 6.0 million (24.9%)".* NIK also referred to the opinion of the National Consultant in Child and Adolescent Psychiatry, who assessed the situation in child and adolescent psychiatry as a crisis in the annual reports for 2017-2018, submitted to the Minister of Health. The consultant pointed to the need to expand out-of-hospital forms of treatment, the underfunding of child and adolescent psychiatry, the uncertainty regarding the modalities and level of funding under contracting with the National Health Fund, which makes it impossible to plan long-term investments and negatively affects decisions on the creation of new centres, the need to promote the specialisation of child and adolescent psychiatry among future medical school graduates.

- in the 2021 report "Assistance provided to foster families by family foster care coordinators" indicated that the managers of both controlled and uncontrolled units repeatedly stressed that the amount of remuneration of family foster care coordinators is inadequate to the scope of their duties, responsibilities and the scale of problems they face in their direct work with families. The audit of the Supreme Audit Office (NIK) revealed that, compared to employees of foster care teams, family foster care coordinators in 2018, 2019 and the first half of 2020 were paid less by, respectively: 7%, 7% and 4%. In contrast, when compared to the average monthly salaries of PCPR/MOPR/MOPS employees, coordinators earned less in the same period by, respectively: 9%, 8% and 8%.

**The Management Board of the Association of Cities** points to the growing underfunding of Polish education in its 2022 position paper. The position paper argues that after schools were handed over to municipalities and counties,

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|   |          |  | <p>their share in financing educational tasks did not exceed 25% of current costs, while the amount of educational subsidy in 2002-2003 was 2.83-2.87% of GDP. According to calculations by local government officials, in 2004, the subsidy covered more than 99%, and in 2021, only 80% of staff costs in education. This is why the Executive Board of the Association of Cities is calling for an increase in the level of central budget funding for education. According to the local government officials, the school subsidy should ultimately reach 3% of GDP.</p>   |
| <p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p> | <p>X</p> |  | <p><b>Still at the national level, the vast majority of funds allocated to the national child protection system come from the state budget.</b> For example, in the budget for 2022, an amount of PLN 4,311,107,000 is foreseen for social assistance activities, of which only PLN 183,000 is the State Budget expenditure allocated for the implementation of projects co-financed with funds from the EU budget and non-refundable aid. The State Budget in the budget lines defined as "Family" has no indication of being financed/co-financed with EU funds.</p> <p><b>The 2014-2020 EU fund perspective</b> is implemented in Poland through 6 national operational programmes managed by the Ministry of Funds and Regional Policy and 16 regional programmes managed by Marshal Offices (<i>urzędy marszałkowskie</i>). Actions concerning child protection can be found primarily in the Knowledge Education Development Programme (POWER). The aim of this Programme is to improve public policies and actions for the labour market, education and the economy as a whole; in particular to support development-oriented higher education; to promote social innovation and transnational cooperation. Within the framework of POWER, Priority Axes and activities concerning the protection of children were implemented such as:</p> <p>PRIORITY AXIS 1. LABOUR MARKET OPEN TO ALL</p> <p>- Measure 1.1 Support for young people on the regional labour market - non-competition projects</p> |

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|  |  | <ul style="list-style-type: none"> <li>- Measure 1.2 Support for young people on the regional labour market</li> <li>- Sub-Action 1.3 Support for young people in vulnerable situations</li> <li>- Action 1.4 Youth in solidarity in action</li> </ul> <p>PRIORITY AXIS II EFFECTIVE PUBLIC POLICIES FOR THE LABOUR MARKET, ECONOMY AND EDUCATION</p> <ul style="list-style-type: none"> <li>- Measure 2.5 Effective social assistance</li> </ul> <p>Among others, the following projects were carried out under POWER:</p> <ul style="list-style-type: none"> <li>- Technology designed for tablets to support the therapy of early childhood children who have behavioural and developmental disorders such as autism, Down's Syndrome or cerebral palsy</li> <li>- Development of intelligent tools for the psycho-social-educational diagnosis of children and young people;</li> <li>- Set of innovative educational aids for pre-school and early school children.</li> </ul> <p><b>The EU fund perspective for 2021-2027</b> is implemented in Poland through 10 national operational programmes managed by the Ministry of Funds and Regional Policy and 16 regional programmes managed by Marshal Offices. <u>Actions relating to child protection can be found primarily in the European Funds for Social Development (FERS) Programme.</u> Through the programme, the situation of people in the changing labour market will be improved, education and health services will be developed, and parents in childcare and people with special needs will be supported.</p> <p>Poland also received EU funding to support refugees. Poland received particular funding after Russia's aggression against Ukraine. According to the Ministry of Interior and Administration, the European Commission allocated approximately PLN 945 million (€200,1 million) to Poland to assist Ukrainian refugees leaving Ukrainian territory due to the ongoing war. An amount of nearly PLN 579</p> |
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|  |  | <p>million (€ 123,9 million) has been transferred under the FAMI (Asylum, Migration and Integration Fund 2021-2027) and more than PLN 366 million (€76.2 million) under the Integrated Border Management Fund 2021-2027. The European Commission has not indicated specific actions eligible for funding, leaving this decision to the country concerned. The funds awarded are a reimbursement of part of the costs incurred by Poland.<sup>175</sup></p> <p>Poland also receives support from the European Refugee Fund (ERF) and the European Social Fund. Examples of funding include:</p> <ul style="list-style-type: none"> <li>- Ruda Śląska is to receive almost PLN 232 000 in EU funds for additional equipment for schools attended by Ukrainian students. Thanks to the project, equipment is to be purchased for nine Ruda Śląska primary schools and two general secondary schools, which are attended by a total of 220 pupils from Ukraine;<sup>176</sup></li> <li>- provision of school books for children;<sup>177</sup></li> <li>- additional remedial classes, integration classes and Polish language classes for foreign students, in particular refugees from Ukraine, during the entire school year in the period of project implementation; and Integration of children of third-country nationals, in particular children who arrived in Poland after 24 February 2022 with children of Polish citizens in the form of winter and summer trips for organised leisure.<sup>178</sup></li> </ul> <p>In addition, the Ministry of Funds and Regional Policy has prepared a map of possible support</p> |
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<sup>175</sup> Poland, Ministry of Internal Affairs and Administration, [Prawie 700 mln zł z UE na wsparcie dla uchodźców z Ukrainy](https://www.gov.pl/web/mswia/druga-transza-srodkow-finansowych-dla-polski), 19 October 2022, <https://www.gov.pl/web/mswia/druga-transza-srodkow-finansowych-dla-polski>, 17 April 2023

<sup>176</sup> Serwis Samorządowy PAP, [GUS: Ponad 180 tys. ukraińskich uczniów w polskich szkołach](https://www.pap.pl/aktualnosci/gus-ponad-180-tys-ukraińskich-uczniów-w-polskich-szkołach), 3 January 2023.

<sup>177</sup> Caritas, [Uczaj się, bo lubią](https://www.caritas.pl/uczaj-sie-bo-lubia), 17 November 2022.

<sup>178</sup> Poland, Lower Silesian Voivodship Office in Wrocław, [Informacja o formach wsparcia w ramach projektu Integracja, adaptacja, akceptacja. Wsparcie obywateli państw trzecich na Dolnym Śląsku – Etap II](https://www.dolny-slask.gov.pl/informacja-o-formach-wsparcia-w-ramach-projektu-integracja-adaptacja-akceptacja-wsparcie-obywateli-państw-trzecich-na-dolnym-slasku-etap-ii) (accessed 2.05.2023).

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|   |          | <p>and recommendations for launching measures in favour of persons fleeing the territory of Ukraine in the Regional Operational Programmes 2014-2020, which the Ministry provided to the Ombudsman in response to his enquiry.<sup>179</sup></p> <p>The National Resilience Plan includes assumptions on child protection. Poland has so far not received funds from the NRP due to the lack of achievement of so-called milestones concerning, inter alia, the rule of law. Within the framework of the NRP, it is possible, for example, to list the following measures for children to be implemented in Poland:</p> <ul style="list-style-type: none"> <li>- increasing access to childcare for children up to the age of 3;</li> <li>- introducing standards for equipping schools with digital infrastructure;</li> <li>- introducing the possibility of reimbursing the costs of caring for children with disabilities up to the age of 18 (in the current state of the law, reimbursement applies to the cost of care for a child or children up to the age of six, and in the case of a disabled child up to the age of seven).<sup>180</sup></li> </ul> |
| <p>3.1.6. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p><u>If yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/synergies.</p> | <p>X</p> | <p>Corporate social responsibility is being developed in Poland. It can be noted that many private sector entities have CSR information on their websites and NGOs themselves have become more active in raising funds from the private sector. It is worth noting that in 2018, on the initiative of the Responsible Business Forum, a fair was organised during which the activities and practices of socially responsible companies for the benefit of children were presented.<sup>181</sup></p> <p>In Poland, there are numerous initiatives to support child protection activities by the private sector from different areas:</p>  |

<sup>179</sup> [https://bip.brpo.gov.pl/sites/default/files/2022-04/Odpowiedz\\_MRiFR\\_mapa\\_pomocy\\_UA.pdf](https://bip.brpo.gov.pl/sites/default/files/2022-04/Odpowiedz_MRiFR_mapa_pomocy_UA.pdf)

<sup>180</sup> <https://www.funduszeuropejskie.gov.pl/media/109762/KPO.pdf>

<sup>181</sup> Forum Odpowiedzialnego Biznesu, [Biznes we współpracy na rzecz DZIECI](#), 21 March 2018.

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|   |   | <ul style="list-style-type: none"> <li>- The Adamed Group organises the ADAMED SmartUP scholarship programme to support Poland's most talented young people;<sup>182</sup></li> <li>- Carrefour Polska, which is responding to research indicating an increasing percentage of overweight children in Poland and is, among other things, implementing nutrition education workshops for the youngest, will present the research and education programme 'ABC of Healthy Eating',<sup>183</sup></li> <li>- KALTER sp. z o. o. supports the charges of the Białystok Hospice for Children run by the "Pomóż Im" Foundation and the initiative run by the Theatre for One Smile to organise theatre performances for children spending time in Podlasie hospitals and rehabilitation centres;</li> <li>- The Ernst &amp; Young Foundation continues to support family orphanages and foster care facilities;<sup>184</sup></li> <li>- Rossmann cooperates with NGOs (foundations, associations), orphanages, social welfare homes, single mothers' homes by providing them with in-kind donations;<sup>185</sup></li> <li>- The operation of the Helpline for Children and Youth 116 111 of the Dajemy Dzieciom Siłę Foundation is supported by partners and sponsors: Orange Polska, Benefit Systems Foundation, Kulczyk Foundation and Ludzki Gest Jakub Błaszczkowski Foundation, as well as individual and business donors.</li> </ul> |
| 3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving | X | Private sector involvement in CSR in Poland is growing significantly. According to a report prepared by the Responsible Business Forum in 2021, as many as 1,677 good practices were identified by almost 300 organisations. <sup>186</sup> This is   |

<sup>182</sup> ADAMED Group, [Program stypendialny](#) (accessed 30.03.2023).

<sup>183</sup> Carrefour, [ABC zdrowego żywienia](#) (accessed 30.03.2023).

<sup>184</sup> Ernst & Young, [Dzieci i Młodzież – edukacja i wsparcie](#) (accessed 30.03.2023).

<sup>185</sup> Rossmann, [Pomagamy – poprzednie lata](#) (accessed 30.03.2023).

<sup>186</sup> Forum Odpowiedzialnego Biznesu, [Raport „Odpowiedzialny biznes w Polsce 2021. Dobre praktyki”](#), May 2022.

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| <p>governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p><u>If yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p> |  | <p>an increase of around 25% compared to the previous year and a record in the history of the publication. The dynamics are even greater in the small and medium-sized enterprise sector. More than 80 micro-, small and medium-sized enterprises submitted practices. This is a 40% increase compared to 2020.</p> <p>It should also be noted that COVID and the war in Ukraine have also had an impact on the increased involvement of the private sector in child protection, e.g. it is worth pointing out the practice mentioned in the report of the Supreme Audit Chamber (<i>Najwyższa Izba Kontroli</i>, NIK) entitled "The implementation of care and education tasks in children's homes" from 2022.<sup>187</sup> As the report states, "Due to the state of the COVID-19 epidemic, the children home in Szymonowo received in-kind and financial support in 2020-2021 (until 30 June) from: (...) Polsat Foundation, BNP PARIBAS Foundation, Wipasz Company (...). The financial and in-kind assistance received was in line with the needs reported and included, among others: a grant for additional salaries for staff working with children (in two tranches, i.e. PLN 32,500 in 2020 and PLN 33,750 in 2021), 3,600 protective masks, 14,600 disposable gloves, 68 litres of disinfectant fluids, 19 laptops and two printers".</p> <p>Legal regulations concerning the area in question are still to be found in the Act on Public Benefit Activity and Volunteering.<sup>188</sup> In relation to the previous reporting period, the definition of a non-governmental organisation has changed. According to Article 3(2), non-governmental organisations are:</p> <ol style="list-style-type: none"> <li>1) not being units of the public finance sector within the meaning of the Public Finance Act of 27 August 2009 or enterprises, research institutes, banks and commercial law companies that are state or local government legal persons;</li> <li>2) not operating for profit</li> </ol> <p>- legal persons or organisational entities without legal personality which are granted legal</p> |
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<sup>187</sup> Supreme Audit Chamber, [Niewystarczająca pomoc dzieciom](#), 11 July 2022.

<sup>188</sup> Poland, [Ustawa o działalności pożytku publicznego i o wolontariacie](#), 24 April 2003.

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|  |  | <p>capacity by a separate act, including foundations and associations, with the exception of entities operating in the political sphere.</p> <p>In addition, public benefit activities may be carried out by (Article 3(3)):</p> <ol style="list-style-type: none"> <li>1) legal persons and organisational units acting on the basis of the regulations on the ratio of the State to the Catholic Church in the Republic of Poland, on the ratio of the State to other churches and religious associations and on guarantees of freedom of conscience and religion, if their statutory goals include conducting public benefit activity;</li> <li>2) associations of local authorities;</li> <li>3) social cooperatives;</li> <li>4) joint-stock companies and limited liability companies and sports clubs that are companies operating under the provisions of the Sports Act of 25 June 2010 (Journal of Laws of 2014, item 715), which do not operate with the aim of making a profit and allocate their entire income to the achievement of their statutory objectives and do not allocate their profit for distribution among their shareholders, shareholders and employees.</li> </ol> <p>The commissioning of public tasks may take the form of (Article 5(4)):</p> <ol style="list-style-type: none"> <li>1) entrusting the performance of public tasks, together with awarding a grant to finance their implementation, or</li> <li>2) supporting the performance of public tasks, together with a grant to subsidise their implementation.</li> </ol> <p>In Poland, public-social partnership is still used quite often at the local level. Within the framework of this cooperation, NGOs perform several groups of tasks, such as, among others, running social welfare institutions (foster care homes, institutions for disabled children, providing various services (psychological, legal, etc.) for children and their families).</p> <p>Public-social cooperation might be exemplified by the functioning of the Justice Fund - the Fund</p> |
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|  |  |  | <p>for Victims' Aid and Post-Penitentiary Assistance (<i>Fundusz Sprawiedliwości - Fundusz Pomocy Pokrzywdzonym i Pomocy Postpenitencjarnej</i>), which is a state purpose fund aimed at assisting victims and witnesses, counteracting crime and post-penitentiary assistance, at the disposal of the Minister of Justice.<sup>189</sup> Within the framework of announced competitions, the Minister of Justice selects, inter alia, non-governmental organisations, which, for example, run Assistance Centres for Victims of Crime (there are currently around 300 of them in Poland).</p> <p>The private sector is not entitled to the same support as public authorities. The private sector itself has to seek funding for its activities, whereas public authorities have a defined and assured source of funding in the state budget.</p> |
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### 3.2. Information on human resources, qualification requirements, and training

| Question  | YES | NO | Comments  |
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| <p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.).</i></p> |     | X  | <p><b>Human resources are not sufficient in the area of child protection.</b></p> <p><u>Family assistants</u></p> <p>With regard to family assistants, there are not enough of them. In 2021, there were 3,786 family assistants in Poland. According to Article 15 of the Act of 9 June 2011 on family support and the foster care system,<sup>190</sup> an assistant can work with a maximum of 15 families. If one assistant works with as many as six families with three children each, it means that the assistant has to take care of the situation and protection of as many as 18 children. This can make it difficult to provide reliable assistance and protection for these children.</p> <p><u>Foster families</u></p> |

<sup>189</sup> Poland, Minister of Justice, [Justice Fund](#) (accessed 30.03.2023).

<sup>190</sup> Poland, Act on family support and the foster care system ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011, Article 15.

There are not enough foster families in Poland, so young children who are taken away from their parents because of health or life risks end up in institutional care. Furthermore, stays of such children in emergency care are prolonged beyond permissible limits. Unfortunately, despite the fact that in Poland, according to the Statistics Poland (GUS), by far the largest number of children in foster care are placed in family foster care, there are still too few family foster care placements. The reason for the lack of willing people to create and run such places may be too low remuneration for family foster carers and, moreover, the fact that foster parenthood is a mission, as a person takes over the care of a child who has not experienced the warmth, love and acceptance of his or her biological parents. A foster parent has to respond to the needs of these children and there is no possibility for this carer to leave his or her home to leave his or her responsibilities, but he or she is at the disposal of the children entrusted to his or her care around the clock and this is a very exhausting activity. Moreover, the lack of willingness to become a foster family is due to the lack of readiness to take responsibility for 'difficult' children - which is certainly not helped by the presentation of a negative rather than positive image of foster families in the media, as well as the obstacles related to the instability of the potential candidates' own family situation.<sup>191</sup> In addition, according to a report by the Supreme Chamber of Control, difficulties in finding new foster families are due to insufficient support for families already in operation. Despite the fact that the legislation grants foster families such a right, they have problems with quick access to specialised medical facilities and getting help from psychologists, educators and therapists out of turn. Moreover, children placed in foster families are more often burdened with health dysfunctions than their peers.<sup>192</sup>

#### Employees in institutional foster care

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<sup>191</sup> Janowska Z. (2019), Standards and dysfunctions in the process of selecting candidates for foster parents, *Polityka Społeczna*, No. 11-12.

<sup>192</sup> Poland, Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [NIK o działaniach powiatów na rzecz tworzenia i wsparcia rodzin zastępczych](#), 4 April 2017.

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|   |          | <p>According to data from the Supreme Audit Chamber 2022 report, there is a shortage of educators in care and educational institutions, which results in the fact that the tasks undertaken with respect to alumni do not provide individualised and sufficient support, in particular specialist support, adequate to the diagnosed circumstances. The focus in the institutions was primarily on meeting the basic living needs of the alumni. In addition, the data shows that out of the inspected establishments, only in 8 the staff met all the statutory requirements concerning both education and the ability to work with children. In 10 institutions, there was a lack of documents confirming, among others, that the employees had not been convicted of an intentional crime by a final judgment or that there were no contraindications to work. Also in 10 children's homes, the data of employees in the Sexual Offenders Register was not verified. In 8 institutions, too few educators were employed, which resulted in an excess of pupils participating in care and educational activities. This was not conducive to providing, especially at night, effective care for each child. During prolonged absences, educators were replaced by persons not authorised to conduct care and educational activities. In 3 children's homes, unacceptable and reprehensible behaviour of staff (inappropriate violent actions, mental and physical abuse of children) was identified.<sup>193</sup></p> |
| <p>3.2.2 Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United</i></p> | <p>X</p> | <p><u>Family assistants</u></p> <p>The current Act on Support for the Family and the System of Foster Care, in Article 12, allows persons with at least secondary education to apply for the position of a family assistant.<sup>194</sup> It is true that the Act lists the <u>preferred</u> fields of study that a family assistant should graduate from (pedagogy, psychology, sociology, family science, social work), but at the same time it does <u>not</u> prohibit persons with any higher education from working as a family assistant, provided that the education is supplemented</p>   |

<sup>193</sup> Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [Niewystarczająca pomoc dzieciom](#), 11 July 2022.

<sup>194</sup> Poland, Act on family support and the foster care system ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011, Article 15.

*Nations Committee on the Rights of the Child on country reports etc.).*

with appropriate training. The nature of family assistant's work, the responsibility resulting from this profession and the numerous difficulties connected with work with dysfunctional families would indicate the need for higher requirements and specialised education. In other words: as long as family assistants are provided with basic training, they consider themselves open to further training and upgrading their knowledge. Assistants see that the situations they have to deal with during their work are not always covered by training. In addition, those who are assistants are those who fulfil the statutory requirements, but this statutory scope should be modified to ensure that assistants receive adequate training to facilitate and support them in their daily work. According to the research conducted among family assistants, family assistants perceive the necessity of raising their own competences.<sup>195</sup> This position is due to insufficient knowledge of effective methods and tools for supporting a dysfunctional family. Assistants also complain about the lack of access to supervision and specialised training. When asked about the need to supplement their various competences, they agreed that their profession requires continuous upgrading of their qualifications, especially as some do not feel fully competent and often even admit to lacking in-depth knowledge of the social sciences, which are the basis for understanding family functioning.

#### Family foster care

As for the qualifications of persons in charge of family foster care, according to Article 42 of the Act of 9 June 2011 on family support and the foster care system, persons applying to run a family foster home must have an opinion on their predisposition and motivation to act as a foster family or to run a family foster home issued by a psychologist who has at least a master's degree in psychology and 2-year experience in family counselling.<sup>196</sup>

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<sup>195</sup> Zborowska A (2018,), Family assisting - key skills and competences, Roczniki teologiczne, volume VXX, notebook 18.

<sup>196</sup> Poland, Act on family support and the foster care system ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011, Article 42.

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|   |          | <p>The fact that the number of training courses organised for foster families is falling does not help to improve the situation as regards foster parents' qualifications to exercise their functions. A professional foster family and the leader of a family foster home are obliged to systematically improve their qualifications.<sup>197</sup></p> <p><u>Employees in institutional foster care</u></p> <p>As regards employees in institutional foster care, as already indicated in point 3.2.1., the report of the Supreme Chamber of Control shows that out of the inspected institutions, only in 8 institutions did the employees fulfil all the statutory requirements concerning both education and ability to work with children. In 10 institutions, there was a lack of documents confirming, inter alia, that the employees had not been convicted of an intentional crime by a final judgment or that there were no contraindications to work. Also in 10 children's homes, the data of employees in the Sexual Offenders Register was not verified. In 8 institutions, too few educators were employed, which resulted in an excess of pupils participating in care and educational activities. This was not conducive to providing, especially at night, effective care for each child. During prolonged absences, educators were replaced by persons not authorised to conduct care and educational activities. In 3 children's homes, unacceptable and reprehensible behaviour of staff (inappropriate violent actions, mental and physical abuse of children) was identified.<sup>198</sup></p> |
| <p>3.2.3. Is there a <u>compulsory certification or licensing process</u> for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p> | <p>X</p> | <p><b>It depends on the category of people working to protect children's rights.</b></p> <p><u>Family assistants</u></p> <p>According to the Act on family support and the foster care system,<sup>199</sup> in order to become a</p>   |

<sup>197</sup> Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [Niewystarczająca pomoc dzieciom](#), 11 July 2022.

<sup>198</sup> Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [Niewystarczająca pomoc dzieciom](#), 11 July 2022.

<sup>199</sup> Poland, Act on family support and the foster care system ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011, Article 12.

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|  |  | <p>family assistant it is necessary to have the following qualifications:</p> <p>1) having:</p> <p>(a) a university degree in pedagogy, psychology, sociology, family studies or social work or</p> <p>(b) a university degree in any field of study, supplemented by training in working with children or families and documenting at least one year's experience of working with children or families, or postgraduate studies covering the curriculum of the training as defined under paragraph 3 and documenting at least one year's experience of working with children or families, or</p> <p>(c) secondary or secondary professional education and training in working with children or families, and will document at least 3 years of experience working with children or families;</p> <p>2) not being deprived of parental authority and parental authority is not suspended or limited;</p> <p>3) fulfilling a maintenance obligation - where such an obligation with respect to him/her results from an enforcement order;</p> <p>4) not being convicted by a final judgment of an intentional offence or an intentional fiscal offence;</p> <p>5) not being listed in the database of the Sexual Offenders Register with restricted access.</p> <p>The family assistant is obliged to systematically improve his/her qualifications in the field of work with children or families, in particular through participation in training courses and self-education.</p> <p><u>Social workers</u></p> <p>In accordance with the Act on social assistance,<sup>200</sup> a social worker can be a person who meets at least one of the following conditions:</p> |
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<sup>200</sup> Poland, Act on social assistance (*Ustawa o pomocy społecznej*), 12 March 2004, Article 112116.

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|  |  | <p>(1) holds a diploma from a college of social services;</p> <p>(2) has completed a degree in social work or in social work;</p> <p>3) Has graduated by 31 December 2013 with a specialisation preparing for the profession of social worker in one of the fields of study:</p> <p>(a) pedagogy,</p> <p>(b) special pedagogy,</p> <p>(c) political science,</p> <p>(d) social policy,</p> <p>(e) psychology,</p> <p>(f) sociology,</p> <p>(g) family science;</p> <p>4) has completed postgraduate studies in social work methodology and methodology in a university pursuing a degree in social work or in social work, having previously completed studies in one of the fields of study referred to in point 3.</p> <p>There are the following degrees of professional specialisation in the social work profession:</p> <p>1) Level I of professional specialisation in social work, aimed at complementing the knowledge and improving the professional skills of social workers;</p> <p>2) Level II of professional specialisation in social work, aimed at deepening knowledge and improving skills in working with selected groups of social welfare recipients.</p> <p>Training for specialisation in the profession of social worker may be provided by units providing education or further training after approval by the minister responsible for social security.</p> <p>The recruitment of foster care staff is carried out by the director of the institutional foster care unit concerned. The personnel is verified on the</p> |
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|  |  | <p>basis of the criteria specified in the Act on family support and the foster care system (Journal of Laws of 2023, item 403).<sup>201</sup></p> <p><u>Director</u></p> <p>According to Article 97 of the Act of 9 June 2011 on family support and the system of foster care, a candidate for a director of an institutional foster care institution: must have a master's degree or equivalent in: pedagogy, special pedagogy, psychology, family science or any other subject whose curriculum includes subjects such as re-socialisation, social work, care pedagogy, any other subject supplemented by postgraduate studies in psychology, pedagogy, family science or re-socialisation; at least 3 years of work experience in an institution dealing with children or families or documented experience in working with children or families; not being deprived of parental authority and his/her parental authority has never been suspended or limited; fulfilling maintenance obligations, if such an obligation has been imposed; not being convicted of an intentional offence or an intentional fiscal offence; the capacity to manage the facility confirmed by a health certificate; not being listed in the database of the Sexual Offender Registry with restricted access.</p> <p><u>Employees</u></p> <p>A person working with children in foster care may be a person with the following qualifications:</p> <p>1) in the case of an educator - a higher education degree: a) in pedagogy, special education, psychology, social work, family sciences or in another field of study whose curriculum includes re-socialisation, social work, care and educational pedagogy, or b) in any field of study, supplemented by postgraduate studies in psychology, pedagogy, family sciences or re-socialisation, or c) in any field of study and pedagogical preparation entitling to practice as a teacher;</p> |
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<sup>201</sup> Poland, Act on family support and the foster care system ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011, Chapter 3.



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|  |  | <p>2) in the case of a pedagogue - a Master's degree in pedagogy or special education;</p> <p>3) in the case of a psychologist - the right to practice the profession of psychologist within the meaning of the Act of 8 June 2001 on the profession of psychologist and the professional self-government of psychologists;</p> <p>4) in the case of a therapy practitioner - a documented background in therapy with the profile needed in working with the child and family;</p> <p>(5) in the case of a childminder - a completed preparatory school for work as a childminder or nurse or pedagogical studies;</p> <p>6) in the case of a social worker - a tertiary qualification for the profession.</p> <p>A person may work in a childcare centre with children who:</p> <p>1) is not and has not been deprived of parental authority and parental authority is not suspended or limited;</p> <p>2) fulfils a maintenance obligation - where such an obligation with respect to him/her results from an enforcement order;</p> <p>3) has not been convicted by a final judgment of an intentional offence or an intentional fiscal offence;</p> <p>3a) does not appear in the database of the Sexual Offenders Register with restricted access;</p> <p>4) is fit to work in a childcare centre, as confirmed by a medical certificate that there are no contraindications to this work.</p> <p><u>Foster family</u></p> <p>A foster family or a family home for children is formed by spouses or an unmarried person with whom a child has been placed in foster care. A kinship foster family is formed by spouses or an unmarried person who are the child's ascendants or siblings. A professional foster family or a non-professional foster family is</p> |
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|  |  | <p>formed by a spouse or an unmarried person who is not an ascendant or sibling of a child.<sup>202</sup></p> <p>According to Article 42 of the Act on family support and the foster care system, fulfilling the function of a foster family and running a family orphanage may be entrusted to persons who:</p> <ol style="list-style-type: none"> <li>1) offer a guarantee of sound foster care;</li> <li>2) are not and have not been deprived of parental authority, and parental authority is not limited or suspended;</li> <li>3) fulfil a maintenance obligation - where such an obligation with respect to them results from an enforcement order;</li> <li>4) are not limited in their legal capacity;</li> <li>5) are capable of providing proper care for the child, which has been confirmed: <ol style="list-style-type: none"> <li>(a) by a medical certificate of health issued by a primary care physician, within the meaning of the provisions of the Act of 27 October 2017 on primary care, and</li> <li>b) by an opinion on the suitability and motivation to act as a foster family or to run a family orphanage issued by a psychologist with at least a master's degree in psychology and 2 years' experience in family counselling;</li> </ol> </li> <li>6) are residing on the territory of the Republic of Poland, except that in the case of foreigners, their stay is legal;</li> <li>7) provide appropriate living and housing conditions to enable the child to meet their individual needs, including: <ol style="list-style-type: none"> <li>(a) emotional, physical and social development,</li> <li>(b) proper education and development of interests,</li> <li>(c) leisure and leisure organisation;</li> </ol> </li> </ol> |
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<sup>202</sup> Poland, Act on family support and the foster care system ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011, Article 41.

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|  |  | <p>8) do not appear in the database of the Sexual Offenders Register with restricted access.</p> <p>(2) Acting as a non-professional or professional foster family and running a family orphanage may be entrusted to persons who have not been convicted of an intentional crime by a final judgment.</p> <p>(3) In the case of a non-professional foster family, at least one person forming the family must have a regular source of income.</p> <p>(4) A foster family and an operator of a family-type children's home exercising foster care over a child may temporarily, with the court's consent, exercise foster care over that child outside the territory of the Republic of Poland.</p> <p>(5) The exercise of foster care over a child may be temporarily entrusted by the court to a foster family or to the operator of a family-type children's home, who do not reside on the territory of the Republic of Poland, in the event that the foster family or the operator of a family-type children's home exercise foster care over the child's sibling.</p> <p>5a. The court shall seek the opinion of the competent county governor (<i>starosta</i>) before ruling on the cases referred to in paragraphs 4 and 5.</p> <p>(6) When issuing the opinions referred to in paragraph 5a, the county governor (<i>starosta</i>) takes into account the opinion of the organiser of the family foster care and the possibility of implementing the child welfare plan.</p> <p>6a. The county governor (<i>starosta powiatu</i>) may authorise the head of the county family assistance centre to issue the opinions referred to in paragraph 5a.</p> <p>(7) The circumstances referred to in paragraphs 1 to 3 shall be determined on the basis of an analysis of the personal, family and asset situation carried out by the foster care organiser.</p> <p>In addition, the organiser of family foster care, upon the application of a candidate for the function of a professional foster family, non-</p> |
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professional foster family or running a family-type children's home, conducts a preliminary qualification of the candidate for the function of a professional foster family, non-professional foster family or running a family-type children's home on the basis of an assessment of the fulfilment of the conditions referred to in Article 42(1) and (2) of the Act on Family Support and the Foster Care System. After the initial qualification, the organiser of family foster care draws up a document confirming that the qualification has been carried out. This document contains, in particular, the date of the pre-qualification and an indication of whether the pre-qualification is positive or negative and is issued in writing in paper or electronic form. A positive initial qualification shall be valid for a period of 2 years from the date on which it was carried out. If the candidate's pre-qualification is negative, in the document confirming the pre-qualification, the organiser of family foster care shall justify in detail the reasons for the negative pre-qualification and indicate the areas for improvement, while at the same time instructing the party on the right to file a complaint to the administrative court on the principles and in the procedure specified for acts or actions referred to in art. 3 § 2 item 4 of the Act of 30 August 2002. - Law on Proceedings before Administrative Courts.

Supervisor in a crèche or children's club for children up to the age of 3 (Act of 4 February 2011 on the care of children up to the age of 3, at. 16, 18, 18a):

1) is qualified as a nurse, midwife, child care worker, pre-school teacher, early childhood education teacher or child care educator, social and educational educator, early childhood education educator, pedagogical therapist, or

2) completed studies or postgraduate studies in the following fields of study: early development support, child development support within the framework of psychological and pedagogical assistance in nurseries and kindergartens, pro-development education, pedagogy of a young child, child psychology, psychology of development support and education or educational psychology.

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|  |  | <p>(2) A caregiver in a crèche or a children’s club may also be a person who has received, not earlier than 2 years before taking up employment as a caregiver, training in first aid for children and has at least:</p> <p>(1) a university degree in any field of study with a curriculum that includes issues related to the care or development of a young child and has received 80 hours of training to update and supplement their knowledge and skills, or</p> <p>(2) a secondary or secondary professional qualification and:</p> <p>(a) at least one year’s experience working with children up to the age of 3 years or.</p> <p>(b) prior to being employed as a caregiver in a crèche or children’s club, has completed a 280-hour training course, of which at least 80 hours were in the form of practical activities involving child care under the guidance of a caregiver referred to in paragraph (1).</p> <p>(3) If the person referred to in paragraph (2)(2)(a) has not worked with children under 3 years of age for at least 6 months immediately prior to taking up employment as a caregiver, he or she shall, within 6 months of starting work as a caregiver, undergo an 80-hour training course to update and supplement his or her knowledge and skills.</p> <p>In addition, the carer:</p> <p>1) gives the assurance of proper care of children;</p> <p>2) is not and has not been deprived of parental authority and parental authority has not been suspended or limited;</p> <p>3) fulfils his/her maintenance obligation, where such obligation has been imposed on the basis of an enforceable title originating from or approved by a court;</p> <p>4) has not been sentenced by a final judgment for an intentional offence.</p> <p>5) has compulsory training in child first aid every 2 years.</p> |
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|  |  | <p>A teacher (Act of 26 January 1982 Teacher’s Charter, art. 9):</p> <ol style="list-style-type: none"> <li>1) has a higher education with adequate pedagogical preparation or has graduated from a teacher training institution and takes up a position for which this is a sufficient qualification;</li> <li>2) observes basic moral principles;</li> <li>3) meets the health conditions necessary for the exercise of the profession.</li> </ol> <p>Additional requirements for teachers are specified in:</p> <ul style="list-style-type: none"> <li>- Regulation of the Minister of National Education of 1 August 2017 on specific qualifications required of teachers;</li> <li>- Regulation of the Minister of Culture, National Heritage and Sport of 3 September 2021 on detailed qualifications required of teachers in art schools and art institutions.</li> </ul> <p><u>Superintendent representing the child in legal procedures<sup>203</sup></u></p> <p>§ 1. A guardian representing a child may be appointed by an advocate or solicitor who demonstrates special knowledge of matters concerning the child, of the same kind or of a kind corresponding to the case in which representation of the child is required, or has completed training on the principles of representation of the child, the rights or needs of the child.</p> <p>§ 2. If the complexity of the case does not require it, in particular if the guardianship court determines in detail the content of the action, another person with higher legal education and demonstrating knowledge of the child’s needs may also be appointed guardian to represent the child. If special circumstances so warrant, a</p> |
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<sup>203</sup> Poland, Family and Guardianship Code (*Kodeks rodzinny i opiekuńczy*), 25 February 1964, Article 99<sup>1</sup>.

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|  |  | <p>person without a university degree in law may also be appointed guardian.</p> <p>§ 3. The provision of § 2 shall not apply to a guardian representing a child in criminal proceedings.</p> <p>The guardian must also meet the requirements like a child’s legal guardian set out in Article 148 of the Family and Guardianship Code</p> <p><u>The child’s legal guardian<sup>204</sup></u></p> <p>§ 1. A person who does not have full legal capacity or who has been deprived of public rights cannot be appointed as a guardian.</p> <p>§ 1a. A person who has been deprived of parental authority or has been convicted of an offence against sexual freedom or decency or an intentional offence involving violence against a person or an offence committed to the detriment of or in cooperation with a minor or a person who has been convicted of an offence against sexual freedom or decency or an intentional offence involving violence against a person or an offence committed to the detriment of or in cooperation with a minor shall also not be appointed a guardian of a minor, against whom a prohibition has been ordered to carry out activities related to the upbringing, treatment, education or care of minors, or an obligation to refrain from frequenting specified environments or places, a prohibition on contacting specified persons or a prohibition on leaving a specified place of residence without the court’s consent.</p> <p>§ 2. A guardian may not be appointed for whom there is a likelihood that he or she will not properly discharge the duties of a guardian.</p> <p><u>General requirements for all persons in contact with the child</u></p> |
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<sup>204</sup> Poland, Family and Guardianship Code (*Kodeks rodzinny i opiekuńczy*), 25 February 1964, Article 148.

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|  |   | <p>In addition, the Sexual Offences Act applies, which indicates that:<sup>205</sup></p> <p>(1) Before entering into an employment relationship with a person or before allowing a person to engage in any other activity related to the upbringing, education, recreation, treatment or care of minors, employers or other organisers in such activities shall be obliged to obtain information on whether the data of that person is included in the Register with restricted access or in the Register of persons in respect of whom the State Commission for the Prevention of Sexual Exploitation of Minors under 15 years of age has issued a decision on entry in the Register.</p> <p>(2) The performance of the obligation referred to in paragraph 1 shall not be required prior to allowing the minor's family or a person known personally to the minor's parents to engage in the activities referred to in paragraph 1 with respect to their own minor children or minor children of their acquaintances.</p> <p>(3) A family as referred to in paragraph (2) shall be understood to mean related persons or unrelated persons who are in a de facto relationship and who live and farm together.</p> |
| <p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p><u>If yes,</u> please describe briefly.</p> | X | <p><b>In both family and institutional foster care, the assistance of volunteers is permitted.</b></p> <p><u>Family foster care</u></p> <p>In the case of family foster care, the legal basis for the operation of volunteers is Article 66 of the Act of 9 June 2011 on Support for the Family and the System of Foster Care. Pursuant to this provision, "when providing care and upbringing to children placed with a foster family or a family-type children's home and performing other activities related to the realisation of the tasks of a foster family or a family-type children's home, the foster family and the leader of the family-type children's home may use the assistance of volunteers, organised by the organiser of family foster care. The provisions of</p>  |

<sup>205</sup> Poland, Law on Counteracting the Threat of Sexual Offences ([Ustawa o przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym](#)), 13 May 2016, Article 21.



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|  |  | <p>Article 64 (5) shall apply accordingly. The foster family or the operator of a family-type children’s home shall inform the competent organiser of foster family care about the need for assistance”.</p> <p>In order to become a volunteer, a person must meet certain criteria, i.e. be a person indicated or accepted by the operator of the family child care home, who is not and has not been deprived of parental authority and parental authority is not limited or suspended, fulfils a maintenance obligation – where such an obligation arises from an enforcement order, has not been sentenced by a final judgment for an intentional offence or an intentional fiscal offence (must provide a Criminal Record from the National Criminal Register certifying no conviction for the above offences) and is not listed in the database of the Register of Sexual Offenders with restricted access.</p> <p><b>Institutional foster care</b></p> <p>In institutional foster care, the legal basis for the use of volunteers is Article 99(4) of the Act of 9 June 2011 on family support and the foster care system, according to which:</p> <p>“The assistance of volunteers may be used in providing care or upbringing for a child staying in an educational-care institution and in performing other activities related to the fulfilment of the tasks of that institution. The provision of Article 98(3) applies mutatis mutandis, which means that a person who is not and has not been deprived of parental authority and whose parental authority is not suspended or limited, fulfils a child support obligation – in the event that such an obligation results from – n enforcement title, has not been sentenced by a final and binding sentence for an intentional offence or an intentional fiscal offence (must provide a Criminal Record from the National Criminal Register certifying no conviction for the above offences), is not listed in the database of the Sexual offences registry with restricted access may be a volunteer”.</p> <p>In addition, the aforementioned Article 21 of the Sexual Offences Act also applies here.</p> |
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| <p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, prosecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p> |  | <p>There is <u>no</u> information about the compulsory and regular character of training for police officers, prosecutors, school pedagogues, teachers, doctors and nurses. However, various types of institutions, whether state or social, organise training for the above-mentioned social groups on topics related to children's rights, the protection of children's work or assistance in violent situations.</p> <p>For example, the Regional Centre for Social Policy of the Silesian Voivodeship,<sup>206</sup> within the framework of the National Programme for Counteracting Family Violence for 2022 and the Programme for Counteracting Family Violence in the Silesian Voivodeship for 2021-2025, organises training for, among others:</p> <ul style="list-style-type: none"> <li>- organisational units of social assistance and specialised support centres for victims of family violence;</li> <li>- law enforcement and justice authorities (Police, Military Police, Municipal Police, prosecutors, judges, probation officers, Prison Service, etc.);</li> <li>- health care (doctors, nurses, paramedics, etc.);</li> <li>- education (teachers, pre-school teachers, school counsellors, psychologists, employees of psychological-educational counselling centres, etc.);</li> <li>- municipal alcohol problem-solving committees;</li> <li>- institutions, churches and religious associations and non-governmental organisations working to prevent domestic violence and to protect the family;</li> <li>- other actors who may be members of interdisciplinary teams or working groups and other persons working directly with persons experiencing domestic violence and with perpetrators of violence.</li> </ul> |
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<sup>206</sup> Regional Centre for Social Policy of the Silesian Voivodeship, [Rekrutacja na szkolenia z obszaru przeciwdziałania przemocy w rodzinie](#), 21 October 2022.

The trainings cover topics such as: “Child as a victim of domestic violence – psychological situation, contact, Blue Cards procedure”, “Legal aspects of preventing domestic violence”, “Working with a person suffering from domestic violence – practice of action”.

In addition, it is necessary to mention a very important change that was introduced by the Act of 13 January 2023 amending the Code of Civil Procedure and some other acts (the so-called Anti-Violence Act 2.0), which amended the Law on the Common Court System of 27 July 2001 by adding §3a to Article 82a. Under the new legislation, an obligation will be introduced, according to which every judge adjudicating in criminal cases should participate, every four years, in training organised by the National School of Judiciary and Public Prosecution, in order to supplement specialised knowledge and professional skills in the field of interrogation of persons under 18 years of age and other vulnerable persons.

When the so-called Anti-Violence Law 1.0 came into force in Poland, the Ministry of Justice 139uport139zi interdisciplinary training for Police Officers and Military Police. The National School of Judiciary and Public Prosecution, when 139uport139zin the Council of Europe’s HELP course on Child-Friendly Justice and Children’s Rights, extended an invitation to different professional groups to participate in the training, i.e. judges, prosecutors, assessors, registrars, assistants

(<https://www.kssip.gov.pl/node/7190>). Thanks to the agreement with UNICEF, joint trainings will be held in 2023 for, among others, legal advisors (attorneys refused to participate in the trainings), prosecutors, judges, probation officers (<https://www.kssip.gov.pl/?q=node/8855>). Looking at other trainings of the National School of Judiciary and Public Prosecution on child protection they were addressed to different professional groups e.g. <https://www.pokl.kssip.gov.pl/node/3908> The authors of the report are not aware of any joint trainings for police officers and prosecutors.

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| <p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes,</u> please describe briefly.</p> | X | <p>It depends on the course and type of study.</p> <p>As far as <b>law studies</b> are concerned, the curriculum varies depending on the law faculties, however, on the basis of the didactic offer available on the websites of the law faculties it can be concluded that there are no subjects concerning the rights of the child in criminal proceedings. There are, however, subjects on the topic of counteracting domestic violence. For example, such a subject is taught at the Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin.<sup>207</sup></p> <p>A 2017 report by the Helsinki Foundation for Human Rights entitled ‘My lawyer, my rights. A child with the right to defence’<sup>208</sup> shows that a course in juvenile proceedings is not compulsory as part of law studies in Poland. Also, not all universities have an optional specialisation course in this field in their didactic offer. Those academic centres where such a possibility exists usually introduce a 30-hour training programme in this field. The Helsinki Foundation for Human Rights also points out that also within the training of trainee advocates and legal advisers, the issue of minors is not extensively analysed. Some bars include the above-mentioned issues in the course of their professional training, but one may risk saying that these topics are marginalised. Typically, during the three years of training, the maximum time devoted to these issues is 1.5 hours. The situation is identical in the in-service training of advocates and legal advisers. However, there are chambers where there is no such training.</p> <p>With regard to <b>medical studies</b>, an analysis of study curricula has shown that, for example, the Warsaw Medical University, in cooperation with the “Dajemy Dzieciom Siłę” Foundation, implements compulsory classes for medical students on the protection of children from abuse.</p> |
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<sup>207</sup> Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin, [Counteracting domestic violence - selected issues \(syllabus\)](#) (accessed 30.03.2023).

<sup>208</sup> Helsinki Foundation for Human Rights, [My lawyer, my rights. A child with the right to defence](#), February 2017.

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|  |  | <p>With regard to the training of <b>trainee judges and prosecutors</b>, it is evident from the curriculum of the National School of Judiciary and Public Prosecution,<sup>209</sup> as well as from the letter of the Director of the National School of Judiciary and Public Prosecution (BD-I.070.29.2017 of 27 March 2017) that trainees in the course of their training obtain knowledge of proceedings related to the participation of the child in criminal as well as civil proceedings and how to proceed in juvenile cases.</p> <p>The National School of the Judiciary and the Public Prosecution Service as part of its training:</p> <p>(a) judicial trainees shall include classes on child protection, including:</p> <ul style="list-style-type: none"> <li>- the technique of interrogating minors, including a simulation of such interrogation with the participation of an expert psychologist;</li> <li>- a meeting with the head of the opinion team of court specialists (OZSS) on the practical aspects of the activities of the OZSS, with particular emphasis on issues related to the hearing of a minor in family cases, including how to conduct the hearing of a child;</li> <li>- the course of care proceedings from the receipt of information on an event justifying the initiation of ex officio proceedings to the completion of the exploratory proceedings and the taking of steps in the enforcement proceedings. Technique for conducting care proceedings. The distinctiveness of the procedure in guardianship cases, the course of evidence proceedings and the drafting of final judgments in different categories of guardianship cases. Effectiveness, enforceability and validity of decisions rendered in care cases, possibility of amending a final decision. Status of the minor in guardianship cases, hearing of the minor, ex officio court action, family mediation. Cases of surrender of a child, binding of a civil court by a criminal judgment, evidence of the opinion of the CSE, costs of proceedings in family cases.</li> </ul> |
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<sup>209</sup> Poland, National School of Judiciary and Public Prosecution, [Curriculum of the judicial training](#) (accessed 30.03.2023).

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|  |          | <p>(b) trainee prosecutors:</p> <ul style="list-style-type: none"> <li>- provides for classes in criminal procedural law, and on the issues of admissibility of evidentiary actions, unconditional, conditional evidentiary prohibitions and Article 183 of the Code of Criminal Procedure. And the specifics of interrogation under Article 185a, 185b and 185c of the Code of Criminal Procedure.</li> <li>- issues concerning the Act on Counteracting Domestic Violence</li> </ul> <p>In addition, for judges and prosecutors exercising their profession, the National School of Judiciary and Public Prosecution offers training sessions on:</p> <ul style="list-style-type: none"> <li>- “Situation of a child in a conflict around the divorce of parents – civil and criminal aspects”.</li> <li>- “Crimes against the family and guardianship committed to the detriment of a minor victim – selected issues”.</li> <li>- “Combating crimes against sexual freedom committed against minors”;</li> <li>- “Minors in criminal proceedings”.</li> </ul> |
| <p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p> | <p>X</p> | <p>Yes, such training is provided. See paragraph 3.2.4 for more details.</p> <p>When the so-called Anti-Violence Law 1.0 came into force in Poland, the Ministry of Justice 142uport142zi interdisciplinary training for Police Officers and Military Police. The National School of Judiciary and Public Prosecution, when 142uport142zin the Council of Europe’s HELP course on Child-Friendly Justice and Children’s Rights, extended an invitation to different professional groups to participate in the training, i.e. judges, prosecutors, assessors, registrars, assistants (<a href="https://www.kssip.gov.pl/node/7190">https://www.kssip.gov.pl/node/7190</a>). Thanks to the agreement with UNICEF, joint trainings will be held in 2023 for, among others, legal advisors (attorneys refused to participate in the trainings), prosecutors, judges, probation officers (<a href="https://www.kssip.gov.pl/?q=node/8855">https://www.kssip.gov.pl/?q=node/8855</a>). Looking at other trainings of the National School</p>                           |

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|   |   | <p>of Judiciary and Public Prosecution on child protection they were addressed to different professional groups e.g. <a href="https://www.pokl.kssip.gov.pl/node/3908">https://www.pokl.kssip.gov.pl/node/3908</a> The authors of the report are not aware of any joint trainings for police officers and prosecutors.</p> |
| <p>3.2.8. Outline briefly the <u>main challenges/ or gaps relating to human resources, qualification requirements and training</u> underlined by the relevant authorities and/ or child protection civil society organisations.</p> | <p>As family assistants play an important role in the child protection system, it should be pointed out that it is necessary to create conditions for assistants to have access to training and improvement of their qualifications. As indicated in the literature, only in some of the centres where assistants work do they have the opportunity to benefit from supervision, training, the purchase of specialised literature. In addition, after a period of great commitment to the work of helping another human being, there comes disappointment related to low wages, instability of employment and expenses (fuel, telephone calls) from carrying out such a difficult and demanding profession. For both family assistants and special workers, there is a danger of professional burnout, i.e. a syndrome of emotional exhaustion, depersonalisation and a reduced sense of personal achievement that can occur in people working with people.<sup>210</sup> Furthermore, there are too few family assistants. In 2021, there were 3,786 family assistants in Poland. According to Article 15 of the Act of 9 June 2011 on family support and the foster care system, an assistant may work with a maximum of 15 families. If one assistant works with as many as six families with three children each, it means that the assistant has to take care of the situation and protection of as many as 18 children. This raises the question of whether he or she is really in a position to provide reliable assistance and protection for these children.</p> <p>The NGO Alternative Report on Poland's implementation of the Convention on the Rights of the Child indicated that:</p> <p>- “Non-governmental organisations (<i>La Strada</i>) have no major objections to the treatment, by law enforcement and justice authorities, of children victims or alleged victims of trafficking. Interrogations take place in a so-called ‘friendly room’ in the presence of a psychologist (which is a requirement under Polish law) and the child’s guardian (in the case of children under the care of the La Strada Foundation, it is its representative). There are reservations about the effectiveness of the identification of victims of trafficking. Interrogators do not always have the right skills and</p> |  |

<sup>210</sup> Szot A. (2018), Perceptions of family assistant work by social welfare clients and supporters, Problems of Contemporary Pedagogy, No. 4

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|  | <p>qualifications, which is probably due to the high turnover of staff, especially in the last five years.”</p> <p>- “There is a lack of offer to improve the competence of representatives of all services working to protect children from abuse, through the exchange of good practice, the provision of regular supervision for professionals. There is also a lack of training and competence development policies for the different services, e.g. in recognising risk factors for child abuse, promoting protective factors, recognising the symptoms of abuse and intervening, helping the child and family, working with the perpetrator of abuse, interdisciplinary cooperation, implementing child protection standards and procedures in every institution where children are present.”</p> <p>- “The teacher education system pays too little attention to the specifics of working with a child in foster care. Insufficient teacher knowledge and skills in dealing with traumatised children results in difficulties in integrating children in a new school environment.”</p> |
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### 3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

There have been positive aspects in the development of child protection capacities, such as the compulsory checking in the Sex Offender Register of people who are supposed to take care of children. However, the so-called Child Protection Standards, i.e. guidelines for all institutions on how to recognise child abuse and how to react when a child’s welfare is at risk, have still not been introduced in Poland. One of the elements of the Standards is that every person taking care of a child is trained in children’s rights and their protection from abuse. In Poland, we observe that a lot of children are abused and even die because of the experience of abuse. The “Dajemy Dzieciom Się” Foundation has been lobbying since 2019 for a so-called child fatality analysis to be carried out in Poland – a special procedure (modelled on British practices) to determine what element of the system has failed in protecting the welfare of the child.

### 3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

As a good example, it is worth mentioning:

- **non-governmental organisations that have launched special CSR tabs on their websites**, such as “Dajemy Dzieciom Się” Foundation<sup>211</sup> or “Zdążyć z Pomocą” Children’s Foundation<sup>212</sup>, and similar

<sup>211</sup> „Dajemy Dzieciom Się” Foundation, [Biznes wspiera dzieci!](#) (accessed 30.03.2023).

<sup>212</sup> „Zdążyć z Pomocą” Children’s Foundation, [Biznes odpowiedzialny społecznie](#) (accessed 30.03.2023).



activities have been undertaken by the private sector, which indicates its CSR activities, such as Rossman<sup>213</sup> or Alto<sup>214</sup>;

- **establishment within the Warsaw Bar Association of a thematic section gathering attorneys and trainee attorneys specializing in activities for children** and which operates under the name of the Children's Rights Section.<sup>215</sup> The object of the section's activities is to promote and deepen the knowledge and professional experience of its members in the field of children's rights protection. The section organises a number of events to improve the qualifications and quality of in-service training by advocates, providing ample opportunities for the exchange of experiences in the field of children's rights;

- since 2019, the Association of Family Judges in Poland on its own initiative organises **psychological supervisions for family judges**,<sup>216</sup> which are an important tool for increasing work efficiency and professional development. The need for supervision arose due to the reported problems of family judges: work overload, negative behaviour of parties in the courtroom, psychological strain on judges in connection with difficult cases, making unpopular but necessary decisions concerning children and their parents, which are often unfairly and one-sidedly commented on in the media and the impact of professional work on the private life of judges.

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<sup>213</sup> Rossmann, [CSR](#) (accessed 30.03.2023).

<sup>214</sup> ALTO, [CSR](#) (accessed 30.03.2023).

<sup>215</sup> Facebook, [Sekcja Praw Dziecka ORA w Warszawie](#) (accessed 30.03.2023).

<sup>216</sup> Association of Family Judges in Poland, [Supervisions](#), 3 January 2019.

## 4. Care

### 4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

For proper development and the possibility to realise their rights, children need the legal protection of the family. The system of family protection and support in Poland is regulated primarily in the Act of 9 June 2011 on family support and the system of foster care (the main regulation concerning the protection of children),<sup>217</sup> while the system of social care and social protection, which is also intended to support and protect the family as well as the child, among others, is regulated in the Act of 12 March 2004 on social assistance.<sup>218</sup> An analysis of both these acts makes it possible to conclude that the child protection system in Poland overlaps with the social assistance system, although its functioning has been subjected to the direct and strict control of the family courts, which are part of the civil courts.

The same authorities - municipalities and counties – are the main executors of tasks under both systems. Thus, according to the Act of 9 June 2011 on family support and the foster care system, the task of supporting families (working with families) is entrusted to municipalities, the organisation of foster care belongs to counties, and specialised foster care and adoption belong to provinces (regions). The systems are also largely based on the same institutions. At the level of municipalities, the coordination of their tasks in the field of child protection (i.e. family support) is handled by social welfare centres (or other entities selected by municipal authorities), which play a leading role, at the level of counties – county family support centres (or other entities selected by county authorities), and at the provincial level – regional social policy centres (or other entities selected by provincial authorities).<sup>219</sup>

The concentration of child protection and social assistance in the competences of the same authorities may raise some questions. Both types of tasks place a heavy burden on the responsible local authorities, especially when they have not been provided with adequate resources. In addition, the nature of the tasks in the two systems is different and the emphasis in the provision of services is placed on different criteria. For example, the provision of social services, especially financial benefits, is often based on an income criterion. This can be particularly problematic at the level of municipalities, which, as part of their social assistance remit, are responsible for determining entitlement to benefits and issuing the relevant decisions. At the same time, municipalities are entrusted with the task of working with families (through family assistants), which is a service that is independent of income, but of the family's situation. This creates a situation in which social assistance centres are, on the one hand, institutions that examine the family before making benefit decisions and, on the other hand, send family assistants to help the family out of the crisis. The Act on family support and foster care system tries to solve this problem by imposing restrictions on family

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<sup>217</sup> Poland, Act on family support and the foster care system ([Ustawa o wspieraniu rodziny i systemie pieczy zastępczej](#)), 9 June 2011.

<sup>218</sup> Poland, Act on social assistance ([Ustawa o pomocy społecznej](#)), 12 March 2004.

<sup>219</sup> Kołaczkowski B., Ratajczak M. (2013), *Pomoc społeczna. Wybrane aspekty instytucyjne pomocy rodziny i dziecku*, Warsaw.

assistants.<sup>220</sup> This means that imposing too many tasks on municipalities if they are not equipped with appropriate tools and resources may negatively affect the effectiveness of the assistance provided to the family. In addition, there is a risk of not taking an impartial approach to a family who applies for material support and the family assistant points out that the family does not need material support. This all depends, however, on the circumstances and on whether the municipality is equipped with the appropriate tools and resources.

As far as the protection of children is concerned, the main focus of the family assistance provided is on the protection of the child and the implementation of the principle of child welfare. As a result of such measures, in extreme situations and families with inefficient upbringing, it may also be possible to initiate proceedings to restrict the child's parents' parental authority if, for example, a social assistance worker or family assistant becomes aware of child neglect or abuse and then notifies the relevant services. In family court proceedings in such a case, the child may be heard and the court should take the child's views into account if the child's mental state, state of health and degree of maturity support this.

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

In Poland, forms of support for the family and parents in their role as primary carers can be divided into two groups: 1. Forms of support for all families (both those who do not need special help in meeting their needs and those with special needs) and 2. Forms of support for families with special needs, i.e. families in which parents, due to lack of internal and external resources, have difficulties in meeting the needs of their children, due to the fact that they are affected by disability (especially intellectual), have mental health problems, are affected by somatic illness, abuse psychoactive substances, parents under 24 years of age (especially minors, including pregnant women), single parents, families with many children, parents after serving a prison sentence and others who temporarily or permanently require support in caring for and bringing up their children.<sup>221</sup>

The forms of family support in the first group mentioned above include primarily **material support related to meeting the needs of children**. In Poland, such specific forms of family support include:

- **the “Family 500+” programme** – the government programme “Family 500+” (“Rodzina 500+”) coordinated by the Ministry of Family and Social Policy is the financial foundation of family support in Poland. The programme entered into force on 1 April 2016 and has significantly improved the material situation of families, strengthened them and gave them due priority. The programme is the most significant and tangible financial assistance from the state to families raising children. Under this programme, families with dependent children are entitled to an upbringing benefit of PLN 500 per child up to the age of 18, regardless of the income earned by the family;<sup>222</sup>
- **the “Good Start” (“Dobry Start”) programme** – an investment in the education of Polish children. It is PLN 300 of one-off support for all pupils starting the school year. Families receive the benefit regardless of income. It is support for 4.4 million pupils. The Good Start benefit is due once a year for a child studying at school until they reach the age of 20. A

<sup>220</sup> Kołaczkowski B., Ratajczak M. (2013), *Pomoc społeczna. Wybrane aspekty instytucyjnej pomocy rodziny i dziecku*, Warsaw.

<sup>221</sup> Kasiejko I., *Pomocy! Wsparcie rodziny w kryzysie* (accessed 30.03.2023).

<sup>222</sup> Poland, Ministry of Family and Social Policy, *Rodzina 500+* (accessed 30.03.2023).

disabled child studying at school is entitled to the benefit until they reach the age of 24. To receive support, an application must be made. This can be done by the mother, the father, the child's legal guardian or the child's de facto guardian (a de facto guardian is a person who actually takes care of the child and who has applied to the guardianship court for the adoption of the child). The application for the benefit for children in foster care is submitted by a foster parent, a person running a family foster home or the director of a foster care centre. The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) is responsible for accepting applications for the benefit, processing them and granting and paying out the benefit,<sup>223</sup>

- **the family care capital** – a financial instrument to support families. The family care capital is available to parents for the second and subsequent child in the family, from age of 12 to 35 months. The capital is available regardless of family income up to a total maximum of PLN 12 thousand per child, and parents can choose whether they wish to receive PLN 1,000 per month for one year or PLN 500 per month for two years. The receipt of claims for family care capital, their processing and the granting and payment of this benefit are handled by the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*).
- **Co-financing the fee for a child's stay in a nursery, children's club or at a day carer** – it is parents' support in the area of institutional care in the amount of PLN 400 per month. The co-financing is granted for children not covered by the family care capital and attending the above-mentioned care institutions and is granted until the end of care in the nursery, children's club or at a day carer. The co-financing is paid directly to the operator of the care institution, who is obliged to reduce the parents' fee for the child's stay in the institution.
- the **Large Family Card (*Karta Dużej Rodziny*)** – a system of discounts and additional entitlements for families of 3+. The Large Family Card operates both in public institutions and in private companies. Its holders have the opportunity to use the offer of entities in the food, fuel, banking or recreation sectors, among others, more cheaply. The Large Family Card supports the budgets of families with many children and facilitates access to goods and services.<sup>224</sup>

Forms of family support in the second group mentioned above, i.e. families experiencing difficulties in fulfilling care and upbringing functions, in accordance with Article 8 of the Act of 9 June 2011 on family support and the foster care system consist in: analysing the situation of the family and the family environment and the causes of the crisis in the family; strengthening the role and function of the family; developing the family's caring and upbringing skills; raising awareness in the field of family planning and functioning; assistance in family integration; counteracting marginalisation and social degradation of the family; aiming at reintegration of the family. The above forms of assistance are implemented through: social work, specialist counselling, crisis intervention, family assistantship, day support centres, support families.

- I. **social work** – according to Article 45 of the Act of 12 March 2004 on social assistance, social work is provided to improve the functioning of individuals and families in their social environment and is carried out with individuals and families in order to solve or strengthen their activity and independence in life and with the local community in order to ensure cooperation and coordination of activities of institutions and organisations relevant to meeting the needs of community members. Social work may be carried out on the basis of a social contract or a social project. Social work uses methods and techniques appropriate to this activity, applied with respect for dignity and the person's right to self-determination. Social work is provided to persons and families regardless of their income. Social work is carried out by social workers, who are usually employees of organisational units of social assistance. Social workers work mainly in social assistance

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<sup>223</sup> Poland, Ministry of Family and Social Policy, [Dobry Start](#) (accessed 30.03.2023).

<sup>224</sup> Poland, Ministry of Family and Social Policy, [Karta Dużej Rodziny](#) (accessed 30.03.2023).

centres. However, social workers may also be employed by other institutions. This applies mainly to hospitals, prisons, units competent for employment and counteracting unemployment, as well as those non-governmental organisations which have been commissioned by governmental and self-governmental administration bodies to perform social welfare tasks. There are currently (as of November 2017) 20,830 social workers working in social assistance centres and district family assistance centres;<sup>225</sup>

- II. **specialised counselling** – in accordance with Article 46 of the Act of 12 March 2004 on social assistance, specialised counselling, in particular legal, psychological and family counselling, is provided to persons and families who have difficulties or show the need for support in solving their life problems, regardless of their income. Legal counselling is implemented by providing information on the applicable legislation in the field of family and guardianship law, social security, protection of tenants' rights. Psychological counselling is implemented through the processes of diagnosis, prevention and therapy. Family counselling covers problems of family functioning, including problems of caring for a disabled person, as well as family therapy. The governors maintain a register of specialist counselling units (for example, the register of specialist counselling units in the Mazowieckie Province,<sup>226</sup> in Podkarpackie Province,<sup>227</sup> in Lubelskie Province<sup>228</sup>);
- III. **crisis intervention** – according to Article 47 of the Act of 12 March 2004 on social assistance, crisis intervention is a set of interdisciplinary activities undertaken for persons and families in crisis. The aim of crisis intervention is to restore psychological balance and the ability to cope on their own, thus preventing the crisis reaction from turning into a state of chronic psychosocial insufficiency. Crisis intervention covers individuals and families regardless of their income. Within the framework of the crisis intervention, immediate specialised psychological assistance and, depending on the needs, social or legal counselling are provided, and in justified situations shelter is provided for up to 3 months. Mothers with minor children and pregnant women affected by violence or in another crisis situation can, within the framework of crisis intervention, find shelter and support in homes for mothers with minor children and pregnant women. Fathers with minor children or other persons with child custody may also be admitted to these homes. As of 5 August 2021, there were 170 crisis intervention centres and 87 (as of 2020 according to Supreme Audit Chamber) crisis intervention points;<sup>229</sup>
- IV. **family assistantship** – a family assistant is a person assigned to a family who performs work with the family in its place of residence or a place indicated by the family. The tasks of a family assistant, in accordance with Article 15 of the Act of 9 June 2011 on family support and the foster care system, include in particular: developing and implementing a plan of work with a family in cooperation with family members and in consultation with a social worker; developing, in cooperation with family members and the coordinator of

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<sup>225</sup> Poland, Ministry of Family and Social Policy, [Pracownik socjalny: zawód trudny i potrzebny](#), 21 November 2017.

<sup>226</sup> Poland, Mazowieckie Voivodship Office in Warsaw, [Rejestr jednostek specjalistycznego poradnictwa na terenie województwa mazowieckiego](#) (accessed 30.03.2023).

<sup>227</sup> Poland, Podkarpackie Voivodship Office in Rzeszów, [Rejestr jednostek specjalistycznego poradnictwa województwa podkarpackiego](#) (accessed 30.03.2023).

<sup>228</sup> Poland, Lubelskie Voivodship Office in Lublin, [Rejestr jednostek specjalistycznego poradnictwa na terenie województwa lubelskiego](#) (accessed 30.03.2023).

<sup>229</sup> Poland, Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [NIK o interwencji kryzysowej na rzecz osób i rodzin](#), 5 August 2021.

family foster care, a plan of work with a family which is coordinated with the plan of assistance for a child placed in foster care; providing assistance to families in improving their life situation, including acquiring skills of proper household management; providing assistance to families in solving social problems; providing assistance to families in solving psychological problems; providing assistance to families in solving child-rearing problems; providing support to children, in particular through participation in psycho-educational classes; taking intervention and remedial measures in situations where the safety of children and families is threatened; conducting individual upbringing consultations for parents and children. The work of a family assistant is regulated in Articles 11 – 17 of the Act of 9 June 2011 on family support and the foster care system. A family assistant is assigned to a family by social welfare centres. A list of day-care centres in individual voivodeships in Poland is available on the websites of individual province (voivodeship) offices (e.g. for the Mazowieckie Voivodeship,<sup>230</sup> for the Lubelskie Voivodeship<sup>231</sup>). For the requirements for legal assistants, please see 3.2.2. The number of family assistants in 2022, according to the Ministry of Family and Social Policy, equaled 3,455<sup>232</sup>

- V. **day care centres** – regulated by Articles 18 – 28a of the Act of 9 June 2011 on family support and the foster care system, they are organisational units of family support, in terms of assistance in care and upbringing of children from families experiencing difficulties in fulfilling care and upbringing functions. The centre's staff work in cooperation with parents, teachers in educational institutions and staff of treatment units. The child's stay at the day-care centre is free of charge and voluntary (except when a court order requires that the child must attend the centre). A day care centre may have a caring role, as regards the organisation of the child's free time, recreation, assistance in learning, play, interest circles (development of the child's talents, interests), clubs. Through the child's participation in the centre, the child is supported in his or her proper development, acquires skills to overcome everyday difficulties, overcomes learning deficits and learns through play. Another type of day care centre for children can be a specialised type. In this type of centre, sociotherapeutic activities are organised. They are attended by children with behavioural disorders, for example they are hyperactive, aggressive or have low self-esteem. Therapeutic classes are also held there – classes with a psychologist, pedagogical therapy (purposeful actions towards the child in order to restore the child's capacity for mental development), music therapy, social skills training (actions aimed at improving social relations), corrective classes (for example, corrective gymnastics), compensatory classes (actions aimed at improving the child's psychosomatic functions), speech therapy classes,<sup>233</sup>
- VI. **supporting families** – in accordance with Article 29 of the Act of 9 June 2011 on Family Support and the System of Foster Care, the assistance of a supporting family may be extended to a family experiencing difficulties in fulfilling its caring and upbringing functions. The supporting family, in cooperation with the family assistant, helps the family experiencing difficulties in: care and upbringing of the child, running the

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<sup>230</sup> Poland, Mazowieckie Voivodeship Office in Warsaw, [Opracowania i wykazy](#) (accessed 30.03.2023).

<sup>231</sup> Poland, Lubelskie Voivodeship Office in Lublin, [Wykaz placówek wsparcia dziennego \(prowadzonych na podstawie ustawy o wspieraniu rodziny i systemu pieczy zastępczej\)](#), 17 October 2022.

<sup>232</sup> Poland, Ministry of Family and Social Policy, [Rozstrzygnięcie programu asystent rodziny na rok 2022](#), 21 December 2022.

<sup>233</sup> Poland, Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [Funkcjonowanie placówek wsparcia dziennego dla dzieci](#), 4 May 2017.

household, shaping and fulfilling basic social roles. The supporting family is established by the head of the local authority competent for the place of residence of the supported family after obtaining a positive opinion from the head of the social assistance centre or the director of the social services centre, issued on the basis of a family environmental interview.<sup>234</sup>

#### 4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

If it is identified that a child is in need of care, different solutions may be taken towards the child – depending on the circumstances of the child and in line with the principle of child welfare. If the child's parents do not fulfil their parental and educational duties towards the child and the child's rights are threatened or violated in accordance with Article 109 of the Act of 25 February–1964 – Family and Guardianship Code, the court shall issue appropriate orders. It may oblige the parents and the minor to act in a specified manner, in particular: to work with a family assistant, to implement other forms of work with the family, to refer the minor to a day-care centre specified in the regulations on family support and the foster care system, or to refer the parents to a centre or a specialist dealing with family therapy, counselling or providing other appropriate assistance to the family, while indicating the manner of controlling the implementation of the issued orders (art. 109 of the Act of 25 February –964. – Family and Guardianship Code).

On the other hand, when measures applied on the basis of Article 109(2)(1-4) of the Act of 25 February –964. – Family and Guardianship Code and when all available forms of family support listed in the Act of 9 June 2011 on family support and the system of foster care and forms of assistance to the child's parents referred to in the provisions on family support and the system of foster care have failed to remove the state of threat to the child's welfare in accordance with Article 112<sup>3</sup> of the Family and Guardianship Code, the child may be placed in foster care.

Placement of a child in institutional or family foster care is aimed at temporary replacement of parents in the event of their inability to fulfil their care and upbringing function. The activities of persons and institutions of the foster care system are aimed at ensuring care and upbringing of the child for the period necessary to create conditions enabling its return to the family.<sup>235</sup>

The first action initiating the procedure of placing a child in foster care is the issuance by the family court of a decision to place the child in care with an indication of the time limit within which the obliged person should surrender to the entitled person subject to parental authority or under guardianship (art. 598<sup>4</sup> of the Act of 17 November –964. – Code of Civil). If the time limit expires without success and the parents are obliged to appear with the child, the director of the institution will notify the family court and the procedure for the forced removal of the child will be initiated pursuant to Article 598 -598<sup>612</sup> of the Code of Civil Procedure. Simultaneously with the issuance of the referral, the family assistant or the employees of the relevant department of the organisational structure of the district family support centre should cooperate with the family in order to prepare it to recover from the crisis, help the child understand the measure of limiting parental authority applied to them in order to maintain their contact with the child placed in a foster care institution

<sup>234</sup> Bielecka E. (2018), *Supporting family - a dedicated form of support for families with care and upbringing problems*, Social Work, no. 2 (33), pp. 144-165).

<sup>235</sup> Fras M., Habdas M. (2021), *Kodeks rodzinny i opiekuńczy. Komentarz*, Warsaw; Kwaśniewska-Sadkowska A., Mickiewicz P., Pasek - Gilarska A., Pomarańska - Bielecka M., Trocha O. (2015), *Rodzinna piecz zastępcza - poradnik praktyczny*, Warsaw; Bieniek K. (2019), *Dysfunkcje rodziny a pieczcza zastępcza*, Dziecko Krzywdzone. Theory, research, practice, vol. 18 no. 4, pp. 107 - 122).

until its return to the family. Independently of the actions of the guardianship court, forms of assistance provided for in the Act on family support and the foster care system, i.e. family assistants, day care centres or support families, may be undertaken towards the child and its family in order to provide assistance.<sup>236</sup> It should be emphasised that there is no specific time limit within which the court has to make the applicable decision, however, given the circumstances it should do so immediately.

It should, however, be emphasised that placement of a child in foster care may take place despite the failure to take measures provided for in Article 109 of the Family and Guardianship Code and those provided for in the Act of 9 June 2011 on family support and the foster care system if the child's welfare requires that he or she be immediately placed in foster care. Then, pursuant to Article 12a of the Act of 29 July 2005 on Counteracting Family Violence, in the event of an immediate threat to the life or health of a child due to family violence, a social worker performing official duties has the right to take the child away from the family and place the child with another non-cohabiting relative, in a foster family or in a foster family or a family home or in institutional foster care.

#### 4.1.4 What are the crisis emergency responses in place?

In crisis situations, i.e. in emergency situations where there is a direct threat to a child's life or health due to family violence, it is possible to intervene to remove a child from the family. Pursuant to Article 12a of the Act of 29 July 2005 on Counteracting Violence in the Family, in the event of a direct threat to the life or health of a child due to violence in the family, a social worker performing his/her official duties has the right to take the child away from the family and place the child with another non-cohabiting immediate family member, in a foster family or in a foster care centre. The decision to take the child away shall be made by the social worker in conjunction with a police officer, as well as a doctor or paramedic or nurse. The social worker is obliged to notify the guardianship court immediately, no later than within 24 hours, of the child being taken from the family and placed with a non-cohabiting immediate family, in a foster family or in a foster-care centre.

The provision of Article 12a of the Act of 29 July 2005 on Counteracting Violence in the Family is the implementation of the guarantee provided for in Article 72 of the Constitution of the Republic of Poland of 2 April 1997 for the protection of the child from violence, cruelty, exploitation and demoralisation. The removal of a child from his or her family takes place as a last resort, and the decision is not an individual one, but a collective one – made jointly with the intervening police officer and doctor who will be involved in the intervention. Thanks to this provision, the worker can indicate the place most friendly to this child and place the child, for example, with a grandmother or aunt.<sup>237</sup>

## 4.2. Identification and reporting procedures

| Question | Yes | No | Comments |
|----------|-----|----|----------|
|----------|-----|----|----------|

<sup>236</sup> Kwaśniewska-Sadkowska A, Mickiewicz P., Pasek - Gilarska A., Pomarańska - Bielecka M., Trocha O. (2015), *Rodzinna piecz zastępcza - poradnik praktyczny*, Warsaw; Bieniek K. (2019), *Dysfunkcje rodziny a piecza zastępcza, Dziecko Krzywdzone. Theory, research, practice*, vol. 18 no. 4, pp. 107 - 122).

<sup>237</sup> Spurek S. (2021), *Przeciwdziałanie przemocy w rodzinie. Komentarz*, Warsaw.



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| <p>4.2.1. Is there an identification/reporting obligation foreseen in the legislation?</p> <p><u>If yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p> | X | <p>I. The basic obligation to report cases of abuse, exploitation, crimes is contained in <b>the Act of 6 June 1997 – Code of Criminal Procedure</b>.<sup>238</sup> Article 304(1) of the Code of Criminal Procedure provides that anyone who becomes aware of the commission of an offence prosecuted by public indictment is obliged to notify the public prosecutor or the Police. However, this is a social obligation and not a legal one. Pursuant to Article 304(2) of the Code of Criminal Procedure, the duty to notify is much stronger (it is a legal duty) in the case of state and local government institutions which, in the course of their activities, have gained knowledge of the commission of a crime. These institutions must immediately notify the public prosecutor's office or the Police of the commission of a crime and take measures to secure evidence of the crime until the relevant authorities take control.</p> <p>II. <b>Article 572(1) of the Act of 17 November 1964 – Code of Civil Procedure</b> contains a common obligation for all persons to notify the guardianship court of a circumstance requiring the initiation of ex officio proceedings.<sup>239</sup> This obligation is primarily incumbent on civil registrars, courts, prosecutors, notaries, debt collectors, local and state authorities, the Police, educational institutions, social workers, organisations and institutions caring for children or mentally ill persons.</p> <p>III. Pursuant to <b>Article 12(1) of the Act of 29 July 2005 on Counteracting Family Violence</b>, persons who, in the course of their professional duties, become aware of a suspicion that a crime prosecuted by public indictment involving family violence has been committed, shall immediately report this to the police or the public prosecutor. Pursuant to Article 12(2) of the Act, persons witnessing family violence should notify the Police, the Public Prosecutor's Office or any other</p> |
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<sup>238</sup> Poland, Code of Criminal Procedure (*Kodeks postępowania karnego*), 6 June 1997.

<sup>239</sup> Poland, Code of Civil Procedure (*Kodeks postępowania cywilnego*), 17 November 1964.

|  |  |  |
|--|--|--|
|  |  | <p>entity acting to counteract family violence.<sup>240</sup></p> <p>IV. It should be emphasised that Polish law distinguishes between the legal and social obligation to report a crime. Pursuant to Article 304 § 1 of the Code of Criminal Procedure, upon learning that a crime prosecuted ex officio has been committed, everyone has a social obligation to notify the public prosecutor or the Police. State and local government institutions, which in connection with their activities have found out about the commission of an offence prosecuted ex officio, are obliged to immediately notify the public prosecutor or the Police and to undertake necessary actions until the relevant order is issued by this body, so as not to obliterate traces and evidence of the offence.</p> <p>V. Furthermore, according to Article 240 of the Penal Code, anyone who, having credible knowledge of the criminal preparation or attempt or commission of a criminal offence referred to in Article 118, Article 118a, Articles 120-124, Article 127, Article 128, Article 130, Article 134, Article 140, Art. 148, art. 156, art. 163, art. 166, art. 189, art. 197 § 3 or 4, art. 198, art. 200, art. 252 or an offence of a terrorist nature, fails to promptly notify an authority appointed for the prosecution of offences, shall be punished by deprivation of liberty for up to 3 years.</p> <p>VI. Among the above-mentioned offences are also those that may be committed against a child, such as Article 148 of the Criminal Code (murder), Article 156 (grievous bodily harm), Article 197 (rape), Article 200 (sexual exploitation of a minor).</p> |
|--|--|--|

4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

<sup>240</sup> Poland, Act on Counteracting Domestic Violence ((Ustawa o przeciwdziałaniu przemocy domowej ), 29 July 2005.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

### **Criminal proceedings**

As indicated above, the obligation to report cases of abuse, exploitation, etc. is contained in Article 304 (1) and (2) of the **Code of Criminal Procedure**. Notification may be made to the public prosecutor or the Police, or in fact to any other authority which is authorized to conduct preparatory proceedings in the notified case, including the Border Guard or the State Labour Inspectorate. Notification may be made in person (at the prosecutor's office, police station, etc.), by telephone or by letter. Pursuant to Article 305(1) of Code of Criminal Procedure, the authority conducting pre-trial proceedings is obliged to issue a decision to initiate proceedings or to refuse to initiate them immediately after receiving the notification. In the case of the necessity to conduct verification proceedings, such a decision must be made within a maximum of 30 days from the date of notification. Pursuant to Article 306(3) of the Code of Criminal Procedure, if, within 6 weeks from the notification, the person or institution that submitted the notification of the commission of an offence has not been informed of the initiation of proceedings or of the refusal to initiate them, he/she may file a complaint to the public prosecutor superior or designated to supervise the entity that received the notification. If pre-trial proceedings are initiated, the police or the public prosecutor shall conduct pre-trial proceedings in the case pursuant to the provisions of the Code of Criminal Procedure.

### **Blue card procedure**

In parallel with criminal proceedings or instead of criminal proceedings (if they have not been initiated), the Police may initiate the so-called "Blue"Cards" procedure. **The procedure is regulated in the provisions of the Act on Counteracting Domestic Violence and the executive acts to the Act, in particular in the Regulation of the Council of Ministers of 13 September 2011 o' the 'Blue'Cards' procedure and 'Blue' Card' form templates.** It should be noted that in addition to police officers, the procedure may be initiated by other specialists: a representative of a social assistance organisational-unit – a social worker, a representative of health protection – a doctor, nurse, paramedic, a representative of education – a teacher, a representative of a municipality (commune) committee for solving alcohol problems. The initiation of the procedure does not require the consent of the person affected by domestic violence. The intervention in" the "Blue"Cards" procedure includes all activities carried out by representatives of organisational units of social assistance, commune commissions for solving alcohol problems, the Police, education, health services and non-governmental organisations in connection with suspected violence.

When, in the course of their professional duties, a given professional acquires a suspicion of violence in the family or such a case is reported to them, they initiate the "Blue"Cards" procedure by filling in the Blue Card forms (A-D). Form A, which contains a detailed description of the situation, is sent immediately – no later than within 7-days – to the chairperson of the interdisciplinary team. The chairperson sends the form to the other members of the team or its working group immediately, but no later than within 3 days. Once Form A is completed, the initiating professional gives Form B to the victim. This form contains extensive information about what can be considered domestic violence, the relevant legal provisions and the rights of victims, institutions offering support (social assistance, victim support, courts, etc.), available helplines and a form that allows the victim to write down the necessary information about the domestic violence incident. Form C is completed by the interdisciplinary team at a meeting held in the presence of the victim, although the absence of the victim does not stop the work. The form confirms all the personal details of the perpetrator of the violence and the person affected. It contains a diagnosis of the victim in the following dimensions: family situation, professional and economic situation, housing conditions and health situation, children and their situation. The form also sets out an individual support plan for the victim and

defines the responsibilities of the representative of each professional group involved. It contains a small section on the provisions of the victim and a section on the regular assessment of the 'ictim's situation from the perspective of each professional involved, etc. Form D is completed by the interdisciplinary team at a meeting held in the presence of the suspected perpetrator of violence. The meetings of the team with either the victim or the perpetrator cannot take place at the same time. As part of the procedure, each specialist in their field provides various services to the victim. Among other things, social workers provide information on available forms of support and forms of support for children affected by domestic violence. All activities within the procedure concerning a minor must be carried out in the presence of a parent or guardian. If they are perpetrators of violence, interventions are undertaken in the presence of the adult closest to the child. In such cases, Form B is given to the parents etc. and not to the suspected perpetrator. The child is not invited to meetings of the interdisciplinary team.

### **Act on Counteracting Domestic Violence**

Pursuant to **Article 12(1) of the Act of 29 July 2005 on Counteracting Family Violence**, persons who, in the course of their professional duties, become aware of a suspicion that a crime prosecuted by public indictment involving family violence has been committed, shall immediately report this to the Police or the Public Prosecutor. Pursuant to Article 12(2) of the Act, persons witnessing family violence should notify the Police, the Public Prosecutor's Office or another entity acting to counteract family violence. Article 12a of the Act allows for the removal of a child from the home if the child's life or health is at risk due to family violence. The decision is made between the professionals involved – a social worker, a police officer and a health representative. The social worker immediately, but no later than within 24 hours, notifies the court that the child has been taken away and placed with a relative, in a foster family or in a foster care facility.

### **Civil procedure – notification to the guardianship court**

In addition to initiating criminal proceedings (in the case of police officers/prosecutors) or initiating the "Blue" Card" procedure (police officers, social workers, education or health professionals, representatives of municipal alcohol problem-solving committees), these professionals who have had contact with neglected or abused children are obliged to notify the guardianship court. Pursuant to Article 570 of the **Act of 17 November –964. – Code of Civil Procedure**, the guardianship court may initiate proceedings ex officio. This prerogative is linked to the general obligation contained in Article 572 § 1 of the Code, to notify the guardianship court of a circumstance requiring the initiation of proceedings ex officio. Neglect and abuse of a child is certainly such a circumstance. Significantly, the provision of Article 572(2) of the Code stipulates that this obligation applies primarily to courts, prosecutors, local and government administrative authorities, the Police, educational institutions, social caregivers and organisations caring for children and mentally ill persons. The legislation does not specify a time limit within which notification must be made, nor does it provide sanctions for failure to comply with the obligation, with some exceptions. There are also no rules on the manner of such notification, suggesting that it can be done in writing, but also in person and in other forms.

If the guardianship court is notified, pursuant to Article 570<sup>1</sup> of Code of Civil Procedure, the court may order the guardian ad litem to conduct a social interview and/or the competent foster care unit to provide information on the minor and his/her environment, in particular information concerning the minor's behaviour and upbringing conditions, living conditions of the family, education level and leisure habits of the minor, his/her contacts with the environment, attitude towards parents or guardians, health condition, addictions and care activities undertaken. During the social interview, the guardian collects information from family, neighbours, superiors at work, teachers, tutors at school and other persons who may have important information about the person being assessed.

**According to Article 109 of the Act of 25 February –964. – Family and Guardianship Code**, if the welfare of the child is at risk, the guardianship court shall issue appropriate orders. In particular, it

may impose an obligation on the family and the minor to act in a certain way, e.g. to work with a family assistant or to attend a day care centre. The court may also rule that the exercise of parental authority should be supervised by a court guardian or that the child should be placed in foster care, etc. It should be noted here that the last possibility, i.e. placement in foster care, must be a measure of last resort.

**Other available reporting mechanisms include helplines run by public authorities, such as the Police and the Children’s Ombudsman, and private bodies, such as NGOs (which sometimes carry out public tasks on behalf of the government to run helplines for children or victims of crime, etc.):**

- **Police hotlin– 997** – this is a nationwide police hotline for reporting crime, open 24 hours a day, 7 days a week.

- The **116 111 helpline** is a **helpline for children and young people**, run by the Dajemy Dzieciom Się Foundation. By calling this number, children can describe their problems and get advice. In the event of a threat to a child’s life or health, the helpline staff notify the police. The telephone is open every day, 7 days a week, 24 hours a [day \(https://116111.pl\)](https://116111.pl).

- **Helpline 800 10– 100 – Parent and Teacher Helpline on Child Safety** – is a free helpline providing assistance to parents and teachers who need support and information on prevention and psychological help for children experiencing problems and difficulties such as: aggression, violence at school, cyberbullying and dangers of new technologies, sexual abuse, contact with psychoactive substances, depression, lowered mood, suicidal thoughts, eating disorders. In addition, therapists and lawyers of the Dajemy Dzieciom Się Foundation provide consultations on intervening in cases of suspected crimes against children, particularly sexual abuse, and psychological support for children experiencing violence and sexual abuse and participating as witnesses and victims in legal procedures <https://800100100.pl>.

- **Helpline 800 12 –2 12 – Children’s Ombudsman Hel–line** – at this telephone number, young people, as well as their carers, can receive free and professional psychological support. An online chat room is also available for children and young people. Both the helpline and the chat offer complete discretion and anonymity and are available seven days a week, 24 hours a day. In addition to daily, round-the-clock psychological and crisis support, comprehensive information on current legislation and procedures can also be obtained <https://800121212.pl/sos/>.

- **Helpline 800 12 –0 02 – National Emergency Service for Victims of Family Violence “Blue” line** – a helpline aimed at people involved in family violence. It is open 24 hours a day. Through the helpline one can obtain psychological support, information on counteracting domestic violence, including existing legal and procedural possibilities and local support facilities <https://www.niebieskalinia.org/ogolnopolskie-pogotowie-dla-ofiar-przemocy>.

- **Helpline „SOS helpline for Victims of Crime” („SOS Linia Pomocy Pokrzywdzonym”)** +48 222 309 900; [www.numersos.pl](http://www.numersos.pl) which operates every day 7 days a week, 24 hours a day and informs regarding the available support. It offers also a psychological support and legal advice.

| Question   | Yes | No | Comments  |
|--|-----|----|---|
| 4.2.3. Do children have the right to report independently? | X   |    | With regard to the criminal and civil reporting procedures described above, there are no restrictions on who can report. On the contrary, both the <b>Act of 7 June –997. – Code of Criminal Proc–dure</b> – with regard to criminal off–nces – and |

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| <p>If <u>yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child 'ights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p> |          | <p><b>the –ct of 17 November 1964. – Code of Civil Proc–dure</b> – with regard to circumstances justifying the initiation of ex officio proceedings by the uardianship court – <b>impose an obligation on everyone to report such cases.</b> In most cases, this is an obligation of a <b>social rather than a legal</b> nature. Children <b>can therefore (but do not have to) contact the police and report themselves.</b> <b>There are no specific procedures, other than those described above to protect the confidentiality of the child if the child discloses his/her personal information, but there is the possibility for the child to report anonymously.</b></p> <p>As regards profiled child-friendly reporting procedures, these include, in particular, helplines run by the Dajemy Dzieciom Się Foundation (<b>11–111 – Helpline for children and young people</b>) and the Ch'ldren's Rights Ombudsman (<b>800 –2 12 – Ch'ldren's Rights Ombudsman Helpline</b>). Both of these helplines are aimed at children, offer the services of qualified staff and ensure the confidentiality of the call.</p> <p>As for the detailed complaint/notification procedures for children residing in foster care institutions, they are not contained in laws, but in the internal regulations of these institutions (bylaws) in the sections devoted to the pupils, their rights and obligations. <b>Pursuant to Article 106 of the Act of 9 June 2011 on family support and the foster care system</b>, institutions applying for a provincial permit to operate a foster care institution must submit a set of documents, including a draft of the institution's internal rules (bylaws). Therefore, these rules may differ between institutions from different provinces. The Family Support and Foster Care Act and its regulations do not specify requirements for such internal regulations, including the mode of filing complaints, their anonymity or confidentiality.</p> <p>The effectiveness of a complaint is not affected by whether it is made orally (by telephone) or in writing.</p> |
| <p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>  | <p>X</p> | <p><b>There is no provision that makes it compulsory to inform children that they have the right to notify the relevant services if they are being harmed.</b></p> <p>However, from a very young age, children are educated at school, e.g. during educational hours</p>   |

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|  |  | <p>or at meetings with police officers, about the fact that if they see something wrong happening in their environment they can call the appropriate service to get help. The available numbers are the following: 997 to call the police, 998 to reach the fire brigade and 999 to reach the ambulance service, or the general emergency number: 112.<sup>241242</sup></p> <p>In addition, entities that run helplines for children and young people, e.g. the Children's Ombudsman, <b>which runs the Children's Ombudsman Helpline 800 12 12 12, or the Dajemy Dzieciom Się Foundation, which runs the Helpline for children and young people 116 111,</b> run social campaigns including on their websites and social media to inform children and young people that they can use such helplines and also report that they are experiencing violence or need help.<sup>243244</sup></p> <p>There are no guidelines, including in the form of a law or regulation, which indicate how a child should be informed of his or her rights. Therefore, the way in which a child is instructed depends on the informer.</p> |
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4.2.5 What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

The "Empowering Children" ("*Dajemy Dzieciom Się*") Foundation (formerly known as "Nobody's Children"/"Dzieci Niczyje" Foundation), which is a non-governmental organization working on behalf of children and as part of its activities has run social campaigns e.g. '**React**' publicising the

<sup>241</sup> Falkowska E., Telusiewicz-Pacak A. (2019). Children's rights from the perspective of children, parents and teachers. Research report., UNICEF Poland Association, Warsaw).

<sup>242</sup> Poland, Minister of National Education, Regulation on the programme basis for pre-school education and the programme basis for general education for primary school, including for pupils with moderate or severe intellectual disabilities, general education for an industry school of the first degree, general education for a special school preparing for work and general education for a post-secondary school, 14 February 2017.

<sup>243</sup> Poland, Children's Rights Ombudsman, [Nie czekaj, zadzwoń! Ruszyła kampania społeczna promująca Dziecięcy Telefon Zaufania](#), 7 January 2021.

<sup>244</sup> „Dajemy Dzieciom Się” Foundation, [Telefon zaufania dla dzieci i młodzieży](#) (accessed 30.03.2023).

problem of non-reporting of crimes and violence against children and pointing out actions that members of the public can take when they see or know that a child is experiencing a crime.<sup>245</sup>

It is very important to respond to violence against children by people who see or know that a child is being harmed, because a large number of crimes are not reported against a child because, for example: 1) parents are ashamed that someone will find out that there is abuse in their home or it will turn out that the child has been sexually abused by a family member, 2) parents do not believe their children that they have experienced abuse and think that the children have watched too many films and TV series, 3) one of the parents is also a victim of violence e.g. by the child's other parent and they are afraid to report the violence for fear of revenge from the abuser. Another reason why people (including parents of abused children) may be reluctant to report crimes against a child is the fear that the perpetrator will not be held accountable with such, and the mishandling of the child in the course of criminal proceedings by law enforcement and justice authorities may lead to secondary victimization.<sup>246</sup>

According to the **“Report on the implementation of the national programme for counteracting domestic violence i” 2021” prepared by the Ministry of Family and Social Policy**, despite the measures taken to protect the family from violence, it is also still necessary to:

1. strive to develop a programme in each municipality and district to prevent domestic violence and protect victims of domestic violence.
2. mobilise local authorities to carry out broadly understood prevention activities for individuals and families at risk of violence.
3. activate local authorities to carry out prevention activities aimed in particular at children and young people, as well as programmes to improve parental skills.
4. to strive for the development of facilities for the prevention of domestic violence, in particular specialist support centres for victims of domestic violence, where victims of violence receive above all professional, specialist support in addition to shelter.
5. pay particular attention to strengthening cooperation between representatives and services in local authorities with NGOs carrying out tasks to counter domestic violence.
5. lead to the development of correctional-educational intervention programmes for domestic violence perpetrators, particularly in district governments where these have not been implemented to date, as well as psychological-therapeutic and other programmes in which perpetrators should participate in order to strengthen their violence-free attitudes.
7. carry out monitoring of anti-violence actions directed at persons experiencing domestic violence and actions directed at persons using domestic violence, as well as evaluation of the effectiveness of these actions and supervision carried out at the level of voivodes.
3. Given the work in an extremely difficult area, it is essential to develop supervision, coaching and support groups for people and services carrying out domestic violence prevention tasks.

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<sup>245</sup> „Dajemy Dzieciom Siłę” Foundation, [Reaguj na przemoc wobec dzieci](#) (accessed 30.03.2023).

<sup>246</sup> Osiak-Krynicka, K. (2018), *Kryminalistyczno-procesowe aspekty przesłuchania w trybie art. 185a k.p.k.*, Prokuratura i Prawo, No. 6



### 4.3. Referral procedure(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.).

**In Poland, several mechanisms of action are in place in relation to the procedure for disclosing (reporting) and identifying violations of children’s rights, which may include:**

- 1) issuance by the family court of appropriate orders pursuant to **Article 109 of the Act of 25 February –964. – Family and Guardianship–Code** – if the family court obtains information e.g. from a person pursuant to Article 572 of the **Act of 17 November – 964. – Code of Civil Procedure** having information on violation of the rights and welfare of the child, and the family court finds that the welfare of the child is at risk,
- 2) **the institution of a guardian representing a child victim in criminal proceedings** – which consists in the fact that the child’s parent who is the child’s legal representative is excluded from representing the child in criminal proceedings if the perpetrator of the offence to the child’s detriment is the other parent or the parent’s spouse. Then such a guardian replaces the parent in representing the minor in criminal proceedings and his/her task is to ensure that the child’s rights are realised and respected by law enforcement and justice authorities and to support the child for the duration of his/her participation in the process (art. 98 – 99 of the **Act of 13 January 2023 amending the Act – Code of Civil Procedure and some other acts; art. 51 of the Act of 7 June –997. – Code of Criminal Procedure.**
- 3) **The institution of “Blue”Cards** – addressed to persons (including children) experiencing domestic violence, is regulated in the provisions of the Act of 29 July 2005 on Counteracting Violence in the Family and executive acts to this Act, in particular the Regulation of the Council of Ministers of 13 September 2011 of the ‘Blue’Cards’ procedure’ and ‘Blue’ Card’ form templates; Intervention in the environment of a family affected by domestic violence does not require the consent of the victim“ The “Blue”Cards” procedure consists of all activities carried out by representative units of social assistance, municipal commissions for solving alcohol problems, the Police, the educational system, health services and non-governmental organisations in connection with suspected domestic violence. The blue card procedure may run parallel to criminal proceedings. When, in the course of their professional duties, a professional acquires a suspicion of domestic violence or a case is reported to them, they initiate the Blue Card procedure by filling in the Blue Card forms (A-D).

| Question  | Yes | No | Comments  |
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| 4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks | X   |    | In Poland, in the system of family support and foster care, assessment, the situation of the child is made <b>at the initial stages of intervention (before placement in foster care) and after placement in foster care.</b> |

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| <p>regarding investigation and assessment procedures following reporting and identification procedures?</p> |  | <p><b><u>The pre-placement</u></b> assessment can be carried out by a <b>social worker, a family assistant and the guardianship court</b>. After placement, the <b><u>procedure depends on the type of foster care</u></b>.</p> <p><b><u>Before placing a child in foster care</u></b></p> <ol style="list-style-type: none"> <li>1) <b>Before a child’s case is referred to the family court, in the case of a family experiencing difficulties in fulfilling its care and upbringing functions</b> – pursuant to Article 11 of the Act of 9 June 2011 on family support and the foster care system, if the social assistance centre becomes aware of a family experiencing difficulties in fulfilling its functions (e.g. a case of a neglected child), <b>a social worker of the social assistance centre or social services</b> conducts a family background interview (interview) in that family. After the interview, the worker analyses the situation of the family and, if necessary, requests the director of the social assistance centre to assign a family assistant to the family. The director may appoint an assistant or request the competent entity responsible for working with the family to appoint an assistant.</li> <li>2) <b>Once the case has been referred to the guardianship court in the event of the need to place the child in foster-care</b> – in accordance with Article 570<sup>1</sup> of the Act of 17 November –964. – Code of Civil Procedure, the guardianship court may order the <b>court superintendent to</b> conduct a community interview in order to collect information concerning the minor and his/her environment, and in particular his/her behaviour, upbringing and living conditions, including the living situation of the family, the course of the minor’s education and the manner in which he/she spends his/her free time, his/her community contacts, the attitude of parents or guardians towards him/her, upbringing activities undertaken, the state of health and addictions of the minor known in the environment. Where a family assistant works with the family of a minor, the guardianship court shall request information from the competent</li> </ol> |
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organisational unit of family support and foster care system.

**Once a child has been placed in foster care**

Once placed in foster care, the child's situation is assessed in two ways, **depending on the type of foster care family or institutional.**

**Assessment of the situation of a child in family foster care:**

When a child is in family foster care – in a foster family or family foster care, the assessment is made pursuant to the provisions of Articles 128-139 of the Act of 9 June 2011 on family support and the foster care system.

Pursuant to article 128 of the Act of 9 June 2011 on supporting the family and the system of foster care, the assessment of the situation of a child placed in a foster family and in a family foster home is conducted by **organiser of family-based foster care**, which, pursuant to article 76 of the Act of 9 June 2011 on supporting the family and the system of foster care, tional unit of the county or an entity commissioned by the county to perform this task. The evaluation of a child in family foster care is aimed at determining the child's situation, methods used by foster parents, modification of individual work plans (which are developed by coordinators of family foster care in cooperation with foster parents/person running a foster home family assistant), the child's health and adoption status, etc. Monitoring is carried out in consultation with: the foster family/home; the educator; the psychologist; the family assistant; representatives of the adoption centre and the family foster care coordinator. The professionals involved are employed by organiser of foster care (most often district family welfare centres), in the case of family assistants – by the entity carrying out work with the family (most often the social welfare centre), and in the case of representatives of adoption centres – by adoption centres. Monitoring of the child's situation should take place as needed, but in the case of children under 3 years of age not less than once every 3 months, and in the case of older children not less than once every 6 months. After the assessment, the organiser draws up a written opinion on the advisability of continuing to stay in foster care. The opinion is sent to the court. The court's decision is

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|   |          | <p>not time-limited and the court is not bound by the opinion.</p> <p><b>Assessment of the situation of a child placed in institutional foster care:</b></p> <p>When a child is placed in a foster care institution, an assessment of the child’s needs is carried out by the staff of the foster care institution to which the child is referred. Pursuant to Article– 135 – 138 of the Act of 9 June 2011 on family support and the foster care system, the situation of a child placed in an educational-care centre is assessed by a <b>team for the periodic assessment of the child’s situation</b>. The team assesses the situation of the child in order to, inter alia, monitor adoption procedures for children with clear legal status allowing adoption, assess the possibility of returning the child to the family or placing the child in family foster care. After the assessment, the team formulates conclusions as to the advisability of the child’s placement and sends them to the court.</p>   |
| <p>4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?</p> | <p>X</p> | <p>The assessment is carried out by a multidisciplinary team in the case of a child placed in institutional–care – that is, by a <b>team for the periodic assessment of the child’s situation</b>. In accordance with Article 137 of 9 June 2011 on family support and the foster care system, the team consists of:</p> <ol style="list-style-type: none"> <li>(1) the director of the establishment or his/her designee;</li> <li>2) an educationalist, a psychologist and a social worker, if they are employed by the facility;</li> <li>3) the educator in charge of the child’s educational process;</li> <li>4) a representative of the organiser of family foster care;</li> <li>5) The doctor and nurse, as appropriate to the individual child’s needs;</li> <li>5a) the child’s parents, with the exception of parents deprived of parental ris;</li> <li>5) 6) other persons, in particular the family assistant carrying out work with the child’s family and a representative of the adoption centre.</li> </ol> <p>The following, in particular, may be invited to participate in the team’s meeting: representatives of: the court with jurisdiction over the place where the facility is located, the competent district family assistance centre, the social assistance centre, the</p> |

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|  |  | social services centre, the Police, health protection, educational institutions and social organisations dealing with family and child issues by statute, as well as persons close to the child. |
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4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

**The following entities are responsible for investigating the situation of the child and his or her family in Poland:**

**Social worker**

**Before a child's case is referred to the family court, in the case of a family experiencing difficulties in fulfilling its care and upbringing functions** – pursuant to Article 11 of the Act of 9 June 2011 on family support and the foster care system, if the social assistance centre becomes aware of a family experiencing difficulties in fulfilling its functions (e.g. a case of a neglected child), **a social worker of the social assistance centre or social services** conducts a family background interview (in that family). After the interview, the worker analyses the situation of the family and, if necessary, applies to the director of the social assistance centre for the assignment of a family assistant to the family. The director may appoint an assistant or request the competent entity responsible for work with the family to appoint an assistant.

**Family assistant**

**It is a person assigned to a family and performs work with the family in its place of residence or a place indicated by the family.** The tasks of the family assistant, in accordance with Article 15 of the Act of 9 June 2011 on family support and the foster care system, include, in particular. Developing and implementing a plan of work with a family in cooperation with family members and in consultation with a social worker; developing, in cooperation with family members and the coordinator of family foster care, a plan of work with a family which is coordinated with the plan of assistance for a child placed in foster care; providing assistance to families in improving their life situation, including acquiring skills of proper household management; providing assistance to families in solving social problems; providing assistance to families in solving psychological problems; providing assistance to families in solving child-rearing problems; providing support to children, in particular through participation in psycho-educational classes; taking intervention and remedial measures in situations where the safety of children and families is threatened; conducting individual parenting consultations for parents and children. The work of a family assistant is regulated in Articles 11 – 17 of the Act of 9 June 2011 on family support and the foster care system. **A family assistant is assigned to a family by social assistance centres.**

**Court**

**When the guardianship court becomes aware of a circumstance, i.e. a situation in which the welfare of the child and his or her health and life are at risk due to his or her residence in the family, it may initiate proceedings to investigate the situation.** Pursuant to Article 570<sup>1</sup> of the Act of 17 November – 964. – Code of Civil Procedure, the court may **order the court superintendent to conduct a community interview and/or request the competent foster care unit (district family welfare centre ) to provide information about the minor and his/her environment.** The information may concern in particular the minor's behaviour and upbringing conditions, family living conditions, level of education and ways of spending free time by the minor, his/her contacts with the environment, attitude towards

parents or guardians, state of health, addictions and undertaken care activities. The court shall specify in the order or in the application the scope of information it wishes to obtain from the guardianship interview or information from the foster care unit. During the social interview, the guardian collects information from family, neighbours, superiors at work, teachers, tutors at school and other persons who may have important information about the person being assessed.

It is worth noting that under **Article 109 of the Act of 25 February –964. – Family and Guardianship Code**, the guardianship court may issue various orders if the best interests of the child are at risk. There are no specific criteria for assessing the best interests of the child. These orders may include: obliging the parents and the child to work with a family assistant or attend a day care centre; ordering probation supervision or, as a last resort, placement in foster care.

| Question  | Yes | No | Comments   |
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| <p>4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?</p> | X   |    | <p><b>In most cases, the roles and responsibilities of the various actors and professionals involved in these procedures are clearly defined in the legislative and regulatory framework.</b></p> <p><b>For example:</b></p> <ul style="list-style-type: none"> <li>• <b>The Act of 9 June 2011 on family support and the foster care system</b> defines the roles of a social worker, family assistant, family and foster care coordinator, organiser of family-based foster care, county mayor, marshals, voivodes, the Minister of Labour and Social Policy, employees of foster care centres and foster families in the system of activities to protect children’s rights.</li> <li>• <b>The Act of 12 March 2004 on Social Assistance</b> defined the tasks of social workers, the head of the district, the head of the county, the provincial marshals, the provincial governors, the Minister of Labour and Social Policy within the social assistance system.</li> <li>• <b>Act of 25 February –964. – Family and Guardianship Code</b> describes the powers of the guardianship court.</li> <li>• <b>The Act of 29 July 2005 on Counteracting Family Violence</b> defines the roles of professionals – police officers, social workers, educational workers, representatives of commune commissions for combating alcohol problems and health care workers in the system for counteracting family violence an“ the “Blue”Cards” procedure .</li> </ul> |

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| <p>4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?</p> |   | x | <p>Research in legal databases and other academic sources shows that there are no inter-agency protocols. This may be due to the fact that the actors involved in the child protection system are mostly administrative bodies. As such, these bodies operate under and within the limits of the law. Therefore, most cooperation schemes are provided for in the law (e.g. in the Act of 9 June 2011 on family support and the foster care system).</p>   |
| <p>4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i></p>       | X |   | <p>Foreign children in general</p> <p>Due to language barriers and less access to interpreters, foreign children who are not fluent in Polish are at greater risk of not being heard by the court or prosecution in the case of court proceedings concerning them.</p> <p>Unaccompanied alien minors</p> <p>In the case of unaccompanied minors (excluding citizens of Ukraine enjoying temporary protection in Poland), the Act on granting protection to aliens in the territory of the Republic of Poland provides:</p> <ul style="list-style-type: none"> <li>- appointment of a guardian for the proceedings for granting international protection and other proceedings related to obtaining residence status in Poland or transfer to another EU Member State;</li> <li>- placement in foster care or in a Guarded Centre for Foreigners (in the case of those over 15 years of age).</li> </ul> <p>The above means that the legal guardianship granted to unaccompanied minors from the beginning of their stay in Poland is limited. For each major decision concerning matters other than status proceedings (e.g. a major medical procedure) the consent of the family court or appointment of a guardian is needed. This prolongs the minor's waiting time for events important from the point of view of his/her health and development.</p> <p>Unaccompanied Ukrainian minors in Poland</p> <p>In the case of unaccompanied minors with Ukrainian citizenship and enjoying temporary protection in Poland, it is possible to appoint a temporary guardian on the basis of the Act on</p> |

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|  |          | <p>Assistance to Ukrainian Citizens. The scope of powers of such a temporary guardian is much broader than in the case of the guardianship described above, as it includes general legal guardianship (except for particularly important decisions).</p> <p>The Law on Assistance to Ukrainian Citizens provides for the creation of two new proceedings dedicated exclusively to unaccompanied minors with Ukrainian citizenship and enjoying temporary protection in Poland. These are:</p> <ul style="list-style-type: none"> <li>- proceedings for the appointment of a temporary guardian (Article 25) – proceedings before the family court, the duration of which is to be 3 days. The legislation provides for a hearing of both the child and the candidate for temporary guardian – however, the court may limit itself to documentary evidence if the candidate for temporary guardian has actual custody of the minor and the circumstances of the case do not raise doubts as to the proper exercise of such custody;</li> <li>- proceedings for entrusting the function of a foster family to a minor Ukrainian citizen enjoying temporary protection when the applicant is an adult Ukrainian citizen enjoying temporary protection in Poland – lex specialis introducing in such cases simplifications in the proceedings, e.g. exemption of candidates for serving as a foster family from the obligation to undergo preparatory training.</li> </ul> |
| <p>4.3.8. Are affected children heard as part of the procedures?</p> <p><u>If yes</u>, are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?</p> | <p>X</p> | <p>In Poland, children affected by illness, including mental illness, but also those with intellectual disabilities, can be interviewed, as there is no provision that would exclude taking testimony from those affected. The only criterion used to assess whether a person can give testimony is the 'erson's ability to make observations and reproduce those observations.</p> <p>In both criminal and civil proceedings, there is no lower age limit for questioning a child in a criminal trial. The only criterion that should be applied by the authority deciding whether to question a child is whether the child is capable of conjugating and reproducing his or her perceptions. There is also no protocol or guidelines that govern these issues. If a child is at a very young age, e.g. 3 or 4 years</p>  |



old, and the authority has doubts about the child's ability to give evidence, it may appoint an expert to assess such ability.

There are also no rules governing that a child of a certain age must be compulsorily heard. It is all up to the procedural authority that calls the witness.

### **Criminal proceedings**

**In criminal proceedings, a child can be interviewed in the ordinary mode as well as in the protective mode. However, there is no separate mode of questioning directed at sick children.**

Children for whom there are no grounds for a protective hearing are heard under the ordinary procedure.

Ordinary interrogation means that the child is interrogated as an adult, i.e. at the police station, prosecutor's office or court, even several times. Such interrogation may be attended, in addition to the interrogated and the interrogator, by the 'victim's attorney, the suspect/accused, the defence counsel, as well as the parent of the child being interrogated, if the child is under 15 years of age.

A protective mode interrogate by the fact that it takes place in a court session with the participation of an expert psychologist in a **Child Friendly Interrogation Room**, as a rule only once, without the participation of the accused in this interrogation. The protective mode of interrogation is regulated in the provisions of Articles–185a – 185c of the Code of Criminal Procedure and in the Ordinance of the Minister of Justice of 28 September 2020 on the manner of preparation of the interrogation conducted under the procedure set out in Articles 185a - 185c of the Code of Criminal Procedure. **From the perspective of a child victim of an offence, a child who has experienced an offence committed with violence or unlawful threats or as defined in Chapters XIII,XXV, XXVI of the Criminal Code and is under 15 years of age at the time of interrogation may be interrogated under the protective procedure, unless there is a justified fear that interrogation under other conditions could have a negative impact on the child's mental state , in which case**

**a person over 15 years of age may be interrogated under this procedure.**

If a child has reached the age of 15, his or her hearing is, in principle, conducted as for an adult. That is, there are no special arrangements to ensure the protection of such a child. However, there are two exceptions.

Firstly, as indicated above, if interrogation of a child in the ordinary way, i.e. in a courtroom or at a police station or prosecutor's office, could have a negative impact on the child's mental state, e.g. it could lead to the child making a suicide attempt or having a mental breakdown, then the child is interrogated in the protective mode described above.

Secondly, a child who is at least 15 years old may also be subject to a protective interview if he/she has been the victim of an offence under Article– 197 – 199 of the Criminal Code, i.e. a sexual offence. In that case, such an interview will also take place under the protective procedure.

In the case of the necessity to **question sick children**, both the ordinary and protective modes are modified. Indeed, irrespective of the mode according to Article 192(2) of the Code of Criminal Procedure, if there is doubt about the mental state of a witness, his state of mental development, his ability to perceive or reproduce his perceptions, the court or the public prosecutor may order the examination of the witness with the participation of an expert doctor or an expert psychologist, and the witness may not object to it.

With regard to the issue of instructing the child about his or her rights and obligations during the interrogation, as of 18 March 2023, there is no provision in the Code of Conduct that directs the interrogator of a child in a criminal trial to instruct the child in a manner adapted to his or her age and stage of development. However, according to a study conducted by the Dajemy Dzieciom Się Foundation, judges questioning a child nevertheless try to address the child in a manner adapted to his or her age and stage of

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|  |  | <p>development and instruct him or her about rights and obligations in this way.<sup>247</sup></p> <p><b>Civil proceedings</b></p> <p>In the civil process, there is an institution related to the consideration of the child's opinion. It is referred to as the hearing of the child. The legal basis for hearing the child in a civil trial is Article 216<sup>1</sup> of the Act of 17 November –964. – Code of Civil Procedure, while in non-procedural proceedings it is Article 576(2) of the Code. The institution of the child's hearing is related to the order to take into account the child's opinion in more important matters concerning his/her person or property regulated in Article 95(4) of the Act of 25 February–1964 – Family and Guardianship Code.</p> <p><b>A hearing is an activity aimed at ascertaining the child's opinion on a matter concerning him or her and making a decision that takes into account the child's opinion and is consistent with the child's welfare. The hearing, unlike the hearing of a child in a criminal trial, does not aim at the evidence in a case concerning the child.</b></p> <p><b>It is advisable to hold a hearing if the circumstances indicated in Article 216<sup>1</sup> and Article 576(2) of the Act of 17 November –964. – Code of Civil Procedure allow it, in particular in cases concerning: parental authority, relationship with the child's legal guardian, contacts with the child, divorce/separation, adjudication or termination of adoption, bringing under various forms of foster care or its termination, surrender of the child from an unauthorised person.<sup>248</sup></b></p> <p>The hearing takes place outside the courtroom (is Article 216<sup>1</sup> of the Act of 17 November –964. – Code of Civil Procedure.</p> <p>There is no regulation in the legislation governing the hearing that obliges the hearing officer to conduct the interview and to instruct the rights in a manner adapted to his or her age and stage of</p> |
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<sup>247</sup> Makaruk K., Włodarczyk J. (2020), *Practice of questioning children in Poland. Raport z badania*, Fundacja Dajemy Dzieciom Siłę, Warsaw.

<sup>248</sup> Cieśliński M. (2015), *Judicial practice of hearing minors in civil proceedings in the context of the idea of friendly hearing of the child (communication on the results of the study)*, Law in Action. Civil Cases, no. 24.

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|   |   | development. However, in accordance with 216 <sup>1</sup> (2) of the Act of 17 November –964. – Code of Civil Procedure, the court shall, in accordance with the circumstances, mental development, state of health and degree of maturity of the child, take into account the child’s opinion and reasonable wishes.  |
| <p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p> | X | <p>Mental health support services are available for a child who has experienced violence or other harm within or outside the family.</p> <p>Above all, a child can always use the helplines for children and young people, which are run both by <b>state institutions</b> such as the Children’s Ombudsman, which runs – Children’s Ombudsman Helpline 800 12 12 12 and a chat room for children and young people, the Ministry of Justice, which funds the SOS Helpline for Victims – 222 309 900, but also by non-governmental organisations such as the Dajemy Dzieciom Się Foundation, which runs a helpline. For children and young people 116 111.</p> <p>In addition, mental health support is also available to the child:</p> <ul style="list-style-type: none"> <li>• both in the victim support centres within the Crime Victims’ Assistance Network – there are 305 places providing such assistance throughout the country,<sup>249</sup> as well as</li> <li>• non-governmental organisations working in the field of child protection and victims.</li> </ul> <p>In addition, in accordance with the Regulation of the Minister of National Education of 9 August 2017 on the principles of organising and providing psychological and pedagogical assistance in public kindergartens, schools and institutions, a pupil in a kindergarten, school and institution has the right to access psychological and pedagogical assistance, which consists in recognising and meeting the individual developmental and educational needs of the pupil and recognising the individual psychophysical capabilities of the pupil and environmental factors influencing his/her functioning in the kindergarten, school and institution, in order to support the developmental potential of the pupil and create conditions for</p> |

<sup>249</sup> Poland, Justice Fund, [Znajdź ośrodek pomocy](#) (accessed 30.03.2023).

his/her active and full participation in the life of the kindergarten, school and institution and in the social environment.

In addition, children and adolescents under the National Health Fund, In the case of distressing symptoms related to mental health problems, they can benefit from community psychological and psychotherapeutic care centres (with the proviso that those under 18 years of age must have the consent of their legal guardian to benefit from the services). They constitute the first reference level of the child and adolescent mental health system.

The following services are available as part of the assistance offered at the centres:

- diagnostic psychological counselling
- psychological counselling
- individual psychotherapy session
- family psychotherapy session
- group psychotherapy session
- psychosocial support session
- visit, home or community counselling

The work of the centres is primarily based on the provision of services in the community. For this reason, it is recommended to choose a centre as close as possible to the place of residence.

A list of such facilities where children can receive assistance is available at: <https://www.nfz.gov.pl/dla-pacjenta/informacje-o-swadczeniach/ochrony-zdrowia-psychicznego-dzieci-i-mlodziezy/>

The list refers to healthcare providers with contact details, providing services for children and adolescents in the field of psychiatric care within the reference levels :

1. Reference level I – **Centre for Community Psychological and Psychotherapeutic Care for Children Adolescents** – where outpatient services are provided

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|  |  |  | <p>by psychologists, psychotherapists and community therapists;</p> <p>2. Reference Level II – <b>Child and Adolescent Mental Health Centre – mental health clinic</b> – where outpatient services are provided by psychiatrists, psychologists and psychotherapists;<br/>Reference Level II – <b>Child and Adolescent Mental Health Centre</b> – where services are provided by psychiatrists, psychologists, psychotherapists, occupational therapists within the mental health clinic and in the psychiatric day rehabilitation ward for children;</p> <p>3. Reference level III – <b>Centre for Highly Specialised 24-hour Psychiatric Care</b> – where inpatient services are provided by psychiatrists, psychologists, psychotherapists, occupational therapists.</p> |
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4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.  
What are the main challenges and gaps in referral and investigation highlighted by relevant authorities, child protection organisations and civil society organisations? Describe briefly.

The institution contained in Article 12a of the Act of 29 July 2005 on Counteracting Family Violence, i.e. the interventional removal of a child, is particularly doubtful and challenging. As pointed out by representatives of non-governmental organisations and academics, the way in which the content of Article 12a is formulated may give grounds for abuse of this institution and its erroneous application. The existence of this institution is, of course, fully justified; however, it creates the possibility to take away a child in a situation where the parents, on one occasion, during a verbal domestic dispute, did not take care to dress the child appropriately, exposing the child to the cold. In addition, the provision of Article 12a entitles a child to be taken away in connection with domestic violence, and given that the definition of such violence contained in the Act on the prevention of domestic violence is very broad, a threat to the child's welfare may even occur not by the child's parent or parents, but by a cohabiting brother or sister or even a tenant. Consequently, the social worker would be empowered to take the child away from non-violent parents and, as far as the child is concerned, to aggravate his

or her trauma rather than protect his or her welfare. It would therefore be necessary to look for other legal solutions relating to the perpetrator of the violence.<sup>250251252</sup>

#### 4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

**Placing a child in foster care should take place after all other forms of assistance to the parents have been exhausted, unless the child’s welfare argues for immediate foster care.** In Poland, foster care is provided in the following forms: family or institutional. Family forms of foster care include foster families and family-type children’s homes. They provide the child with 24-hour care and upbringing, treat the child with a sense of dignity and personal worth, ensure education, development of talents and interests, access to health care services, and satisfy the child’s emotional, living, developmental, social and religious needs. Placement in institutional foster care, on the other hand, takes place when it is not possible to place a child in family foster care or for other important reasons it is not reasonable. Institutional foster care is exercised in the form of: care and educational facilities, regional care and therapeutic facilities, intervention pre-adoption centres.<sup>253</sup>

In Poland, there is no minimum age for a child to be adopted. Furthermore, there is no lower age limit for hearing or interviewing a child in Polish law. The only condition is that the child has the capacity to reproduce his or her observations and opinion.

According to the data as of 18 May 2022, there were 56 656 children in family foster care in 2021, including 5,108 children in family foster homes. The largest group is children aged 7-13 (19,529 children), while the second largest group is children aged 14-17 (10,106). Of the total children in care, 6,309 children had a certificate of disability or severe or moderate disability and 2,627 were orphans.<sup>254</sup>

At the end of 2021, there were 16 285 children in institutional foster care. The largest group was made up of children aged 14-17 (7,210 children). The second largest group was children aged 10-13 (5 731).

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<sup>250</sup> Słyk, J. (2015), *Taking children away from their parents on the basis of Article 12a of the Act of 29.07.2005 on counteracting domestic violence*, Law in Action. Civil Cases, No. 24.

<sup>251</sup> Zalewski B. (2018), [Legal opinion on the application of Articles 12a - 12d of the Act of 29.07.2005 on Counteracting Family Violence in the light of international law standards](#), Institute FOR LEGAL CULTURE.

<sup>252</sup> Piskozub P. (2020), [Removal of a child from his or her family in the event of a threat to his or her health or life](#), Legalis.

<sup>253</sup> Kwaśniewska - Sadkowska A., Mickiewicz P., Pasek - Gilarksa A., Pomarańska - Bielecka M., Trocha O. (2015), *Rodzinna piecza zastępcza - poradnik praktyczny*, Warsaw).

<sup>254</sup> Poland, Statistic Poland, [Foster care in 2021](#), 18 May 2022.

The least numerous was the youngest age group below 1 year of age (167 alumni). Institutional foster care institutions also housed 1,604 adult, student alumni.<sup>255</sup>

**Pursuant to Article 35 of the Act on family support and the foster care system, a child is placed in foster care only on the basis of a court decision, subject to the following situations:**

- 1) Placing a child in foster care is possible in the case of urgent necessity, at the request or with the consent of the child's parents, on the basis of an agreement concluded between a foster family or an operator of a family-type children's home and the county governor (starost) competent for the place of residence of that family or the place where the family-type children's home is run – the starost notifies the court of the agreement concluded (art. 35a of the Act 'n Family Support and the Foster Care System);
- 2) Placement of a child in a professional foster family acting as a family emergency service takes place, in addition to the court's decision, also in cases where the child has been brought by the Police or Border Guard, as well as at the request of the parents or the child or another person in the event of a direct threat to the child's life or health in connection with domestic violence (Article 58(1)(2) and (3) of the Act on Family Support and the Foster Care System);
- 3) In addition to a court decision, a child may be placed in an intervention-type foster care centre if the child is brought to the centre by the Police or the municipal police, or at the request of the parents or the child or another person in the event of a direct threat to the child's life or health in connection with domestic violence (Article 103(2)(2) and (3) of the Act on Family Support and the Foster Care System);
- 4) in the event of an imminent threat to the life or health of a child in connection with domestic violence under Article 12a(1) of the Act on Prevention of Domestic Violence, a social worker performing his/her official duties has the right to take the child away from the family and place the child with another non-cohabiting relative, in a foster family or in an educational institution. This decision shall be taken by the social worker in conjunction with a police officer, doctor or paramedic or nurse. The social worker must notify the guardianship court immediately (within 24 hours) of the action taken.

In Poland, the most common reasons for placing children in foster care are: family dysfunctions (alcoholism of parents or one of them, physical and psychological violence against family members, illnesses, helplessness in care and upbringing matters and helplessness in life, parents' departure abroad, death of both parents or one of them, inefficient family support and assistance systems.<sup>256</sup>

| Question  | Yes | No | Comments  |
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| 4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process? |     | X  | The current system of family support and foster care considers keeping the child in the family as a priority, therefore it favours various forms of work with the family over placement in foster care, if foster care is the only solution, favours family foster care (provided by professional or non-professional families) over institutional foster care and generally considers it as a temporary solution |

<sup>255</sup> Ibid.

<sup>256</sup> Kwaśniewska - Sadkowska A, Mickiewicz P., Pasek - Gilarksa A., Pomarańska - Bielecka M., Trocha O. (2015), *Rodzinna piecza zastępcza - poradnik praktyczny*, Warsaw.



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| <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p> |  | <p>until the child is returned to the family or adopted.<sup>257</sup></p> <p>The most important criterion taken into account in connection with placing a child in foster care is the principle of the child's welfare. However, this principle is not defined by law, but in the literature the principle of the child's welfare is defined as a set of values, both spiritual and material, which are necessary for the proper: physical development of the child, spiritual development of the child and this in its intellectual as well as moral aspect, proper preparation of the child to work for the good of society.<sup>258</sup></p> <p>The principle of the child's welfare, on the other hand, is expressed in legal acts in a number of acts: 1) Article 72 of the Constitution of the Republic of Poland of 2 April 1997; 2) the Act of 25 February 1964. – Family and Guardianship Code; 3) the Act of 9 June 2011 on family support and foster care system and many others. <b><u>This is a very basic criterion for the courts to adjudicate family cases.</u></b></p> <p><b>Other guidelines for the courts in the adjudication process are contained in the Act of 25 February 1964. – Family and Guardianship Code.</b> These include the principles of <b><u>necessity and appropriateness.</u></b> Thus, <b>Article 112<sup>3</sup> of the Code</b> stipulates that a child may be placed in foster care when all available forms of family support listed in the Act on Family Support and Foster Care System have failed, unless the child's welfare requires immediate placement in foster care. <b>Article 112<sup>4</sup> of the Code</b> stipulates that a child is placed in foster care until the conditions exist to enable the child's return to the family or placement with an adoptive family. Article 112<sup>7</sup> <b>of the Code</b> stipulates that the court places a child in institutional foster care if placement in foster care (foster families or children's homes) is not possible or not justified for other important reasons. Furthermore, according to Article 112<sup>8</sup> <b>of the Code</b>, siblings shall be placed together unless this would be contrary to the best interests of the child.</p> |
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<sup>257</sup> Kwaśniewska - Sadkowska A, Mickiewicz P., Pasek - Gilarksa A., Pomarańska - Bielecka M., Trocha O. (2015), *Rodzinna piecza zastępcza - poradnik praktyczny*, Warsaw.

<sup>258</sup> Piotrowska K. (2017), *Dobro dziecka w orzecznictwie sędziego rodzinnego*, IUSTITIA, No. 27.

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|  |          | <p><b>The Act of 9 June 2011 on family support and the foster care system</b> also recognises the welfare of the child as an overriding principle. The preamble to the Act reads: <i>“[i]n the interests of children who require special care and assistance from adults, a family environment and an atmosphere of happiness, love and understanding, with a view to their harmonious development and future independence in life , to protect their rights and freedoms...”</i>.</p> <p>In addition, the basic guidelines for the application of the <b>Act of 9 June 2011 on family support and the foster care system</b> are contained in its Article 4. When applying its provisions, the authorities involved must take into account the subjectivity of the child and family and the child's right to: upbringing in the family and, if necessary, the right to care and upbringing in foster care, if this is in the best interests of the child; to return to the family; to maintain contact with the parents, unless prohibited by the court; a stable environment; education, development of talents, interests, beliefs, play and leisure; support in preparation for independent living; protection from arbitrary and unlawful interference in the child’s life; information and expression on matters concerning them, in accordance with their age and maturity; protection from degrading treatment and punishment; respect for religious and cultural identity; and access to information about their parents.</p> |
| <p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p> | <p>X</p> | <p><b><u>A child may be a subject of all constitutional rights and freedoms, although due to his or her age and related limitations he or she may not always exercise these rights and freedoms.</u></b> As a child grows older, his or her maturity increases and his or her capacity to consciously exercise his or her rights and freedoms increases, and it <u>is a question of factual capacity and not legal capacity, as the latter is vested in the child at least from birth.</u></p> <p>Pursuant to <b>Article 72(3) of the Constitution of the Republic of Poland of 2 April 1997</b>, in the course of determining the rights of the child, public authorities and persons responsible <u>for the child are obliged to hear and, as far as possible, take into account the child’s opinion.</u> Article 72(3) formulates <b>a procedural principle in</b> this regard, <b>as it imposes an obligation on all public</b></p>  |

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|  |  | <p><b><u>authorities and on all persons responsible for the child to hear and, as far as possible, take into account the child's opinion when determining the child's rights.</u></b> The addressees of this obligation are therefore both the <b>public authorities and the parents (legal guardians) of the child</b>, but it must be emphasised that it only concerns the 'determination of the child's rights' and not the day-to-day upbringing process within the family. The entitled subject is the 'child' (and one can speak here of the establishment of a subjective right on the part of the child). <b><u>The content of the obligation/right is to listen to the child on the one hand, and to take the child's opinion into account on the other hand, but only "as far as possible".</u></b> The obligation of public authorities and persons responsible for the child to listen to and, as far as possible, take into account the child's opinion when determining the child's rights is correlated <b><u>with the child's degree of maturity. The older the child is, the more strongly this duty is actualised.</u></b> The duty to hear the child <b><u>is absolute</u></b> and the child's right to be heard is <b><u>an 'intrinsic constitutional value'</u></b>, although at the same time Article 72(3) of 2 April 1997 already implies in its content a limitation of this right. <b><u>The obligation to take the child's opinion into account, on the other hand, is relative in nature, as it should be fulfilled "as far as possible".</u></b> In fact, the duty to bring up the child and 'o take care of the child rests with the parents, who are liable for the fulfilment of this duty, including the possibility of being deprived of parental rights. They should fulfil the duty to bring up the child in accordance with their own convictions, taking into account the child's degree of maturity, as well as the child's freedom of conscience and religion and his or her beliefs. However, the obligation to take the child's opinion into account as far as possible does not apply to the upbringing process or to the guardianship duties, but to the proceedings by which the child's rights are determined, including, inter alia, court proceedings.<sup>259</sup></p> <p>The institution in which the implementation of Article 72(3) of the Constitution of the Republic of Poland is most discernible is the institution of the hearing of the child in a civil trial codified in Article 216<sup>1</sup> of the Code of Civil Procedure, according to which the court in cases involving the person of a</p> |
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<sup>259</sup> Tuleja P. (2021) *Constitution of the Republic of Poland. Commentary*, Warsaw.

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|  |  |  | minor child will hear the child if his/her mental development, state of health and degree of maturity allows it. The hearing shall take place outside the courtroom. The court shall, in accordance with the circumstances, the child's mental development, state of health and degree of maturity, take into account the child's opinion and reasonable wishes. |
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#### 4.5. Types of care with focus on alternative care

| Types of care existing in the country   | Yes | No | Who is offering such services? (State, regional, local authorities, civil society, religious institutions)                                   | Please make differences between the different types of care explicitly  |
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| <p><b>The forms of family foster care are (art. 39 of the Act of 9 June 2011 on family support and the foster care system:</b></p> <p>1) Foster family</p> <p>a. Related</p> <p>b. Reliable</p> <p>c. Professional, including professional family emergency services and professional specialist services</p> <p>2) Family foster home</p> <p>The activity is regulated by the provisions of <b>Chapter 2 of the Act of 9 June 2011 on family support and the foster care system.</b></p> | X   |    | Local governments – this is the responsibility of the counties (Article 32 (2) of 9 June 2011 on family support and the foster care system). | <p><b>A foster family and a family orphanage shall provide a child with round-the-clock care and upbringing, in particular</b> (Article 40 of the Act on family support and the foster care system of 9 June 2011):</p> <p>1) treat the child in a way that promotes a sense of dignity and personal worth;</p> <p>2) ensure access to the health services to which they are entitled;</p> <p>3) provide education, compensating for developmental and school deficiencies;</p> <p>4) provide for the development of talents and interests;</p> <p>5) meet its emotional, living, developmental, social and religious needs;</p> <p>6) ensure protection against arbitrary or unlawful interference with the child's private life;</p> <p>7) allow contact with parents and other relatives, unless otherwise ordered by the court.</p> |

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|  |  |  | <p>However, the foster family and the family foster home differ in terms of the people who run each type of foster care, the length of time a child can stay there and the number of children.</p> <p><b>Relatives/Related to the child foster family</b> – can be formed by the child’s closest relatives, i.e. grandparents or siblings (grandmother, grandfather, brother, sister);</p> <p><b>Non-professional foster family</b> – is formed by both the child’s family who are not the child’s ascendants and siblings, as well as persons unrelated to the child;</p> <p><b>A professional foster family is</b> a foster family with which the county governor (starost) has concluded a contract to act as a professional foster family; it consists of a spouse or an unmarried person who is not an ascendant or sibling of the child; a <b>specialised professional family</b> accommodates children with a certificate of disability or those who have problems with social functioning. On the other hand, a child is placed <b>in a foster family acting as a family emergency</b> until the child's situation is normalised, but no longer than for a period of 4 months. In particularly justified cases, the period may be prolonged, with the consent of the organiser of family foster care, to 8 months or until the</p> |
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|   |   |  |   | <p>completion of court proceedings for: return of the child to the family, adoption, placement in family foster care.</p> <p><b>Family foster home</b> - is a form of family foster care.<sup>260</sup></p>   |
| <p><b>Residential care - institutional Article 93 of the Act of 9 June 2011 on family support and foster care system</b></p> <p>Institutional foster care is provided in the form of:</p> <ol style="list-style-type: none"> <li>1) <b>foster care facilities</b> (socialisation, intervention, specialist-therapeutic, family type);</li> <li>2) <b>regional care and therapeutic institution ;</b></li> <li>3) <b>intervention pre-adoption centre.</b></li> </ol> <p>The activity is regulated by the provisions of <b>Chapter 3 of the Act of 9 June 2011 on family support and the foster care system.</b></p> | x |  | <p>Local governments - this is the responsibility of counties in relation to all types of foster care facilities. Maintenance of these facilities can be outsourced to non-governmental organisations or religious organisations (<b>Chapter 3 of the Act of 9 June 2011 on family support and the foster care system</b>).</p> | <p>Childcare institution (of the socialisation, intervention, specialist-therapeutic, family type) - children over 10 years of age who require special care or who have difficulties in adapting to life in the family are placed there. Placement in this institution is possible in cases where the mother or father of the child is placed in a particular foster care institution and in other exceptional cases, especially where the state of health or siblings are concerned. A total of no more than 14 children may be placed in this institution at any one time, persons who have reached the age of majority while in a foster family.</p> <p><b>Regional care and therapeutic institution</b> - children in need of special care who, due to their state of health requiring specialised care and rehabilitation, cannot be placed in family foster care or in a foster care centre. No more than 30 children can be placed in this facility at any one time.</p> |

<sup>260</sup> Kwaśniewska - Sadkowska A., Mickiewicz P., Pasek - Gilarska A., Pomarańska - Bielecka M., Trocha O. (2015), Rodzinna piecza zastępcza - poradnik praktyczny).

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|  |   |   |   | <p><b>Intervention pre-adoption centre</b> - children who require specialised care and cannot be placed in family foster care during the waiting period for adoption are placed there. No more than 20 children can be placed in an intervention pre-adoption centre at the same time. A child's stay in an intervention pre-adoption centre cannot last longer than until the child's first birthday.</p> <p><b>- Chapter 3 of the Act of 9 June 2011 on family support and the foster care system.</b></p>   |
| Other forms of family-based or family-like care placements   |   | x | N/A   | N/A  |
| <p>Supervised independent living arrangements for children</p> <p><b>Supervised arrangements for children leaving foster care - Article 53 of the Social Assistance Act.</b></p> | x |   | Local governments - this is the responsibility of the counties ( <b>Article 53 of the Act on Social Assistance</b> ). | <p>Pursuant to Article 53 of the Act of 12 March 2004 on social assistance. A <b>protected flat/supervised apartment</b> is granted to an adult who, due to a difficult life situation, old age, disability or illness, needs support in functioning in everyday life, but does not require services in the scope provided by a 24-hour care unit, in particular to a person with mental disorders, a person leaving foster care within the meaning of the regulations on family support and the system of foster care, a youth educational centre, a district educational centre, a correctional facility, a shelter for minors. A protected flat is a form of social assistance preparing,</p> |

|   |     |    |   | <p>under the care of specialists, the persons staying there to lead an independent life or supporting these persons in their everyday functioning. A sheltered flat may be run by any organisational unit of social assistance or an authorised entity and, depending on the purpose of providing support, is run as a training sheltered flat or a supported sheltered flat. In a training protected dwelling, living services and learning, development or consolidation of independence, self-care skills, performance of social roles in integration with the local community are provided in order to enable leading an independent life. Supported housing provides subsistence services and assistance in performing activities necessary for daily living and social contacts in order to maintain or develop a person's independence at the level of his/her psychophysical capabilities.</p> |
|---|-----|----|---|--|
| Question  | Yes | No | Comments  |  |
| 4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)? | X   |    | <p>Yes, such data are available. They are available from the <b>Statistics Poland</b>.. At the end of 2021, there were 72.3 thousand children in foster care, including 56.4 thousand in family care and 15.9 thousand in institutional care. Compared to 2020, the number of children in foster care increased by 1.1%.<sup>261</sup></p> <p><b><u>Family foster care</u></b></p> <p>As of 18.05.2022, there were 56,357 children in family foster care in 2021, including 5,108 children in family foster</p> |  |

<sup>261</sup> Poland, Statistics Poland (Główny Urząd Statystyczny), [Pieczę zastępcza w 2021 roku](#), 18 May 2022.



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|  | <p>homes. Of the total children in care, 6,309 children had a certificate of disability or a severe or moderate degree of disability and 2,627 were orphans.</p> <p>The function of foster family was performed by 18,983 married couples and 16,932 single people. Families who took in one child accounted for 72.6%, two children for 18.0%, three children for 5.5% and four or more children for 3.7% of all foster families. 53.6% of the total number of people running foster families were aged 51-70. Family foster homes were run by 619 married couples and 109 single people. The majority of people (78.5%) acting as a family foster home were in the 41-60 age group. No person in the 18-21 age group undertook to run a family children's home.</p> <p>Taking into account the age of wards placed in family foster care, both in foster families and in family children's homes, the most numerous group were children aged 7-13 (19,518), while children aged up to 1 year (892) were the least numerous group of foster care wards. In the course of 2021, 9,664 children were admitted to family foster care for the first time, while 6,933 children aged up to 18 years left. Most of them (31.3 %) returned to their natural family. 1 292 children were placed for adoption and another form of family foster care. 909 children left family foster care, while 39 children left family foster care due to placement in a social welfare home. Among the 3,980 adult wards who left family foster care during 2021, 2,052 established their own household and 174 returned to their natural family or relatives. Among the foster carers who left foster care after the age of 18, 1,485 were still not independent.<sup>262</sup></p> <p>Structure of children in family foster care by age in 2021:</p> <ul style="list-style-type: none"> <li>- up to 1 year of age - 1.6%</li> <li>- 1-3 years - 7.7%</li> <li>- 4 to 6 years - 10.7%</li> <li>- 7 to 13 years - 34.6%</li> <li>- 14 to 17 years - 27.7%</li> <li>- 18 to 24 years - 17.7%</li> </ul> <p><b><u>Institutional foster care</u></b></p> <p>At the end of 2021, there were 15,931 children in institutional foster care. The largest group was made up of</p> |
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<sup>262</sup> Poland, Statistics Poland (Główny Urząd Statystyczny), [Piecza zastępcza w 2021 roku](#), 18 May 2022.

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|  |   | <p>wards aged 14 - 17 (7,154 children). The second largest group was children aged 10-13 (4,018). The least numerous was the youngest age group below 1 year of age (158 alumni). Institutional foster care institutions also had 1,514 adult learners.</p> <p>At the end of 2021, there were 1,273 institutions of institutional foster care in Poland, including 1,260 care and educational care centres, 10 regional care and therapeutic care centres and 3 intervention pre-adoption centres. The care and educational care centres include socialising care centres (777), family care centres (219), intervention care centres (51), specialist and therapeutic care centres (31) and facilities combining tasks (182).</p> <p>In 2021, 4,530 wards up to the age of 18 left institutional foster care for various reasons. The largest group (35.9%) were wards who returned to their natural family. The reason for 24.4% of the wards leaving the institution was transfer to another type of institutional foster care. 22.3 per cent of the wards left foster care and 7.0 per cent of the children were placed for adoption. Of the 2,043 alumni over the age of 18 who left institutions, 1,1104 formed their own household and 721 returned to their natural family.<sup>263</sup></p> |
| 4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions? | X | <p>Yes such data are available. The Supreme Audit Chamber in Poland inspects childcare facilities and presents the results of this inspection in reports, which are available on the Internet or on the website of the Supreme Chamber of Control.</p> <p>However, it should be stressed that the NIK has not stated exactly how many children have run away from foster care facilities, but it does present how many children were referred to such facilities and how many were actually brought to them. On this basis, it is possible to determine how many children have run away or gone into hiding from a stay in such an institution.<sup>264</sup></p>   |
| 4.5.3. Is there a <u>national</u> registry of foster care families?  | x | <p>Yes, there is such a register in Poland. By way of an amendment to the Act on Support for the Family and the System of Foster Care, which came into force on 1 February 2023, a <b>Central Register of Foster Care</b> was introduced.<sup>265</sup></p>   |

<sup>263</sup> Poland, Statistics Poland (*Główny Urząd Statystyczny*), [Piecza zastępcza w 2021 roku](#), 18 May 2022.

<sup>264</sup> Poland, Supreme Audit Chamber (*Najwyższa Izba Kontroli*), [Podopieczni młodzieżowych ośrodków wychowawczych nieprzygotowani do samodzielnego życia](#), 5 May 2022.

<sup>265</sup> Poland, Central Register for Foster Care ([Centralny Rejestr Pieczy Zastępczej](#)) (accessed 30.03.2023).

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| <p>How many children can be fostered in one family?</p> |  | <p>The Central Register of Foster Care is a system that allows the recording of processes related to the organisation of foster care. Seven lists are made available within the application:</p> <ul style="list-style-type: none"> <li>- List of children placed in foster care and persons who have reached the age of majority while in foster care. A breakdown of children placed or residing in individual forms of family foster care and individual forms of institutional foster care.</li> <li>- List of persons pre-qualified to be a foster family or to run a family foster home.</li> <li>- List of candidates qualified to be a foster family or to run a family foster home.</li> <li>- List of foster families by foster family and professional family</li> <li>- List of family foster homes</li> <li>- List of care facilities, regional care and therapy facilities and intervention pre-adoption centres</li> <li>- A list of persons who are being retained.</li> </ul> <p>In accordance with Article 53 of the Act of 9 June 2011 on family support and the foster care system (Journal of Laws of 2023, item 1426), no more than 3 children, persons in total, may be placed in a professional foster family or a non-professional foster family at the same time. If it is necessary to place siblings in a foster family, with the consent of the foster family and after a positive opinion of the coordinator of family foster care, it is permissible to place more children at the same time.</p> |
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4.5.4. How and by whom are foster families recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

In Poland, within the framework of family foster care, related, non-professional and professional foster families are distinguished, including professional foster families fulfilling the functions of an ambulance service and professional and specialist foster families (Kwaśniewska - Sadkowska A., Mickiewicz P., Pasek - Gilarksa A., Pomarańska - Bielecka M., Trocha O. (2015), *Rodzinna piecza zastępcza - poradnik praktyczny*, Warsaw). Foster families are recruited by **the family foster care organiser**. Pursuant to Article 76 of the Act of 9 June 2011 on family support and the system of foster care, **the organiser of family foster care is an organisational unit of the county or an entity commissioned by the county to perform this task**.

At the request of entities willing to become a foster family, the organiser of family foster care determines whether such persons meet the conditions listed in Article 42 of the Act of 9 June 2011 on supporting the family and the system of foster care **and carries out the initial qualification of a candidate to act as a foster family**. After the initial qualification, the organiser draws up a document confirming that the initial qualification has been carried out. **A foster family care organiser who has positively pre-qualified a candidate to act as a foster family directs the candidate, at his/her request, to a training course**. Candidates for foster family are obliged to undergo the training and

**obtain a certificate of completion.** In addition, candidates qualified to act as foster families are obliged to present to the organiser of foster family care and to the relevant seniority every 2 years a medical certificate of health issued by a doctor of basic health care within the meaning of the provisions of the Act on basic health care and an opinion on their predisposition and motivation to act as a foster family or to run a family foster home, inserted by a psychologist.

Pursuant to the Act of 9 June 2011 on Support for the Family and the System of Foster Care (Journal of Laws of 2023, item 1426), the organiser of family foster care prepares foster families and those running family childcare homes to welcome a child by:

- 1) providing detailed information indicated in Article 38a of the Act of 9 June 2011 on family support and the foster care system, inter alia, on the legal situation of the child, including information on the legal situation allowing adoption; detailed information on the child and its family situation, including information on siblings;
- 2) providing, not later than on the day preceding the day of adoption of the child, the following documentation: court decision on placing the child in foster care or an application by the child's parents, the child or a third party for placing the child in foster care; documentation on the child's state of health, including vaccination cards; school documents, in particular school certificates; the child's psycho-physical diagnosis; the plan of work with the family provided by the family assistant; and, if the child's family has not been assigned an assistant, information on the family's situation provided by the municipality.

**Irrespective of the training necessary to become a foster family, a foster family is obliged to systematically improve its qualifications, in particular by attending training courses.**

**The tasks of the organiser of family foster care include in particular:**

- 1) recruiting candidates to act as a professional foster family, non-professional foster family or to run a family foster home;
- 2) qualifying persons who are candidates to act as a foster family or to run a family foster home and issuing qualification certificates containing a confirmation of completion of the training, an opinion on fulfilment of the conditions and an assessment of predisposition to foster care;
- 3) organising training courses for candidates to act as a foster family or to run a family foster home;
- 3a) Providing psychological examinations to candidates to act as foster families or to run a family children's home and to foster families and persons running family children's homes;
- 4) organising training courses for candidates to perform the function of a director of a family-type care and educational institution, issuing certificates of completion of such training courses and an opinion on suitability to perform the function of a director and educator in a family-type care and educational institution;
- 5) Providing foster families and those running family children's homes with training to improve their skills, taking into account their needs;
- 6) Providing assistance and support to people in family foster care, particularly through support groups and support families;
- 7) organising for foster families and those running family children's homes the assistance of volunteers;
- 8) cooperation with the local environment, in particular with the district family assistance centre, the social assistance centre, the social services centre, the courts and their subsidiary bodies, educational institutions, medical entities, as well as churches and religious associations and social organisations;
- 9) providing counselling and therapy for family foster carers and their children and children placed in foster care;
- 10) providing legal assistance to family foster carers, particularly in the area of family law;
- 11) periodically assessing the situation of children in family foster care;
- 12) carrying out diagnostic and consultative activities aimed at recruitment, training and qualification of persons reporting readiness to act as a professional foster family, non-professional foster family

- and to run a family foster home, as well as training and psychological and pedagogical support for persons exercising family foster care and parents of children in such care;
- 13) carrying out pedagogical and psychological examinations and analysis of the *conditions for entrusting the function of a foster family or running a family orphanage* concerning the candidates for fulfilling the function of a foster family or running a family orphanage;
- 14) providing professional and non-professional foster families and those running family children's homes with counselling aimed at preserving and strengthening their competences and counteracting the phenomenon of professional burnout;
- 14a) providing foster care coordinators with training to improve their qualifications;
- 15) presenting an annual report on the results of the work to the county governor (starost) and the district council;
- 16) reporting information on children with a regularised legal situation to adoption centres in order to seek adoptive families for them;
- 17) organising care for a child when the foster family or the operator of a family child care home is temporarily unable to provide care, in particular for health or accidental reasons or for a planned holiday;
- 18) Entering data into the Central Register of Foster Care, updating and deleting it.

#### **Financial support**

Foster families are entitled to cash benefits related to the upbringing and maintenance of the child in their care. The types of cash benefits, their amount and the rules of granting them are regulated by the provisions of Articles 80-92 of the Act of 9 June 2011 on family support and the foster care system.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

Yes, in Poland, types of care are monitored after children are placed in them.

#### **Pursuant to Article 38b of the Act of 9 June 2011 on family support and the foster care system:**

- II. **foster families, family foster homes and foster care institutions** are monitored and controlled by the district management. However, the district authority may authorise in writing a member of the district authority, an employee of the district authority or the head of an organisational unit of the district to carry out checks. The authorised persons may not be employees of the controlled units. In the case where the agreement on the fulfilment of the function of a professional foster family is concluded by a county governor (starost) of a county other than the starost of the county having jurisdiction over the place of residence of the foster family, the control is exercised by the county board of the county governor (starost) who concluded the agreement, unless the agreement provides otherwise. In case the family foster home is organised in another county, the control is exercised by the board of the county of the starost who organises the family foster home or commissions the organisation of the family foster home, unless the agreement, provides otherwise;
- III. **regional care and therapeutic facilities and intervention pre-adoption centres** – are monitored and controlled by the Voivodeship Board. The voivodeship board may authorise, in writing, a member of the voivodeship board, an office worker or the head of an organisational unit of the voivodeship to carry out the inspection. The authorised persons may not be employees of the controlled units.

**The county board and the provincial board, respectively, in connection with the inspection procedure is entitled to:**

- 1) request information, documents and data necessary for the exercise of control;
- 2) have access during the day, including at night, in the event of a threat to the health or life of the child, to the facilities and premises of the inspected unit, the foster family or the persons in charge of the family children’s home in which their tasks are performed;
- 3) carry out visual inspections of facilities, assets of the controlled unit and the conduct of certain activities covered by the applicable standard;
- 4) carry out an inspection of the premises in which the inspected foster family or persons running a family foster home exercise foster care;
- 5) request the employees of the controlled unit, foster family or persons running a family children’s home to provide information orally or in writing within the scope of the inspection being carried out;
- 6) observation of children placed in foster care;
- 7) Conduct individual interviews with children placed in foster care, including consulting the children, taking into account their age, intellectual capacity and level of cognitive maturity.

**In carrying out the inspection procedure, the county board and the provincial board may be assisted by persons with specialist knowledge of the subject matter of the inspection.**

**Pursuant to Article 134 of the Act of 9 June 2011 on Support for the Family and the System of Foster Care**, the organiser of family foster care makes the first assessment of a foster family or a family foster home no later than within a year of placing the first child in a foster family or a family foster home. Another assessment is carried out one year after the first assessment, and subsequent assessments at least every 3 years. The foster family and the operator of the family orphanage may submit, within 14 days from the date of receipt of the assessment, objections to the starost. The starost considers the objections within 14 days from the day of their receipt. The organiser of the family foster care sets the date for the assessment of the foster family or the operator of the family foster home, taking into consideration the degree of preparation of the foster family or the operator of the family foster home to perform their tasks.

| Question  | Yes | No | Comments  |
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| 4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community? | X   |    | <p>The child has the right to personal contact and to maintain his/her bonds and positive relations with the biological family. Therefore, a situation where a child is in a foster family in conflict with the biological family should be avoided.</p> <p>In accordance with <b>Article 40(1) para. 7 of the Act of 9 June 2011 on family support and the foster care system</b>, a foster family shall ensure round-the-clock care and upbringing of a child, in particular enable contact with parents and other relatives, unless the court decides otherwise. It is therefore important that the foster family is located as close as possible to the biological family, so that contact is possible and positive bonds between the child and his or her biological family can be maintained.</p> <p>Pursuant to Article 112<sup>7</sup> § 1 and 2 of the <b>Act of 9 June 2011 on family support and the foster care system</b>, the court places the child in family foster care in the county of the</p> |

|   |           | <p>child's residence. If it is not possible to place the child in family foster care in the county of the child's residence or if such placement would be contrary to the child's welfare, the court shall place the child in family foster care in another county. The siblings should be placed in the same foster family, family foster home, foster care centre or regional foster care centre, unless it would be contrary to the child's welfare (<b>art. 112<sup>8</sup> of the Act of 9 June 2011 on family support and the foster care</b>).</p>   |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
|---|-----------|---|------------------------|-----------|-----------------|---------------|-------|-------|--------------|------|-----|------------------------|------|-----|--------|------|------|-----------------|-------|------|--------------------------------------|------|-----|-----------------------------------|------|----|
| <p>4.5.7. Is there a <u>national registry</u> of residential institutions for children?</p> <p>If <u>yes</u>, please provide information regarding the existent number of residential institutions and their capacity (beds).</p> | <p>X</p>  | <p>Yes, there is such a register in Poland. By way of an amendment to the Act on Support for the Family and the System of Foster Care, which came into force on 1 February 2023, a <b>Central Register of Foster Care</b> is introduced,</p> <p>The Central Register of Foster Care is a system enabling the recording of processes related to the organisation of foster care. Within the application, there is a List of Foster Care Centres (POW), Regional Care and Therapeutic Centres (RPOT) and Intervention Pre-adoption Centres (IOP).</p> <p><b>Structure of places in institutional foster care institutions by type of institution in 2021.</b><br/>Status on 31 December 2021.<br/>(<a href="https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/6000/1/6/1/pieczna_zastepcza_w_2021_r.pdf">https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/6000/1/6/1/pieczna_zastepcza_w_2021_r.pdf</a>).</p> <table border="1" data-bbox="678 1339 1305 1803"> <thead> <tr> <th>Type of establishments</th> <th>Indicator</th> <th>Number of seats</th> </tr> </thead> <tbody> <tr> <td>socialisation</td> <td>63,4%</td> <td>10641</td> </tr> <tr> <td>intervention</td> <td>3,9%</td> <td>650</td> </tr> <tr> <td>specialist-therapeutic</td> <td>2,3%</td> <td>386</td> </tr> <tr> <td>family</td> <td>9,9%</td> <td>1657</td> </tr> <tr> <td>combining tasks</td> <td>18,4%</td> <td>3087</td> </tr> <tr> <td>regional care and therapy facilities</td> <td>1,8%</td> <td>313</td> </tr> <tr> <td>intervention pre-adoption centres</td> <td>0,3%</td> <td>55</td> </tr> </tbody> </table> <p>Institutional foster care consists of:</p> <ol style="list-style-type: none"> <li>1) Foster care facilities (socialisation, intervention, specialist-therapeutic, family type);</li> <li>2) Regional care and therapy facilities</li> <li>3) Pre-adoption intervention centres</li> </ol> | Type of establishments | Indicator | Number of seats | socialisation | 63,4% | 10641 | intervention | 3,9% | 650 | specialist-therapeutic | 2,3% | 386 | family | 9,9% | 1657 | combining tasks | 18,4% | 3087 | regional care and therapy facilities | 1,8% | 313 | intervention pre-adoption centres | 0,3% | 55 |
| Type of establishments  | Indicator | Number of seats   |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
| socialisation   | 63,4%     | 10641   |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
| intervention  | 3,9%      | 650   |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
| specialist-therapeutic  | 2,3%      | 386   |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
| family  | 9,9%      | 1657  |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
| combining tasks   | 18,4%     | 3087  |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
| regional care and therapy facilities  | 1,8%      | 313   |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |
| intervention pre-adoption centres   | 0,3%      | 55  |                        |           |                 |               |       |       |              |      |     |                        |      |     |        |      |      |                 |       |      |                                      |      |     |                                   |      |    |

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|  |  | <p>The above table presents data on the number of places in institutional foster care facilities in each of the types and types of these facilities.</p>  |
| <p>4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place?</p> <p><u>If yes,</u> please provide information on the legislative framework, the responsible authority and procedure.</p> |  | <p><b>Institutional foster care consists of:</b></p> <ol style="list-style-type: none"> <li><b>1) Childcare institution (socialisation, intervention, specialist-therapeutic, family type);</b></li> <li><b>2) Regional care and therapy facilities</b></li> <li><b>3) Pre-adoption intervention centres</b></li> </ol> <p><b><u>Childcare institution</u></b></p> <p><b>Article 186 of the Act of 9 June 2011 on family support and the system of foster care</b> defines the basic tasks of the voivode with regard to the foster care system. These tasks mainly include issuing permits and supervising the</p> |



operation of foster care centres, regional therapeutic care centres and intervention pre-adoption centres. As institutional foster care entities can be maintained by both public authorities (local authorities) and private organisations, i.e. NGOs, religious organisations, etc., these organisations are entitled to apply for a licence.

Thus, **Article 106 of the Act of 9 June 2011 on Support for the Family and the System of Foster Care** provides that a care and educational institution is created after obtaining an authorisation from the voivode competent for the place of running the institution. Care and educational establishments of the socialisation, intervention and specialist-therapeutic types may be established only in the event of: 1) the creation of a new care and educational institution or the transformation of an existing care and educational institution will not result in an increase in the number of places in institutional foster care in a given county or 2) if it is motivated by specific local needs.

The voivode issues a permit when the entity meets the criteria set out in Article 106 of the Act of 9 June 2011 on family support and the foster care system, namely:

- 1) meets the conditions set out in the Act and the standards set out in the provisions of the Regulation of the Minister of Labour and Social Policy of 22 December 2011 on institutional foster care;
- 2) will present:
  - a) documents confirming the legal title to the real estate on the territory of which the care and educational institution is to operate, (
  - b) a copy of the relevant register, (
  - c) a declaration of the REGON identification number and the NIP tax identification number, (
  - d) an extract and an extract from the local spatial development plan, and if there are none, a certificate of the relevant municipality authority on the compliance of the location of the facility The child care facility will be run in the building with the provisions on planning and spatial development,
  - e) a positive opinion of the starost of the county in which the child care facility will be run, in case of a child care facility organised by an entity contracted by the county to carry out this task,
  - f) positive opinions of the locally competent commanding officer of the poviats or city State Fire Service and the competent State Sanitary Inspector on the conditions of safety and hygiene in the building in which the care and educational institution will be located and its nearest surroundings, taking into account the specificity of the institution,
  - g) statute of the care and educational institution or its

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|  |  | <p>project,</p> <p>h) organisational regulations of the care and educational institution or its project,</p> <p>i) information on the manner of financing the care and educational institution and on not being in arrears in the payment of tax liabilities and contributions to social insurance, health insurance, the Labour Fund and the Guaranteed Employee Benefits Fund,</p> <p>j) an opinion of the Children’s Rights Ombudsman on the legitimacy of creating a care and educational institution of the socialisation, intervention or specialist-therapeutic type.</p> <p>The voivode issues a permit to run an institution after inspecting the facility in which the care and educational institution is to operate. When issuing a permit to run a foster care centre, a voivode is guided by the welfare of a child and reasons indicating the lack of possibility to provide children with family foster care despite actions taken to acquire candidates to run family forms of foster care. The permit is issued for an unlimited period of time. However, it may be revoked if the facility does not pass the supervision process (e.g. due to failure to implement recommendations).</p> <p><b><u>Regional care and therapeutic facilities and Intervention Pre-adoption Centres</u></b></p> <p>In accordance with Article 113 of the <b>Act of 9 June 2011 on Support for the Family and the System of Foster Care</b>, Article 106 of the Act on Support for the Family and the System of Foster Care applies accordingly to regional therapeutic and care centres and intervention pre-adoption centres, while the provisions of the Regulation of the Minister of Labour and Social Policy of 22 December 2011 on Institutional Foster Care apply directly to these centres.</p> |
| <p>4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions,</p> |  | <p>Yes there are standards relating to the operation of foster care institutions, including requirements and quality standards for staff, infrastructure, living conditions and daily care. These standards are described in:</p> <ol style="list-style-type: none"> <li>1) Regulation of the Minister of Labour and Social Policy of 22 December 2011 on institutional foster care;</li> <li>2) Chapter 3 of the Act of 9 June 2011 on family support and the foster care system.</li> </ol>   |

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| and daily care of children)? |  | <p>The activities of foster care institutions are audited annually by the Supreme Audit Office, due to the fact that the activities of these institutions are financed from public funds. For example, the report on the activities of foster care institutions for the year 2022 is available at: <a href="https://www.nik.gov.pl/najnowsze-informacje-o-wynikach-kontroli/deinstytucjonalizacji-pieczy-zastepczej.html">https://www.nik.gov.pl/najnowsze-informacje-o-wynikach-kontroli/deinstytucjonalizacji-pieczy-zastepczej.html</a>.</p> |
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#### 4.5.10. How is the residential care staff recruited, vetted, and trained?

The recruitment of foster care staff is carried out by the director of the institutional foster care unit concerned. The personnel is verified on the basis of the criteria specified in Chapter 3 of the Act of 9 June 2011 on family support and the foster care system.

##### **Director**

Employees must meet the criteria set out in the Act of 9 June 2011 on family support and the foster care system. Thus, according to Article 97 of the Act of 9 June 2011 on family support and the system of foster care, a candidate for a director of an institutional foster care institution: must have a master's degree or equivalent in: pedagogy, special pedagogy, psychology, family science or any other subject whose curriculum includes subjects such as re-socialisation, social work, care pedagogy, any other subject supplemented by postgraduate studies in psychology, pedagogy, family science or re-socialisation; at least 3 years of work experience in an institution dealing with children or families or documented experience in working with children or families; is not and has never been deprived of parental authority and his/her parental authority has never been suspended or limited; fulfils maintenance obligations, if such an obligation has been imposed; has never been convicted of an intentional offence or an intentional fiscal offence; has the capacity to manage the facility confirmed by a health certificate; is not listed in the database of the Sexual Offender Registry with restricted access.

##### **Employees**

**A person working with children in childcare institution may be a person with the following qualifications:**

- 1) in the case of an educator – a higher education degree: a) in pedagogy, special education, psychology, social work, family sciences or in another field of study whose curriculum includes re-socialisation, social work, care and educational pedagogy, or b) in any field of study, supplemented by postgraduate studies in psychology, pedagogy, family sciences or re-socialisation, or c) in any field of study and pedagogical preparation entitling to practice the profession of a teacher;
- 2) in the case of a pedagogue, a Master's degree in pedagogy or special education;
- 3) in the case of a psychologist, the right to practice the profession of psychologist within the meaning of the Act of 8 June 2001 on the profession of psychologist and the professional self-government of psychologists;
- 4) in the case of a therapy practitioner, a documented background in therapy with the profile needed in working with the child and family;

- (5) in the case of a childminder, a completed preparatory school for work as a childminder or nurse or pedagogical studies;  
 (6) in the case of a social worker, a tertiary qualification for the profession.

**A person may work in a childcare centre with children who:**

- 1) is not and has not been deprived of parental authority and parental authority is not suspended or limited;
- 2) fulfils a maintenance obligation – where such an obligation with respect to him/her results from an enforcement order;
- 3) has not been convicted by a final judgment of an intentional offence or an intentional fiscal offence;
- 3a) does not appear in the database of the Sexual Offenders Register with restricted access;
- 4) she is fit to work in a childcare centre, as confirmed by a medical certificate that there are no contraindications to this work.

| Question   | Yes | No | Comments   |
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| <p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel/foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?</p> <p><u>If yes</u>, briefly describe to whom and how children can lodge complaints.</p> | X   |    | <p>Yes, children can complain about staff/foster parents and carers and report abuse or violations of their rights.</p> <p>This right has its basis in Article 72 of the Constitution of the Republic of Poland of 2 April 1997, which states that the Republic of Poland shall ensure the protection of children’s rights. Everyone has the right to demand from public authorities the defence of children against violence, cruelty, exploitation and actions detrimental to their sense of morality and a child deprived of parental authority has the right to care and assistance from public authorities.</p> <p>The right of a child in foster care to lodge complaints is also contained in the internal regulations of foster care institutions. Pursuant to <b>Article 106 of 9 June 2011 on family support and the foster care system</b>, institutions applying for a provincial permit to operate a foster care institution must submit a set of documents, including a draft of the institution’s internal regulations (rules). Therefore, these rules may differ between institutions from different provinces. The Family Support and Foster Care Act and its regulations do not specify requirements for such internal regulations, including the mode of filing complaints, their anonymity or confidentiality.</p> <p>However, such limited wording regarding complaint mechanisms in the internal regulations may not exclude the possibility of submitting a complaint/notification to the Ombudsman for Children, district family welfare centres, social welfare centres or NGOs working in the field of child protection, the police, the guardianship court, etc.</p> <p>The issue of informing children in institutions is rather problematic, as there is no legislation that mandates such instruction. Therefore, informing children of their rights</p> |

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|   |   |  | depends on the persons who run the facility. This is due to the rules and regulations of the establishments and the statutory requirement relating to safeguarding the rights of the child in the establishment.   |
| <p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p> | X |  | <p>Pursuant to <b>Article 140 of the Act of 9 June 2011 on Support for the Family and the System of Foster Care</b>, a person leaving a foster family, a family-type orphanage, a foster-care centre or a regional foster-care centre after reaching the age of majority, in the event that placement in foster care was based on a court decision:</p> <ol style="list-style-type: none"> <li>1) Assistance shall be granted for the continuation of education, independence, development</li> <li>2) Assistance is provided in obtaining adequate housing, employment</li> <li>3) Legal and psychological assistance is provided.</li> </ol> <p>Detailed conditions for providing such assistance are regulated in Articles 141 – 153 of the Act of 9 June 2011 on family support and the system of foster care and on the website of the Ministry of Family and Social Policy<sup>266</sup>.</p> <p>The assistance is granted on the basis of an application by the young person, which must be submitted to the competent county (a mid-level local government unit). The assistance is provided on the basis of a decision of the district head (possibly by the director or an employee of the district family assistance centre authorised by the mayor). The districts finance the assistance.</p> <p>Support for the continuation of education is provided if the applicant continues his/her education in the institutions listed in the Act. It is offered for as long as the person continues his/her studies, but no longer than until he/she reaches the age of 25. The Act also provides for exclusions from this support, including when a person attends a school that does not charge fees and provides full board; when a person has changed school three times without reason; when someone has been sent to prison. Support can also be suspended.</p> <p>As far as support for independence is concerned, its scale depends on the type of custody from which the person is leaving and the length of stay in foster care. It can be paid as a lump sum or in instalments the age of 26.</p> |

<sup>266</sup> Poland, Ministry of Family and Social Policy, [Formy zapewnienia pomocy i wsparcia osobom usamodzielnianym](#) (accessed 30.03.2023).

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|  |  |  | <p>Settlement support is a one-off benefit paid at the latest when a person reaches the age of 26. It varies depending on whether or not the person has a disability certificate , in which case it is higher.</p> |
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|  |  |  | <p>Additionally, in accordance with Article 37 of the Act of 9 June 2011 on family support and the foster care system, children growing up in foster care may stay with a foster family or a foster care centre until they reach the age of 25. This is possible with the consent of the foster parents or the directors of the facilities if the person is continuing his or her education.</p> |
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4.5.13. What assistance is provided to families – while the child is placed to alternative care – to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

Assistance provided to the family while the child is in foster care is provided on the basis of the **Act of 9 June 2011 on family support and the foster care system.**

The foster care organiser cooperates with the court and reports to the court every 6 months on the situation of the child and the child's family. If the grounds for placement cease to exist, the organiser informs the court of the possibility of returning the child to the family, enclosing an opinion of the municipality, the entity performing work (i.e. a family assistant) with the family and an opinion of the foster care coordinator.

As the main goal of the system is to reunite the child with the family, family work is carried out in parallel with the child's placement. As mentioned in the previous sections, family work is organised by the municipality or an entity selected by the municipality. Among the entities indicated may be social welfare centres. The work consists, in particular, of: consultation and specialised counselling, therapy and mediation, services for families with children, legal aid, organisation of support groups.

The work is carried out by family assistants in the family's place of residence or in a place indicated by the family. An indicative catalogue of the assistant's tasks is contained in Article 15 of the Act of 9 June 2011 on family support and the foster care system. One of the main tasks of the assistant is to develop, in cooperation with the family and the foster care coordinator, a plan of work with the family, which is coordinated with the support plan for the child placed in care. The assistants work on the basis of these plans. Pursuant to Article 15(3) of the Act of 9 June 2011 on family support and the foster care system, family plans include the whole range of activities aimed at enabling the family to leave a difficult life situation. The plan also includes deadlines and expected results. As part of their work, family assistants offer a wide range of support services for all kinds of problems – social, psychological, caring, employment.

In addition, according to Article 100 of the Act of 9 June 2011 on family support and the foster care system, the educator of a child in an childcare institution is in constant contact with the child's parents.

The family can also obtain various services from the social assistance system, not necessarily of a financial nature, but for example specialist counselling. In general, the family assistant in carrying out his/her work should work in close cooperation with the social worker and the social welfare centre

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| employing him/her. The actors coordinating the provision of social assistance will be the social worker and the social welfare centre.  |  |
| <p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family</u>? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p> | <p>X</p> <p>The only explicit provision on monitoring the situation of the family after the intervention is <b>Article 15(1) para. 16 of the Act of 9 June 2011 on family support and the foster care system</b>, which states that family assistants are obliged to monitor the functioning of the family after the work with the family is completed. The frequency of monitoring is not imposed.</p> <p>There are no provisions in the Act that explicitly state that assistance is provided to the child and family after the child's return or what types of services are provided. However, it can be stated that the work with the family continues until the objectives of the work plan are achieved. Moreover, the long-term work with the family, after the assistant has fulfilled his/her duties, is continued by the social worker.</p> <p>The court, when ruling on the return of the child to the biological family, may, pursuant to Article 109 of the <b>Act of 25 February 1964. – Family and Guardianship Code</b>, when the child's welfare is at risk, limit parental authority by issuing appropriate orders, inter alia, other obliging the parents and the child to certain actions (e.g. working with a family assistant, staying in a day care centre, sending the parents to therapy, counselling, etc.); listing the actions that the parents may not undertake without the supervision of the court; imposing probation supervision on the exercise of parental authority, etc.</p> |
| <p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If <u>yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>   | <p>X</p> <p><b>As placement decisions are issued by the courts, they can be appealed and reviewed, as with most other court decisions. The proceedings will be conducted on the basis of the Code of Civil Procedure.</b></p> <p>In addition, Article 579<sup>1</sup> of the <b>Act of 17 November 1964. – Code of Civil Procedure</b> provides that the guardianship court shall assess the situation of the child at least every 6 months in order to determine the possibility of returning to the family. If the welfare of the child so requires, the court shall initiate proceedings to terminate parental authority.</p> <p>Furthermore, pursuant to Article 577 of the <b>Act of 17 November 1964. – Code of Civil Procedure</b>, the guardianship court may modify its decision, even if it is final, if the child's welfare so requires.</p> <p>Generally speaking, there are various legal provisions which stipulate that state authorities, including the courts, should take into account the views of the child. The most important of these is contained in Article <b>72(3) of the Constitution of the Republic of Poland of 2 April 1997</b> in the course of</p>   |

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|  | <p>determining the rights of the child, public authorities and persons responsible <u>for the child are obliged to listen to and, as far as possible, take into account the views of the child.</u> Article 72(3) formulates <b><u>a procedural principle in this regard, as it imposes an obligation on all public authorities and on all persons responsible for the child to hear and, as far as possible, take into account the child’s opinion when determining the child’s rights.</u></b> The addressees of this obligation are therefore both the <b>public authorities and the parents (legal guardians) of the child.</b></p> <p>Moreover, the institution of the <b>hearing of the child</b> is also distinguished in civil procedure. The hearing is an activity aimed at ascertaining the child’s opinion on a matter concerning him or her and making a decision that takes into account the child’s opinion and is consistent with the child’s welfare. The hearing, unlike the hearing of the child in a criminal trial, does not aim at the evidence of the case concerning the child. It <b>is advisable to hold a hearing if the circumstances indicated in Article 216<sup>1</sup></b> and Article 576 § 2 of the Act of 17 November 1964. – Code of Civil Procedure allow it, in particular in cases concerning: parental authority, relationship with the child’s legal guardian, contacts with the child, divorce/separation, adjudication or termination of adoption, bringing under various forms of foster care or its termination, surrender of the child from an unauthorised person.<sup>267</sup></p> <p>There is no regulation in the legislation governing the hearing that obliges the hearing officer to conduct the interview and to instruct the rights in a manner adapted to his or her age and stage of development. However, in accordance with 216<sup>1</sup>(2) and Article 576(2) of the Act of 17 November 1964. – Code of Civil Procedure, the court shall, in accordance with the circumstances, mental development, state of health and degree of maturity of the child, take into account the child’s opinion and reasonable wishes.</p> <p>Moreover, Article 4 of 9 June 2011 on family support and the foster care system states that the subjectivity of the child and parents and the rights of the child should be taken into account when applying the provisions of this law. One of the listening rights in the catalogue contained in this article expresses the child’s right to information and to</p> |
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<sup>267</sup> Cieśliński M. (2015), Judicial practice of hearing minors in civil proceedings in the context of the idea of friendly hearing of the child (communication on the results of the study), Law in Action. Civil Cases, no. 24.



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|  |  |  | express his/her opinion on matters that concern him/her, according to his/her age and maturity. |
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4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

The most important legal acts concerning adoption in Poland include: **the Act of 25 February 1964. – Family and Guardianship Code, Act of 9 June 2011 on family support and the foster care system, Regulation of the Minister of Labour and Social Policy of 9 December 2011. on the training of candidates for adoptive parents and the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, drawn up at The Hague on 29 May 1993 and Regulation of the Minister of Labour and Social Policy on the model of the adoption interview questionnaire and the model of the child card, including the case management metric of 20 August 2015.**

Under the **Family and Guardianship Code**, the term ‘adoption’ corresponds to ‘adoption’.

Three forms of adoption are distinguished in Poland, differing in the intensity of the family ties created and the legal consequences resulting from them. These are: **full adoption, total adoption (fully non-dissolvable) and incomplete adoption.**

**Full adoption (Article 121(1) of the Family and Guardianship Code)** consists in the child being fully integrated into a new family. Not only do bonds analogous to those that exist in biological families arise between him and his new parents, but he also becomes bound to the relatives of his adopters. In this way, the child acquires the rights and duties of kinship in relation to the relatives of the new parents (e.g. the right to inheritance, maintenance). On the other hand, the legal relations linking the child to his or her natural family are severed. Thus, his or her rights and obligations towards his or her biological relatives, as well as those relatives towards him or her, are also terminated. This form of adoption is the rule in Polish law. It is pronounced when the child’s biological parents have been deprived of parental authority. In exceptional circumstances, the adoption may be dissolved, but only if the welfare of the child does not suffer.

**Total adoption (fully non-dissolvable) (Article 124(1) of the Family and Guardianship Code)** gives rise to the most durable family relationship. Its effect is to create the same legal relationship between the child and the new parents and their relatives as in a full adoption. Such an adoption cannot be dissolved (Article 125<sup>1</sup>). It arises when the biological parents have consented to the adoption of their child without indicating the adopters (they have given the so-called blanket consent), or when these parents are dead or unknown (e.g. left the child in a ‘window of life’) and the court so decides.

**Partial adoption (Article 124 § 1 of the Act of 25 February 1964. – Family and Guardianship Code (Dz.U. 2020.1359))** results in a looser family relationship. The legal ties that arise connect only the child and his or her new parents. This form of adoption does not result in the legal integration of the child with the relatives of the adopting spouses. He or she is still linked to the biological relatives. In practice, this form of adoption rarely occurs. During the minority period of the adopted person, it may be transformed into a full adoption, or it may be dissolved provided that the child’s welfare is not affected.

**Single people can adopt children, but the Family and Guardianship Code provides that joint adoption is only possible for married people.**

Adoption proceedings of administrative bodies are regulated by the Act of 9 June 2011 on family support and the foster care system. Conducting adoption proceedings and preparing candidates for adoptive parents is the exclusive competence of adoption centres. **Adoption centres are run by the**

provincial government or an entity delegated by the provincial government (e.g. a non-governmental or religious organisation).

**The tasks of adoption centres include, in particular:**

- qualification of children for adoption, preparation of the child's psycho-educational diagnosis and collection of data on the child's health status;
- selection of adoptive parents according to the needs of the child;
- cooperation with the guardianship court, in particular in informing the court of circumstances justifying the initiation of ex officio proceedings;
- offering assistance in preparing adoption applications and gathering documentation;
- collecting information about children who could be adopted;
- conducting psychological and pedagogical assessments of candidates for adoptive parents;
- conducting home studies (adoption interview), i.e. analysing the personal, health, family, income and economic situation of the prospective adoptive parents;
- conducting diagnostics and activities for candidates for adoptive parents;
- providing psychological and pedagogical support to candidates for adoptive and foster parents;
- organising training and issuing training certificates, personal qualification opinions and qualification opinions in cases of placement of a child in an adoptive family;
- providing support to pregnant women and patients in obstetrics-gynaecology wards who signal their wish to leave their baby soon after birth;
- documentation of its activities.

Pursuant to **Article 164 of the Act of 9 June 2011 on family support and the foster care system**, adoption centres, upon obtaining information on a child who could be qualified for adoption, **are obliged to prepare a „Child Card”** (containing information on the child's family, legal and medical situation). For this reason, adoption centres may require more information. **There are deadlines for the exchange of information between the adoption centre (application within 3 days of obtaining information about the child who could qualify) and the provincial database (response to the application within 7 days).** Once the information is obtained, the adoption centre qualifies the child for adoption within 30 days of the Child Card from the date of preparation. If the adoption centre does not find a candidate parent within this time, it sends the qualification and the child's file to the adoption centre that maintains the provincial database. **The latter sends this information within 3 days to adoption centres throughout the province and to adoption centres that maintain other provincial databases and local adoption centres. If no candidate can be found in all adoption centres in Poland within 55 days, the adoption centre that maintains the provincial database sends the qualification, the „Child Card” and medical and psychological documentation to the adoption centre that maintains the central database.** This centre qualifies the child for international adoption within 7 days. The qualification of a child for intercountry adoption does not stop the search for candidates in the country.

Pursuant to Article 171 of the **Act of 9 June 2011 on family support and the foster care system**, the adoption centre responsible for qualifying a child who has been entered into the provincial and central databases notifies the leading adoption centres of the child's adoption within 7 days of the court decision becoming final.

According to the **Act of 9 June 2011 on family support and the foster care system**, candidates for parents must undergo an adoption procedure. They must complete a training course organised by the adoption centre, unless they are relatives or affinities or have foster care of the child. However, before they go to the training, the adoption centre conducts a preliminary **assessment taking into account the candidate's personal qualifications, motivations for adopting a child and a home study (which is an analysis of the candidate's personal, health, family and material situation).** After the training, the adoption centre prepares a qualifying opinion, the purpose of which is **to reliably assess the potential of the candidates as adoptive parents and to make sure that they will create a safe,**

accepting, loving and wise family. Once the parents receive a positive opinion, the process of matching the parents with the child begins. Once the parents have decided to adopt a particular child, they prepare an application to the court with the help of the adoption centre.

**Adoption takes place by means of an order of the guardianship court issued on the application of the person wishing to adopt.** The proceedings are conducted pursuant to **Articles 585-589 of the Act of 17 November 1964.— Code of Civil Procedure.** The court makes a decision on adoption **after a hearing.** Before making a decision, the court shall ask the adoption centre for a qualifying opinion and, if the welfare of the child warrants it, for the opinion of another institution. **Before making a final decision, the court may also decide on the manner and timing of personal contacts between the adopted child and the candidates for adoptive parents.** The contacts can be described as the exercise of foster care. The parents may then take the child home. Judicial supervision of the exercise of this care is carried out with the help of the adoption centre. The centre's staff supports the parents, observes them and their relationship with the child and prepares a protocol for the court. The court may also ask the probation officer to conduct a social interview for the purposes of the adoption proceedings. **Neither the Family and Guardianship Code nor the Act on Family Support and Foster Care System regulate post-adoption monitoring.** The provisions of the Civil Procedure Code or the Family and Guardianship Code do not provide for time limits, including the time within which a final court decision must be made.

**In principle, parental consent is required for the adoption of a child.** According to Article 119 of the **Act of 25 February 1964.— Family and Guardianship Code,** the consent of the adopter's parents is required for adoption, unless they are deprived of parental authority or are unknown or communication with them encounters insurmountable obstacles. **The guardianship court may, due to exceptional circumstances, pronounce adoption in the absence of the consent of parents whose legal capacity is limited, if the refusal of consent is manifestly contrary to the welfare of the child.** Pursuant to Article 119<sup>1</sup> of the **Family and Guardianship Code,** parents may consent before the guardianship court to the adoption of their child in the future without indicating the adopter. Parents who have given such consent, are not entitled to exercise parental responsibility and lose the right to contact the child. This consent may be revoked by a declaration made before the guardianship court, but not after the case for adoption has been opened. According to Article 119<sup>2</sup> of the **Family and Guardianship Code,** parental consent to adopt a child may be given no earlier than six weeks after the child's birth.

**Child's consent to adoption:** according to Article 118 of the Family and Guardianship Code, the child's consent to adoption is required if the child has reached the age of 13. The guardianship court should hear an adoptee who has not reached the age of thirteen, if he/she can understand the significance of adoption. The guardianship court may, in exceptional situations, rule on adoption without requiring the consent of the adoptee or without hearing the same, if he/she is not capable of giving consent, or where the evaluation of the relationship between the adopter and the adoptee shows that he/she considered himself/herself to be a child of the adopter, and requiring consent or a hearing would be contrary to the adoptee's welfare.

#### **Private adoption is prohibited in Poland.**

As mentioned above, candidates undergo an initial assessment before being referred to training, which could ensure initial selection and limit subsequent rejection. Additionally, after training, candidates receive qualifying feedback, which may or may not be positive. Thus, rejection at later stages, e.g. after completion of training, cannot be excluded, especially given the roles assigned to adoption centres in selecting a suitable family for a child.

**Adoption abroad:** the issue of intercountry adoption is regulated by Articles 167 and 168 of the Act of 9 June 2011 on family support and the foster care system. Pursuant to Article 167, a child may be qualified for adoption connected with a change of the child's previous place of residence in the territory of the Republic of Poland to a place of residence in another country **only if in this way a**

**suitable substitute family environment can be ensured, unless there is a relationship of kinship or affinity between the adopter and the adopted child or if the adopter has already adopted the adopted child's sister or brother.**

Pursuant to Article 168, Adoption procedures related to the change of the child's place of residence to a place of residence outside the Republic of Poland may be carried out only by an adoption centre authorised to cooperate with the central authorities of other countries or with organisations or adoption centres licensed by the governments of other countries.. The minister competent for family matters shall announce, by way of a proclamation, in the Official Journal of the Republic of Poland "Monitor Polski" a list of such adoption centres.

4.5.17 What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

What are the main challenges and gaps encountered at the policy and legislative level with regard to foster care? Please consider the available research reports at the national level, conducted by public or private institutions, child protection organisations, civil society, human rights institutions, the academic community and other sources such as the final observations of the UN Committee on the Rights of the Child on country reports, etc.

**The main challenges and gaps encountered with regard to foster care reported both in national programmes, reports from foster care organisations and NGOs and state bodies such as the Ombudsman include:<sup>268</sup>**

1. The lack of a sufficient number of foster family care placements, which often results in siblings being separated and is affected by the instability of employment for foster parents;
2. Foster parents are entrusted with too many children with little support which can lead to burnout and the extinction of families — professionalisation of families is therefore essential;
3. Due to the insufficient number of foster families, even young children end up in institutional placements instead of foster families;
4. Foster families resign from their functions, which is also caused by care and upbringing difficulties, therefore it is necessary to implement multidimensional actions concerning support for families based on, among others Therefore, it is necessary to implement multidimensional actions concerning support of families based, inter alia, on a universally available system of specialist family counselling, specialist services for families with children, including further organisation in the voivodeships of diagnostic and consultation counselling for children with FAS and FASD disorders, adoptive families, foster families, special family counselling, implementation of prevention and specialist programmes for families, organisation of specialist care for children requiring such care and upbringing.
5. The older the child, the more difficult it is to find an adoptive family for him or her, so it is necessary to take action to speed up court and adoption procedures, e campaigns to promote

<sup>268</sup> Regionalny Ośrodek Polityki Społecznej Województwa Śląskiego (2022), [Raport z badania "Rodzinna piecza zastępcza w powiatach województwa śląskiego w 2021 roku](#), Katowice; Pałasz M., Patrzalek A. (2022), [Piecza zastępcza w obliczu wyzwań, Mazowieckie Centrum Polityki Społecznej; General Speech of the Ombudsman to the Minister of Family and Social Policy of 16.03.2021](#). (ref. III.554.2.2021.JA).

the idea of adoption, make candidates for adoptive parents aware of the benefits of adopting older children;

6. Rare monitoring of the life situation of a former foster carer after completion of the empowerment programme and after leaving foster care— it is therefore necessary to disseminate good practice of monitoring the life situation of a former foster carer (after completion of the empowerment programme and after leaving foster care), as one of the ways of evaluating the effectiveness of the empowerment process.
7. Private adoption in Poland is not allowed. The legislation does not allow such adoption.

#### 4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

There have been significant changes to the foster care system over the past eight years. However, it seems that the most noteworthy changes are those that have been in force since 1 February 2023 in the Act on Family Support and the Foster Care System. First of all, a ban on the creation of new children's homes has been introduced. An orphanage will be allowed to be created in completely exceptional situations, with the consent of the voivode after consultation with the Children's Ombudsman. In addition, changes were introduced in the rules for transforming non-professional foster families into professional ones and signing agreements with new professional foster families and those running family children's homes. The changes are intended to facilitate the signing of agreements with county governors (starosts) other than the starost having jurisdiction over the place of residence of the foster family or candidate. There will be a rule that, inter alia, the county in whose territory foster families or family children's homes operate may refuse to place a child in a given foster family or family children's home only when the number of children placed in foster care from outside the county exceeds 25%. The Act also introduced changes to the right to paternity leave, maternity leave and parental leave to which an employee who has adopted and applied to the guardianship court to initiate proceedings for the adoption of a child is entitled. These entitlements have, in principle, been extended until the child reaches the age of 14. In the previous state of the law, they were entitled in principle until the child's seventh birthday or, in exceptional circumstances, until the child's tenth birthday. As of February, the income criterion of PLN 1,200, which was taken into account when granting assistance for becoming self-sufficient and assistance for managing one's own household, no longer applies to persons who become self-sufficient (i.e. persons leaving foster care after reaching the age of majority). The amendment introduced the possibility of remaining in the current form of foster care for persons with a significant or moderate degree of disability without the need to fulfil the requirement of studying at the same time. It has also introduced the possibility for a person who has left foster care after reaching the age of majority to return once to their previous foster family or institution. This is an opportunity for those foster carers who attempted to live independently too soon. A Central Register of Foster Care has also been created, which gathers all data in one place to allow, among other things, a quicker and easier search for a vacant place for a child. The register is intended to facilitate the work of family courts and foster care organisers.

#### 4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Please list and briefly describe any promising practices in the childcare system that you have encountered. (if possible, please include references to documents or URLs for online tools/mechanisms)

A promising and very important practice that has been undertaken for several years by the **Ministry of Family and Social Policy** is the **deinstitutionalisation of foster care**. Deinstitutionalisation should be understood as the process of transition from institutional care to care provided at the local community level. Deinstitutionalisation includes the development of forms of support close to the family and those who need it, prevention that will allow children to remain in properly supported and functioning families, reduction of institutional care.<sup>269</sup>

Activities related to deinstitutionalisation have been undertaken by the Ministry of Family and Social Policy for several years already and announced in national programmes, e.g. in the "National Programme for Counteracting Poverty and Social Exclusion. Update 2021 - 2027, public policy with an outlook to 2030", which resulted in the need to take measures to deinstitutionalise, among others, foster care consisting of the development of prevention and community-based services. The introduction of a comprehensive system of support for foster parents was announced, encompassing employment stabilisation, a system of professional development, including the adaptation of salaries to the local labour market, therapeutic support for children in their care, the organisation of care for children during holidays, training and the lending of buildings by local governments for the purposes of professional family foster care. Their aim will be to raise awareness of family forms of foster care, the realities of their operation, the challenges they face, the benefits for children in them, the problems foster families face on a daily basis, and above all to appoint new foster families and encourage local authorities to transform the structure of foster care. In addition, an indirect goal will be to show the benefits of deinstitutionalisation of this system for foster care wards and, ultimately, for the local community.

In connection with deinstitutionalisation, legislative measures have also been taken. On 7 October 2022, the Act Amending the Act on Support for the Family and the System of Foster Care and Certain Other Acts was passed.<sup>270</sup> With regard to deinstitutionalisation, the Act introduced paragraph 1a to Article 106, which reads: Care and educational establishments of the socialisation, intervention and specialist-therapeutic type may be created only in the event of: the creation of a new care and educational facility will not lead to an increase in the number of places in institutional foster care in a given poviát or it is motivated by special local needs. It follows from the above that a relatively obligatory ban on creating institutional foster care placements has been introduced to encourage and stimulate the creation of family foster care placements.

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<sup>269</sup> Bitner M., Luberadzka - Gruca J., Wojtasińska E., Skalec A., Kulig B., Kwaśniewska - Sadkowska A., Iwanowski D. (2018), [Progress of deinstitutionalisation of foster care in Poland](#), Warsaw.

<sup>270</sup> Poland, Act Amending the Act on Support for the Family and the System of Foster Care and Certain Other Acts ([Ustawa o zmianie ustawy o wspieraniu rodziny i systemie pieczy zastępczej oraz niektórych innych ustaw](#)), 7 October 2022.

## 5. Accountability, data collection, and monitoring mechanisms

### 5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The shape of accountability mechanisms concerning the functioning of the child protection system has not changed since the previous reporting period. Accountability mechanisms regarding the functioning of elements of the child protection system continue to be spread across several different pieces of legislation and institutions dealing with, inter alia, the protection of children's rights.

In addition to the findings indicated in the previous report concerning the Children's Rights Ombudsman, the implementation of the provisions of the Act on Support for Families and the Foster Care System, the monitoring system for the care of children under 3 years of age and the protection of children's rights in schools and other educational institutions (there has been a change in the legal basis for pedagogical supervision carried out on behalf of the voivode by the school superintendent – Article 51 of the Education Act), additional accountability mechanisms for the protection of children's rights should be indicated:

(1) as a party to the Convention on the Rights of the Child, Poland is obliged to submit **periodic national reports on its implementation of the Convention and the Optional Protocols**. These reports are available on the website of the Ministry of Family and Social Policy;<sup>271</sup>

(2) **the State Commission for Prevention of Sexual Exploitation of Minors under 15 years of age** is required to submit an annual report on its activities for the previous year. The Commission's report shall include:

- information on reported cases of sexual offences committed against children, as well as cases of non-notification;
- information on the Commission's monitoring of action taken by competent authorities and organisations and bodies on the basis of requests and notifications of sexual offences committed against children;
- information on prosecutions and court proceedings monitored by the Commission
- information on investigations carried out by the Commission;
- information on the prevention, education and research activities undertaken by the Commission;
- information on the Commission's cooperation with other entities working to protect the rights of minors, in particular to protect them from sexual violence;
- information on draft legislation on which the Commission has delivered an opinion;

<sup>271</sup> Poland, Minister of Family and Social Policy, [Konwencja o prawach dziecka](#) (accessed 30.03.2023).

- conclusions and recommendations for state authorities and organisations and entities with regard to preventing sexual abuse crimes, respecting the rights of minor victims under 15 years of age, responding appropriately by state authorities, and taking action to bring perpetrators of these crimes to justice;

(3) every year, the Government of the Republic of Poland shall present to the Sejm information on actions taken to implement the provisions of the Resolution of the Sejm of the Republic of Poland of 1 August 1997 - Charter of Rights of Persons with Disabilities.

If a citizen wishes to obtain data on children and this data is not generally available, or asks for it to be specified, he or she may apply to government bodies with a so-called request for access to public information. The rules for making information available are laid down in the Act of 6 September 2001 on access to public information. Various state bodies (such as the Ombudsman for Children in the Act which forms the basis for the establishment and operation of the Ombudsman) have an explicit right to request other bodies and institutions to provide data and explanations in matters concerning children.

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

The monitoring of the implementation of national action plans and strategies or other policies on child protection has not changed since the previous reporting period. The key and important role of the Supreme Audit Office (*Najwyższa Izba Kontroli*), which, on the basis of Article 2 of the Act on the Supreme Audit Office, can control the activities of administrative bodies, local self-government units and organisations with regard to their use of state funding, should still be emphasised.

In terms of individual programmes, action plans or strategies, each still has its own monitoring procedure, described in the basic document describing the programme. The monitoring procedure still varies according to several factors, e.g. the duration of the programme, its objectives and the activities undertaken within it, the responsible actors and the size of the region in which the programme is implemented (local, regional or national level). Taking these factors into account, a selection of the monitoring procedures that were present in the programmes during the reporting period of this report should be presented:

- the Minister responsible for social security shall present a report on the implementation of the "For Life" (*"Za życiem"*) programme, by 30 June of the year following the year to which the report relates. In addition, at least once every five years, the Council of Ministers shall review the programme. The first review was conducted in 2021.
- pursuant to Article 11 of the Act on Counteracting Family Violence, the Council of Ministers is obliged to submit a report on the implementation of the National Programme on Counteracting Family Violence to the Sejm and the Senate;
- pursuant to the Resolution of the Council of Ministers of 17 August 2021 on the adoption of the public policy entitled 'National Programme for Counteracting Poverty and Social Exclusion. Update 2021-2027, public policy with an outlook to 2030', a Team for the Implementation of Measures Against Poverty and Social Exclusion was established in the Ministry of Family and Social Policy. It was composed of representatives of civil society organisations and social entities directly involved in the areas covered by the Programme of provincial and local governments.



| Question  | YES | NO | Comments  |
|---|-----|----|---|
| <p>5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>  |     | X  | <p>Poland still lacks uniform standards for assessing the impact of new and adopted solutions on the realisation of children's rights (child-rights impact assessment) when making laws.</p> <p>On the other hand, the Government, in the Combined Fifth and Sixth Report on Poland's Implementation of the Convention on the Rights of the Child and Optional Protocols, indicates that: "When drafting amendments to the law, problems and proposals submitted by non-governmental organisations, the Children's Rights Ombudsman, and local government units are analysed. The evaluation of new solutions is carried out in the course of intra- and inter-ministerial arrangements of projects, from the point of view of the "good of the child" premise, which is paramount in Polish law. In the course of legislative work, statistical data, studies on the functioning of existing legal regulations and case-law are taken into account".</p> <p>However, non-governmental organisations in the Alternative Report on Poland's implementation of the Convention on the Rights of the Child indicate that: "It is not uncommon for the assessment process to be treated in a superficial manner or to be subordinated to ad hoc political objectives rather than to the good of the child". It should also be mentioned that the Regulation of the President of the Council of Ministers on the principles of legislative techniques indicates that any decision to prepare a bill should be preceded, in particular, by a determination of the anticipated social, economic, organisational, legal and financial effects of each of the considered solutions.<sup>272</sup></p> |
| <p>5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.</p> |     |    |   |
| <p>Yes, there are specific quality standards for child protection services in the legislation of the court. They are set out in various pieces of legislation that regulate specific areas in the field of child protection. The following quality standards are worth mentioning:</p>  |     |    |   |

<sup>272</sup> Poland, President of the Council of Ministers, Regulation on the "Principles of legislative techniques" (*Rozporządzenie w sprawie "Zasad techniki prawodawczej"*), 20 June 2002.

- according to Article 15(2) of the Act on the care of children up to the age of three,<sup>273</sup> one carer may take care of a maximum of eight children in a crèche and a maximum of five children in a children's club and a maximum of eight children in a disabled child group or a child in need of special care. In addition, a nursery with more than twenty children shall employ at least one nurse or midwife;

- with regard to the foster care system, pursuant to Article 15(4), the number of families with whom a family assistant works may not exceed 15. In the light of Article 28(2) of the same Act, one educator in a day care centre may work with a maximum of 15 pupils. In addition, no more than 3 children in total may be placed in a professional foster family or a non-professional foster family at the same time (Article 53(1)) and no more than 14 children in total may be placed in a care and educational institution of the socialisation, intervention or specialist-therapeutic type at the same time (Article 95(3));

- Article 110(11) indicates that a social assistance centre or social services centre shall employ social workers proportionally to the municipality's population in the ratio of one full-time social worker per 2,000 inhabitants or proportionally to the number of families and people living alone covered by social work in the ratio of one full-time social worker per no more than 50 families and people living alone.

| Question   | YES | NO | Comments   |
|--|-----|----|--|
| <p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p> |     | X  | <p>In Poland, there is no absolute obligation to consult children and parents in order for a piece of legislation or policy to take effect. However, Poland does provide for the possibility to consult e.g. a proposal for a legal act with parents or children. § 1 of the Regulation of the Prime Minister on 'Principles of Legislative Techniques' indicates that any decision to prepare a draft law should be preceded by consultation with the entities covered by the scope of intervention of public authorities. In the course of the government legislative process, each act is subject to public consultation and any person interested in a given act may, on their own initiative or at the request of the government, express their opinion on the proposed legal regulation. In Poland, there is a will (intention) to consult children on matters concerning children, despite the lack of legal obligation thereof. In addition, with regard to the collection of children's opinions - see 7.2.1.</p> |
| <p>5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>   | X   |    | <p>The responsibility for the collection of data on children is defined in the legal framework, but due to the dispersion of the authorities responsible for data collection there is no single legal act in which this matter is specifically regulated. Thus, in Poland there are various legal regulations in this area, which were cited in the previous report. It is worth recalling that, based on Article 18 of the Act on Public Statistics, the</p>  |

<sup>273</sup> Poland, [Ustawa o opiece nad dziećmi w wieku do lat 3](#), 4 February 2011.

|   |  |   |   |
|---|--|---|---|
|   |  |   | annual programme of statistical research is determined by the Council of Ministers. <sup>274</sup> The programme for 2022 includes, inter alia, a large survey entitled "Family" but a separate survey on the area "Children and adolescents" is missing.   |
| 5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?<br><br><u>If yes,</u> Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level? |  | X | In Poland, there is still no single body responsible for monitoring the collection of child protection data at national level and for centralised coordination and sharing of data at national level. Data are collected by different entities and different government administration bodies. There is no single methodology for data collection and data sharing. In Poland, the Statistics Poland ( <i>Główny Urząd Statystyczny</i> ) still has a leading role, in addition to other government administration bodies, in collecting data on children, but it does not cover all areas of children's lives, such as health, disability, mental disorders, the situation of migrant and refugee children and violence against children and juvenile delinquency.   |
| 5.1.8. Are there common indicators in place to monitor the performance of the child protection system?  |  | X | Poland still lacks common, well-defined indicators for monitoring the level of the child protection system. There is no common methodology, using unified concepts and definitions and the cyclicity of conducting surveys. Still, each administrative body, within the framework of its activities and implemented programmes, establishes its own indicators.<br><br>The NGO Alternative Report on the Implementation of the Convention on the Rights of the Child (p.4, <a href="https://unicef.pl/content/download/44921/file/RAPORT%20ALTERNATYWNY%20WERSJA%20POLSKA.pdf">https://unicef.pl/content/download/44921/file/RAPORT%20ALTERNATYWNY%20WERSJA%20POLSKA.pdf</a> ) indicates that: "The statistical data collected and made available by the Statistics Poland provide a lot of information on the situation of children, but do not cover all areas of children's lives. It is very difficult to obtain data on such important topics as health, disability, mental disorders, the situation of migrant and refugee children and violence against children and juvenile delinquency. The Central Statistical Office collects some data covering the indicated areas, but on the one hand they are scattered in many studies, and on the other hand they often treat individual topics marginally (e.g. disability of children, gender and age of crime victims). At the same time, |

<sup>274</sup> Poland, Act on Public Statistics (*Ustawa o statystyce publicznej*), 29 June 1995.

|   |   |   |
|---|---|---|
|   |   | <p>public entities collecting data (e.g. the police, the Ministry of Health or the Ministry of Justice) do not make some of the statistics available, use different methodologies resulting in discrepancies in studies and publish data with a significant delay. It should be emphasised that it is extremely difficult to obtain data on children and young people's opinions about their situation and statistics on young people's physical activity, risk behaviour or social involvement. There is no single, aggregate study on the conditions and quality of life of children in Poland."</p> <p>A very important initiative is the activity of the Dajemy Dzieciom Się Foundation, which publishes the report "Children matter". More about the report in point 5.3. 5.3.</p> <p>On the other hand, the Statistics Poland on its website under the subject "child" has data on: nurseries and children's clubs, foster care, demographic characteristics, care for children deprived of parental care, as well as basic demographic data on children in Poland, children benefiting from social welfare benefits, health of children and young people (<a href="https://stat.gov.pl/obszary-tematyczne/dzieci-i-rodzina/dzieci/">https://stat.gov.pl/obszary-tematyczne/dzieci-i-rodzina/dzieci/</a>). The Statistics Poland also has information on deaths of children aged 0-4 and infant deaths (<a href="https://stat.gov.pl/obszary-tematyczne/ludnosc/">https://stat.gov.pl/obszary-tematyczne/ludnosc/</a>) and on education (<a href="https://stat.gov.pl/obszary-tematyczne/edukacja/">https://stat.gov.pl/obszary-tematyczne/edukacja/</a>).</p> <p>As indicated in the report, there is a children's mental health crisis in Poland and the Police keep statistics on suicide attacks among children, which are highly commented on in the public space.<sup>275</sup></p> |
| 5.1.9. Are there data protection protocols in place and adhered to? | X | <p>Poland is bound by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, which regulates in great detail the scope of rights and obligations concerning personal data. Its regulations apply to both adults and children. A minor over the age of 16 is entitled to make his or her own decisions about the processing of his or her personal data. On the other hand, in the</p>   |

<sup>275</sup> Poland, The Police, [ZAMACHY SAMOBÓJCZE OD 2017 ROKU](#) (accessed 25.09.2023).

|  |  |  |
|--|--|--|
|  |  | <p>case of persons under the age of 16, decisions on their behalf are made by a parent or legal guardian.</p> <p>In addition, children's personal rights, such as e.g. name and surname, can seek protection under civil law (Articles 23-24 of the Civil Code) and in court in accordance with § 93 of the Regulation of the Minister of Justice - Rules of Procedure of common courts:</p> <ul style="list-style-type: none"> <li>- the data of a minor shall not be included in cases heard in camera,</li> <li>- on grounds of the protection of morality, public safety and public order, the protection of private life or other important private interests, in particular the protection of minors who have been the victims of a criminal offence, the display of the names of the parties or participants in the non-trial proceedings or persons summoned shall be omitted. In that case, only their initials shall be given or no particulars identifying them shall appear.</li> </ul> <p>In Poland, on the other hand, there is a big problem with the disclosure of data enabling the identification of child victims of e.g. sexual crimes by the media.</p> |
|--|--|--|

5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.

Difficulties in collecting data on children have arisen in particular with regard to children arriving in Poland from Ukraine in the wake of Russian aggression against Ukraine. As the “Dajemy Dzieciom Się” Foundation indicates in its report<sup>276</sup>:

- "It is problematic to treat the database provided by the Ministry of Education and Science as a source of complete data on Ukrainian refugee children receiving education in Poland: the group of university students from Ukraine certainly includes minors, since in Ukraine the age of entry into higher education is 16-17 years. According to Polish law, such persons still fulfil the definition of a child, but they are not included in the database provided by the Ministry of Education and Science."

- "Although there is no data indicating how many unaccompanied or separated Ukrainian children are in Poland, it is known, however, that according to the Ministry of Justice, by 22 May 2022, the number of cases initiated on the application for the appointment of a temporary guardian amounted to 20,351

<sup>276</sup> Fundacja Dajemy Dzieciom Się, Children Matter 2022 ([Dzieci się liczą 2022](#)), 15 December 2022, p. 364.

and concerned 23,783 minors.<sup>277</sup> This does not mean that on 22 May 2022 there were exactly that many children unaccompanied or separated from their parents. For it is possible - and this is confirmed by conversations with activists and NGO activists working in the communities of refugees and refugee women from Ukraine - that a certain proportion of relatives and affinities having custody of grandchildren, younger siblings or stepchildren or step-grandchildren do not want to submit such an application or are not aware of the legal obligation to regulate this custodial relationship in Poland. (...)The second group of children without guardianship or separated from their parents, which could not show up at the level of the number of initiated cases given by the Ministry of Justice, are children between the ages of sixteen and eighteen who have managed to come to Poland - especially children of this age who crossed the border before 12 March 2022, i.e. the date of promulgation of the resolution of the Cabinet of Ministers of Ukraine - and who lead an independent life, e.g. have taken up employment here, rent flats with a group of other persons from Ukraine or are in a crisis of homelessness. Some of these children do not know that under Polish law a 16-year-old person is not considered an adult and therefore must have a temporary guardian representing them in legal actions. Some, however, are aware of this and that is why they avoid contacting the authorities and those who could inform the family court of this state of affairs, which for such an unaccompanied child would mean being placed in one of the forms of institutional care in Poland."

## 5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

In the area indicated, it is very difficult to point to positive achievements. There have been practically no changes in Poland since the 2014 mapping exercise and the gaps that have been pointed out for years (by, among others, the Committee on the Rights of the Child or NGOs) still persist.

In Poland, there was and still is no body responsible for taking data on children, there is no fixed research methodology, no cyclicity of research and no specific evaluation of the solutions carried out, and there is no single body responsible for these activities. It is worth quoting the 2021 recommendations of the Committee on the Rights of the Child, which indicated that: "In the light of its General Comment No. 5 (2003) on general measures for the implementation of the Convention, the Committee recommends that the State Party develop a centralised and integrated data collection system, segregate data by age, sex, disability, residence, ethnic and national origin, and socio-economic and migratory status, and harmonise methodologies and procedures for collecting data on children."

The "Dajemy Dzieciom Siłę" Foundation, meanwhile, in its 2022 report "Children Matter"<sup>278</sup>, also calls for:

- collecting statistics not only on the risk factors of child abuse, but also on the protective factors against abuse, in order to have a full knowledge of the mechanisms of the phenomenon and effective forms of prevention;
- ensuring the general availability of statistics on safety risks and child development;
- conducting periodic social surveys using the same methodology to track trends related to the phenomenon of child and adolescent abuse impossible to capture from official statistics;
- taking into account the perspective of children and young people in the evaluation of the prevention and support activities carried out;

<sup>277</sup> By 31 May 2023, the number of cases initiated on the application for the appointment of a temporary guardian amounted to 33,013. In the same time, the temporary guardian was appointed for 35,547 minors.

<sup>278</sup> Fundacja Dajemy Dzieciom Siłę, Children Matter 2022 ([Dzieci się liczą 2022](#)), 15 December 2022.

- subjecting every case of child death or serious harm to a child as a result of abuse or for unexplained reasons to a thorough systemic analysis in order to check the effectiveness of the procedures and solutions implemented and propose any improvements.

### 5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

A practice worth noting is the **activity of the “Dajemy Dzieciom Się” Foundation, which periodically, every five years, publishes a report entitled "Children Matter"** (the latest report is from 2022<sup>279</sup>).

The indicated publication is the only comprehensive and extensive study of threats to safety and development of children in Poland. As the report points out: "The authors of the report set themselves the task of collecting the most up-to-date statistical data and results of empirical research, which describe the situation of the children in Poland, mainly in aspects of experiences of various forms of abuse and deprivation and their determinants. The aim of the report is to describe the reality on the basis of available knowledge, but also to identify areas of ignorance resulting from the lack of systemic data collection on childhood risks."

The 2022 report addresses issues relating to:

- population of children in Poland,
- children in the family,
- children outside the family,
- child poverty,
- the health of children and young people,
- mental health of children and adolescents,
- children and young people with disabilities,
- risk behaviour of Polish adolescents,
- the sexual health of young people,
- education of children in Poland,
- violence against children and child neglect,
- peer violence,
- risks to children and young people associated with the use of the Internet,
- children in the face of legal procedures,
- child sexual abuse,
- the situation of children and adolescents in the context of the experience of the COVID-19 pandemic,
- situation of Ukrainian children in Poland,
- on- and offline pro-social involvement of children and young people.

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<sup>279</sup> Fundacja Dajemy Dzieciom Się, Children Matter 2022 ([Dzieci się liczą 2022](#)), 15 December 2022.

## 6. General education, promotion, and awareness raising

### 6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career./.

1)

The school structure in the education system in Poland includes:

- a) 8-year primary school;
- b) 4-year general secondary school (*liceum ogólnokształcące*);
- c) 5-year technical secondary school (*technikum*);
- d) 3-year Stage I sectoral vocational school (*branżowa szkoła I stopnia*);
- e) 2-year Stage II sectoral vocational school (*branżowa szkoła II stopnia*);
- f) 3-year special school preparing for employment;
- g) post-secondary school.

Full-time compulsory education comprises the last year of pre-school education and 8 years of primary school education. Primary school (single structure education) includes two stages:

- a) grades 1-3 (early school education);
- b) grades 4-8 (teaching by subject).

Part-time compulsory education (obligation to continue education up to 18 years of age) may be implemented either in school settings (a student attends a secondary school) or in non-school settings (e.g. a student follows vocational training offered by employers).<sup>280</sup>

Children's rights in the Polish educational system are guaranteed by a number of legal acts – both international (Convention on the Rights of the Child of 20 November 1989 and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950) and those of national scope (Constitution of the Republic of Poland of 2 April 1997, Act of 7 September 1991 on the educational system, Act of 14 December 2016 - Educational Law, Act of 6 January 2000 on the Ombudsman for Children's Rights).<sup>281</sup>

Education on children's rights is part of the formal school curriculum at each stage of education, however, it is not a separate school subject, but these issues are raised and discussed within the framework of individual subjects such as social studies, history, upbringing for family life, ethics, if the subject under discussion includes issues related to children's rights, as well as during the parent-teacher hour, during meetings with guests (e.g. with a police officer, lawyer) and as part of information on school newspapers (Regulation of the Minister of National Education on 14 February 2017 on the core curriculum for pre-school education and the core curriculum for general education for schools, and as part of information on school newspapers (Regulation of the Minister of National Education on 14 February 2017 on the core curriculum for pre-school education and the core curriculum for general education for schools). with a police officer, a lawyer, and as part of information on school bulletins (Regulation of the Minister of National Education of 14 February 2017 on the programme basis for pre-school education and the programme basis for general education for

<sup>280</sup> European Commission, Eurydyce, [Poland](#) (accessed: 25.09.2023).

<sup>281</sup> Błęszyński J.J., Rodkiewicz - Ryżek A. (2012), *Protection of children's rights in the light of Polish and international standards*, Paedagogia Christiana, pp. 95-109.



primary school, including for pupils with moderate or severe intellectual disabilities, general education for an industry school of the first degree, general education for a special school for special educational purposes and general education for a post-secondary school Dz.U. 2017, item 356; Regulation of the Minister of National Education of 30 January 2018 on the new core curriculum of general education for four-year general secondary school, five-year technical school and two-year industry upper secondary school Dz.U. 2018. item 467).

Mainly education on children's rights among pupils takes place in primary schools in grades VI - VIII and secondary schools during social studies lessons. Research published in 2019 by UNICEF Poland shows that the forms in which children would like to learn about children's rights are: the existence of a separate subject in which children's rights would be discussed in their entirety; learning about children's rights in practice (e.g. by taking part in making important decisions that affect the child himself and the school), as well as through meetings with experts who will talk about children's rights. Furthermore, this research shows that the vast majority of teachers declare that they include topics related to children's rights in their teaching work and this most often takes place during the parenting hour and in humanities subjects.<sup>282</sup>

The content conveyed to students within the framework of children's rights education includes: understanding children's rights in everyday life, information about institutions providing assistance to children and young people, participation in school life - learning by doing, provisions of the Convention on the Rights of the Child, history of children's rights.<sup>283</sup>

It is very difficult to give a figure for the number of hours to which education on children's rights is devoted. As indicated, there is no separate school subject that is dedicated to children's rights. It is probably about 2h during the school year, and the discussion of children's rights in the younger classes is undertaken on the occasion of Children's Day, while in the older classes it is undertaken on the occasion of Social Studies or History.

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors where those commissioned, funded, and implemented?

A very good example of activities promoting children's rights and aimed at educating both children and adults about children's rights was the organisation by many cities and local governments in Poland, in agreement with UNICEF Poland, of **celebrations of the 30th anniversary of the Convention on the Rights of the Child**.<sup>284</sup> On this occasion, cities such as Gdynia, Sopot, Gdańsk, Białystok, Gryfino, Konin, Koszalin, Lublin, Piastów, Poznań, Siemiatycze, Śrem, Szczecin, Trzebnica, Wałbrzych and Wrocław, among others, organised celebrations of this anniversary. In the cities, public buildings were illuminated in blue, city mayors met with children and young people giving them a voice and listening to their needs, there were art exhibitions and expert meetings on children's rights. In addition, in many towns and cities, town and city officials organised sky marches under the slogan #dlakażdegodziecka. More than 3,100 schools and kindergartens took part in the celebrations. These

<sup>282</sup> Falkowska E., Telusiewicz-Pacak A. (2019). *Children's rights from the perspective of children, parents and teachers. Research report.*, UNICEF Poland Association, Warsaw.

<sup>283</sup> Falkowska E., Telusiewicz-Pacak A. (2019). *Children's rights from the perspective of children, parents and teachers. Research report.*, UNICEF Poland Association, Warsaw).

<sup>284</sup> UNICEF, [Cities and schools from all over Poland joined the international celebration of the 30th anniversary of the Convention on the Rights of the Child](#), 18 November 2019.

establishments organised special educational activities, during which children's rights and the Convention on the Rights of the Child were discussed in an age- and developmentally appropriate manner.

## 6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

In Poland, such campaigns are usually organised by non-governmental organisations working on behalf of children. Recent campaigns promoting children's rights and their protection include:

- **the campaign "Respond to violence against children"**<sup>285</sup> – campaign of the Dajemy Dzieciom Siłę Foundation running from 3 to 23 November 2022, aimed at all members of society. Its aim is to increase public willingness to respond in situations where there is a suspicion that a child is experiencing violence. The campaign partners are the international organisation 'Terre des hommes' and the Dutch Giro555, which comprises 11 aid organisations. The communication of the campaign "REACT to violence against children" includes 30-second TV spots and 10-second spots for the internet, as well as graphic material. The activities of this campaign certainly contribute to improving mechanisms for protecting children from abuse. More and more people are taking action by reporting the matter to the relevant authorities if they know of violence against children. No information on sources of funding is available;

- **the campaign "The body does not define"**<sup>286</sup> – the campaign of the Dajemy Dzieciom Siłę Foundation implemented under the slogan "My value does not depend on how I look". - inaugurated on 25 October 2022. The aim of the campaign is to promote - mainly among teenagers - a body-neutral perspective that focuses on the idea that self-esteem and happiness are not dependent on looks, and that appearance is only one aspect of identity. The impact of this campaign on society can be seen to be effective, as improvements can be seen among young people as well as adults in that it is not the appearance that matters and they are more tolerant. In addition, the campaign also draws attention to online hegemony about appearance and beauty. No information on sources of funding is available.

- the **'Your Honour, see me'** campaign<sup>287</sup> - social campaign organised by the Dajemy Dzieciom Siłę Foundation in 2021. Its aim was to support judges, prosecutors, probation officers and all people on

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<sup>285</sup> Fundacja Dajemy Dzieciom Siłę, [Dzieci same się nie obronią! REAGUJ na przemoc wobec dzieci! Nowa kampania naszej Fundacji i aktualne wyniki badań na temat stosowania kar fizycznych w Polsce](#), 3 November 2022.

<sup>286</sup> Fundacja Dajemy Dzieciom Siłę, [Nastolatki pod presją wyglądu. Publikujemy najnowsze badania i ruszamy z kampanią w duchu ciałoneutralności pn. „Ciało nie określa”](#), 25 November 2021.

<sup>287</sup> Fundacja Dajemy Dzieciom Siłę, [„Wysoki sędzie, zobacz mnie” – upominamy się o przestrzeganie praw dzieci pokrzywdzonych przestępstwem](#), 21 October 2021.

whom the fate of children facing justice depends, including reminding professionals how important their tasks are and that, as always, they can find substantive support in the Dajemy Dzieciom Siłę Foundation and prepared trainings, conferences and publications. The campaign has had a very positive effect. It has also attracted the attention of legislators, as legislative measures have been taken in Poland to fine-tune the provisions on the hearing of children and compulsory training has been introduced for judges who hear children. A spot and graphic materials have been prepared for the campaign, which can be downloaded [wspd.fdds.pl](http://wspd.fdds.pl) The campaign was held under the patronage of the Ombudsman. It was financed by the Active Citizens - National Fund programme from the EEA Fund as part of the Child Friendly Justice project.

- **"School with children's rights"**<sup>288</sup> was a public awareness campaign by UNICEF Poland focusing on children's rights and the issue of child participation. It was aimed at schools. Its aim was to draw attention to the importance of education about children's rights, to familiarise young children with issues concerning their rights, and to recognise the most active activists caring for children's rights among the local community. The latest instalment of the campaign took place in the 2018/2019 school year. No information is available as to the source of funding. This practice works. Such activities certainly provide an impetus to discuss children's rights in schools, as there is a lack of separate subjects revolving around the topic of children's rights.

- **"International Children's Rights Day with UNICEF - 30 years of the Convention on the Rights of the Child"**<sup>289</sup> - an educational campaign organised by UNICEF Poland in 2019 to mark the 30th anniversary of the signing of the Convention on the Rights of the Child. It was targeted at schools and local governments. The campaign aimed to draw the attention of both school and local environments to children's rights. Blue marches organised by schools under the slogan #dlakażdegdziecka took place in many cities. This practice works. In fact, 16 Polish cities and more than 3000 educational establishments across Poland took part in this event. Thanks to such activities, not only the awareness of children about their rights is developed, but also by adults.

There is a lack of data on making children aware of the EU Charter of Fundamental Rights, including in the curricula. In general, there are no separate subjects on European education in Polish schools. Currently, the Network of Social Organisations for Education (SOS for Education) is taking action to provide European education in schools (more widely: <https://sosdlaedukacji.pl/edukacja-europejska-doswiadczenie-europejskiej-tozsamosci-i-wspolnoty/#more-2466>). SOS for Education is a coalition of nearly 40 organisations working for smarter and better schools. Their mission is to promote and disseminate good practice in teaching. They monitor the state of education and prepare proposals for change on a systemic level, but also solutions for local governments and local schools. However, the activities of these organisations tend to formulate recommendations to Polish schools.

Websites dedicated to children's rights are run in a way that allows children to understand the content. Here, special attention should be paid to websites containing information on helplines for children and young people. They are run in a way that is accessible to children, but are also available in Ukrainian, e.g. the website of the Children's Rights Ombudsman Helpline <https://brpd.gov.pl/dzieciocy-telefon-zaufania-rzecznika-praw-dziecka/> or the Helpline for Children and Young People <https://116111.pl>.

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<sup>288</sup> UNICEF, [Educational activities](#) (accessed 30.03.2023).

<sup>289</sup> UNICEF, [Educational activities](#) (accessed 30.03.2023).

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure<sup>290</sup> ? Please briefly describe.

*No such activities are carried out.*

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

Awareness-raising activities on digital literacy, privacy and online safety for children, parents and teachers alike are being carried out at national and regional level in Poland.

An opportunity for children, parents and professionals to acquire knowledge in this area is through participation in **Safer Internet Day (DBI)**, which was established at the initiative of the European Commission in 2004. The event has been organised in Poland since 2005 by the Polish Safer Internet Programme Centre (*Polskie Centrum Programu Safer Internet - PCPSI*), which consists of the national research institute NASK and the Dajemy Dzieciom Siłę Foundation - implementers of the EU programme 'Digital Europe'.

DBI aims to initiate and promote activities for safe access to online resources for children and young people, to familiarise parents, teachers and educators with online safety issues and to promote positive use of the Internet.

Although Safer Internet Day falls on 7 February, celebrations in various types of organisations: schools, NGOs, businesses and by individuals, including online, continue even until the end of March of a given year. Such celebrations can take the form of educational activities, happenings, information campaigns and competitions.

In addition, at <https://www.saferinternet.pl/dbi/pakiety-edukacyjne.html> it is possible to download educational materials that can be used as part of these celebrations by individual actors. These materials are not only aimed at children and young people, but also at adults. A map of Safer Internet Day initiatives is available at: <https://www.saferinternet.pl/dbi/mapa-inicjatyw-dbi.html>.

Children can also learn about digital literacy awareness, privacy and online safety at school as part of their IT lessons and during parenting lessons. During these lessons, children can obtain information about online safety, cyberbullying and the culture of online behaviour. There are also ready-made scenarios available on the Internet for lessons on these topics, e.g. <https://epedagogika.pl/rodzice/bezpieczenstwo-dzieci-w-internecie-4380.html>.

Websites dedicated to children's rights are run in a way that allows children to understand the content. Here, special attention should be paid to websites containing information on helplines for children and adolescents. They are run in a way that is accessible to children, but are also available in Ukrainian, e.g. the website of the Children's Rights Ombudsman Helpline (<https://brpd.gov.pl/dzieciocy-telefon-zaufania-rzecznika-praw-dziecka/>) or the Helpline for Children and Young People (<https://116111.pl>).

Ogólnopolska Sieć Edukacyjna (OSE) <https://ose.gov.pl/> is a program that gives Polish schools access to fast, free and safe Internet. It is a response to the challenges of modern education - shaping digital competences and open to modern technologies.

The program was designed pursuant to the Act on the National Educational Network.

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<sup>290</sup> URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

**mOchrona** <https://ose.gov.pl/mochrona> - is an application that supports parents in keeping their children safe online. It facilitates setting rules regarding the use of the Internet and applications and gives access to information about the activity of the child on the device. It is a free and safe tool that effectively helps in diagnosing potential problems and threats, as well as in responding to them appropriately.

### 6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measures targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The best practice for the child and the protection of children's rights is any action - including public awareness campaigns - to make the public aware of the need to respond to violence against children and to provide information on where and how to get help, whether in relation to a child's mental health or their family or peer situation. Therefore, it is necessary to appreciate the activities of the Children's Rights Ombudsman aimed at promoting, whether via the Internet or during the Ombudsman's speeches, the Children's Rights Ombudsman Helpline: <https://brpd.gov.pl>, but also all social campaigns conducted by non-governmental organisations, e.g. the **"React to violence against children" campaign**<sup>291</sup> - campaign of the Dajemy Dzieciom Siłę Foundation implemented from 3 to 23 November 2022. Its aim was to increase public willingness to respond in situations where there is a suspicion that a child is experiencing violence. The campaign partners are the international organisation 'Terre des hommes' and the Dutch Giro555, which comprises 11 aid organisations. The communication of the campaign "REACT to violence against children" included 30-second TV spots and 10-second spots for the Internet, as well as graphic material.

On the other hand, with regard to the challenge of protecting children's rights, it seems that a major challenge for government at both national and local and regional levels is to improve and protect the mental health of children and young people, as the scale and degree of mental health problems among adolescents in Europe are alarming. Suicide is the second most common cause of death among young people in Europe. According to a UNICEF analysis, the incidence of mental disorders in children aged 10-19 in Poland is 10.8%.<sup>292</sup> This is over 409,000 adolescents (181,000 girls and 228,000 boys). Such a low percentage is due to the large number of children in Poland who are not diagnosed. Unfortunately, the state of prevention and availability of specialised mental health services is dramatic in our country. In turn, according to a report by the Supreme Chamber of Control, a total of 630,000 children in Poland require specialised psychological and psychiatric assistance. Although official figures show that 843 children attempted to take their own lives in 2020, experts estimate that there were 80 to 100 times more suicide attempts. This means that every month more than seven thousand children in Poland attempted suicide.

It is worth noting that there are already some activities taking place at national level to help protect children's mental health. According to the information provided on the National Health Fund website,<sup>293</sup>

<sup>291</sup> Fundacja Dajemy Dzieciom Siłę, [Dzieci same się nie obronią! REAGUJ na przemoc wobec dzieci! Nowa kampania naszej Fundacji i aktualne wyniki badań na temat stosowania kar fizycznych w Polsce](#), 3 November 2022.

<sup>292</sup> UNICEF, [Children's mental health is deteriorating in Europe, alarms UNICEF](#), 22 October 2021.

<sup>293</sup> Poland, [National Health Fund](#) (accessed 30.03.2023).

if there are worrying symptoms related to mental health problems, children and adolescents can benefit from community psychological and psychotherapeutic care centres (with the proviso that those under 18 years of age must have the consent of their legal guardian to receive services). They constitute the first reference level of the child and adolescent mental health system.

The following services are available as part of the assistance offered at the centres:

- diagnostic psychological counselling
- psychological counselling
- individual psychotherapy session
- family psychotherapy session
- group psychotherapy session
- psychosocial support session
- visit, home or community counselling

The work of the centres is primarily based on the provision of services in the community. For this reason, it is recommended to choose a centre as close as possible to the place of residence.<sup>294</sup>

The above action of creating contact points is to be welcomed, but it seems that, despite the availability of such services, it is necessary to ensure that schools are properly informed of the existence of such points.

In view of the above, it is to be hoped that the state authorities will continue to lead and take action to create a system of mental health protection for children and adolescents in Poland.

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<sup>294</sup> Poland, National Health Fund, [Protecting the mental health of children and young people](#) (accessed 30.03.2023).

## 7. Child participation and community engagement

### 7.1. Complaint procedures

| Question   | YES | NO | Comments  |
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| 7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles <sup>295</sup> in place, with an ability to hear, review and enforce individual complaints from children? | X   |    | Poland has the institution of <b>the Ombudsman for Children</b> . The Children's Rights Ombudsman is a constitutional body. The Ombudsman upholds the rights of the child as set out in the Constitution of the Republic of Poland, the Convention on the Rights of the Child and other laws, respecting the responsibilities, rights and duties of parents. The Ombudsman is appointed by the Sejm, with the consent of the Senate, at the request of the Speaker of the Sejm, the Speaker of the Senate, a group of at least 35 deputies or at least 15 senators. The Law on the Ombudsman for Children does not contain clear rules indicating how the Ombudsman for Children investigates children's complaints, the procedure is not described by the law at all. In an interview on 15 March 2023, the director of the Child Crime Team in the Office of the Children's Ombudsman indicated that any child in Poland can turn to the Children's Ombudsman for help. A child may provide information to the Children's Rights Ombudsman in all possible forms, i.e. by letter, e-mail, through a chat communicator or by calling the Children's Rights Ombudsman Helpline. In each case, the Child Ombudsman considers the information provided by the child and takes specific action to improve the child's situation. In the case of, for example, a suspected crime committed to the detriment of the child, the Children's Ombudsman requests the relevant law enforcement authorities to intervene; in the case of a threat to the welfare of the child, he or she informs the family court. The Children's Ombudsman also has an agreement with the Police Headquarters and in the case of a threat to a child's life, the Ombudsman immediately contacts the relevant police unit in order to provide immediate assistance to the child. |

<sup>295</sup> URL: [https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022].

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|  |          | <p>However, it should be pointed out again that Poland lacks clear procedures on how a child can file a complaint. It should be remembered that if such a child's complaint is received by the Ombudsman for Children, the Ombudsman for Children is obliged (as are other authorities in Poland) to report a suspicion that a crime has been committed to the detriment of the child (Article 304 of the Code of Criminal Procedure) or a suspicion that the child's welfare is at risk (Article 572 of the Code of Civil Procedure).</p> <p>In addition, it is problematic to enforce the possibility of accepting a report of a crime from a minor. It may happen, however, that the notice can be collected from the child itself without the need to call the parents. In Poland, there are no clear rules on how to proceed in this respect, there are no guidelines and there are no relevant legal regulations. Once proceedings have been initiated, correspondence will be addressed to the legal guardians, or it may happen that the child will be sent home and asked to come with the parents.</p>   |
| <p>7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?</p> | <p>X</p> | <p>If a child commits a criminal act or if a child displays demoralising behaviour, his or her case is referred to a specialised family court. The procedure to be followed in such cases is set out in the Act on the Support and Rehabilitation of Minors (prior to 1 September 2022, this was the Juvenile Justice Act). The purpose of the family court proceedings is to seek to educate and support the child and not to punish him or her.</p> <p>When it comes to other proceedings such as civil, family or criminal proceedings (victim), the child is not a party. He or she must be represented by a legal representative. On the other hand, there is provision for a hearing or interview, which is in line with international standards. In civil and family cases that involve a child, a hearing is provided for. The hearing is conducted by the court and is a conversation about the child's expectations and needs. In criminal proceedings, the child is interviewed and he/she indicates the circumstances of the offence. These hearing and interrogation activities are provided for in international standards. In principle, the hearing of the child complies with international standards, while the act of listening to the child is</p> |



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|  |  | <p>not regulated in sufficient detail by law and the practice of applying this institution varies, often also jeopardising the welfare of the child.</p> <p>There are no specialised courtrooms for children in Poland. When a child commits a criminal offence or behaves in a demoralising way, his/her case goes to a specialised family court, where there are normal courtrooms. Also, when a child is a defendant in criminal proceedings his or her case is conducted in a normal courtroom.</p> <p>An exception occurs in criminal proceedings when a child gives evidence. In this case, the child gives evidence in a so-called Child Friendly Hearing Room, which has cameras and is equipped and furnished in a pleasant and safe manner. Unfortunately, not every child in Poland can be heard in such room during criminal proceedings. This mode of questioning is provided for:</p> <p>A) Victims of minors if:</p> <ul style="list-style-type: none"> <li>- are victims of a crime involving violence or unlawful threats or a crime against freedom, family and guardianship or against sexual freedom</li> <li>- are under 15 years of age (Article 185a§1 of the Code of Criminal Procedure)</li> <li>- are at least 15 years of age when there is a well-founded fear that questioning under other conditions could have a negative impact on their mental state - Article 185a§4 of the Code of Criminal Procedure.</li> </ul> <p>B) Minor witnesses:</p> <ul style="list-style-type: none"> <li>- who have witnessed a crime involving violence or unlawful threats or a crime against the family and guardianship or against sexual freedom</li> <li>- are under 15 years of age.</li> </ul> <p>In the Child Friendly Hearing Room, testimony should also be given by children who have been victimised by another child and the case is handled by a specialised family court.</p> <p>It should be noted that in Poland not every judge, despite meeting the conditions, interrogates a</p> |
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|  |  | <p>child in the Child Friendly Hearing Room. The judges do not respect the law in this respect and many of the Friendly Hearing Rooms do not meet the standards set by the law as to what such hearing places should look like and the presidents and directors of the courts do not respect the law in this respect either. Research conducted by the Justice Institute (<a href="https://pwd.iws.gov.pl/wp-content/uploads/2019/10/M.Wielec-M.Horna-Cie%C5%9Blik-P.Mas%C5%82owska.pdf">https://pwd.iws.gov.pl/wp-content/uploads/2019/10/M.Wielec-M.Horna-Cie%C5%9Blik-P.Mas%C5%82owska.pdf</a>, pp. 91-93) shows that:</p> <ul style="list-style-type: none"> <li>-the bodies of criminal proceedings only incidentally (2 hearings - 1.2%) used the possibility of conducting a friendly interrogation of a minor over 15 years of age under Article 185a § 4 of the Code of Criminal Procedure. Thus, it can be concluded that Article 185a § 4 of the Code of Criminal Procedure is practically not used at all, and victims over 15 years of age are still not given proper attention and attentiveness;</li> <li>- the material collected in the case file made it possible to establish that 67.3% of protective hearings took place in the Friendly Interrogation Room, and during 13.2% of hearings minors did not give testimony in safe conditions;</li> <li>- there were many concerns about the way the Friendly Hearing Room was set up, which did not comply with the legal regulations, (e.g. a camera was inappropriately placed in the hearing room, the camera was positioned in such a way that the minor's face was not visible);</li> <li>- the interrogation rooms were not decorated in a friendly manner - inappropriate choice of furniture, colour of walls. The hearing rooms were cluttered, e.g. there were scattered toys, the shelves were messy;</li> <li>- the place of interrogation did not create a sense of security.</li> </ul> <p>It is also worth noting that the so-called Anti-Violence Law 2.0 introduced the obligation to draft instructions and explanations for children in a way that they could understand and in a graphic way for their contact with the criminal court.</p> |
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## 7.2. Feedback mechanisms

| Question   | YES | NO | Comments   |
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| <p>7.2.1. Are there government support fora such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups who have received child protection services?</p> | X   |    | <p>The following Councils are in place in Poland. All of them include representatives of children and young people:</p> <p>(1) <b>Youth Council</b> – a statutory youth self-government body, which represents the interests of young people vis-à-vis local self-government bodies, introduces young people to the mechanism of local self-government structures, acts for the integration and cooperation of youth communities. The Youth Council has a consultative, advisory and initiative function. The tasks of the Youth Council include, in particular: giving opinions on draft resolutions concerning youth, participating in the development of strategic documents of the municipality for the benefit of youth, monitoring the implementation of strategic documents of the municipality for the benefit of youth, undertaking activities for the benefit of youth (in particular in the field of civic education and on the principles defined by the municipal council), participating in activities related to the development and implementation of government strategic documents on youth policy. After changes in legal regulations of 23 June 2021, Youth Councils can be established at all three levels of local government (municipalities, counties and provinces).</p> <p>(2) <b>The Council for Dialogue with the Young Generation</b> – a consultative and advisory body of the Chairman of the Committee for Public Benefit. The Council was established by the Act on amending the Act on public benefit activity and volunteering of 19 July 2019. It is Poland's first ever body for civic dialogue between the young generation of Poles and the most important state institutions. The Council met for the first time on 7 October 2019. The main tasks of the Council include expressing opinions on draft legislation and government programmes in the field of the young generation and initiating and supporting activities to increase the level of civic participation of young people in Poland.</p> <p>In addition, individual Ministries have set up, for example:</p> |

- **the Youth Climate Council** – an advisory and consultative body under the Minister of Climate and Environment. The tasks of the Youth Climate Council include: expressing opinions on matters covered by the departments of government administration climate, energy and environment, in particular, presenting opinions on planned policy changes, strategies and legislative changes within the scope of the Minister's jurisdiction, including proposals for solutions;

- creating and promoting pro-environmental and pro-climate attitudes among young people;
- raising the level of knowledge among young people on matters covered by the departments of government administration climate, energy and environment.

The Council is made up of 30 young people representing different backgrounds, and the common goal of all Council Members is to actively work for climate protection. The Youth Climate Council is a platform for discussion, exchange of experiences, demands and ideas between young people from all over Poland.

- **the Youth Ecological Council** – a nationwide socio-educational initiative under the auspices of the Minister of the Environment, aiming to improve the state of the environment by promoting the idea of sustainable development and increasing the ecological awareness of society. The competencies of the Youth Ecological Council under the Minister of the Environment include expressing opinions on matters covered by governmental administration departments concerning the environment, and in particular presenting opinions on planned changes in policy, strategy and legislative changes within the scope of competence of the Minister of the Environment, including proposals for solutions.

- **the Youth Justice Council** - an advisory and consultative body attached to the Minister of Justice. The Council's scope of action includes, for example, supporting the activities of the Minister of Justice; expressing opinions and presenting proposals to the Minister of Justice; giving opinions on legal acts presented to it by the Minister of Justice; preparing analyses and reports participating in teams and commissions at the invitation of the Minister of Justice.

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|   |          | <p>- <b>Children and Youth Council</b> – a body acting under the Minister of Education and Science. The tasks of the Council include taking positions and expressing opinions, including making proposals on issues concerning children and young people in matters covered by the department of government administration of education and upbringing, in particular, presenting opinions on planned changes, including proposals for solutions.</p> <p>It is worth pointing out that the Government Plenipotentiary for Youth Policy was established in 2020.<sup>296</sup> His task is to initiate activity and cooperation with government administration bodies, bodies of local self-government units and non-governmental organisations in the area of activities affecting the increase of youth involvement in public life.</p> <p>In December 2022, the Parliament established that 19 September each year will be the Day of Youth Councils and Assemblies at Local Government Units.</p> |
| <p>7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?</p> | <p>X</p> | <p>Youth Councils are an optional body of local government. They are therefore not necessarily mandatory throughout the country. In June 2022, the Government Plenipotentiary for Youth Policy indicated that 533 youth councils are already operating in municipalities and 71 in counties and youth councils have been established or are about to start operating in every province.<sup>297</sup> The following difficulties in the functioning of youth councils are indicated:</p> <ul style="list-style-type: none"> <li>- no budget given to the council for its own initiative activities;</li> <li>- approval for the creation of a youth council must be given by the local authority and thus the authority may not approve the operation of youth counterparts.</li> </ul>  |

<sup>296</sup> Poland, The Government, Government Plenipotentiary for Youth Policy ([Pełnomocnik Rządu do spraw polityki młodzieżowej](#)) (accessed 30.03.2023).

<sup>297</sup> Maria Dec-Kiełb, [Przepisy pomogły młodzieżowym radom, ale potrzeba wsparcia merytorycznego](#), Prawo.pl, 1 June 2022.

### 7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In recent years, Poland has seen an increase in programmes and activities aimed at the social involvement of children and young people, including strengthening their leadership skills. Promising practices include:

- **The Children and Youth Sejm**<sup>298</sup> – an educational project that has been operating in Poland since 1 June 1994. Children sit on the benches of the Sejm as Members of Parliament. The aim of the project is to shape civic attitudes and spread knowledge among young people about the principles of the functioning of the Polish Sejm and parliamentary democracy, and for several years now also to activate young people to act for the benefit of their local communities.

- **Young Poland. Academy of New Leadership**<sup>299</sup> – an educational project implemented by the School of Leaders Foundation of the Polish-American Freedom Foundation. Young Poland is a nationwide programme established for young people who have distinguished themselves in social activities and emerged in protest movements and youth activism. The main goal of the programme is to increase leadership competences among young activists and their ability to deal with polarisation in order to increase their resilience (to hejt, burnout, abuse), the effectiveness and sustainability of their engagement and prepare them to conduct dialogue in divided communities.

- **Warsaw Academy of Young Leaders**<sup>300</sup> – is an educational project implemented by the School of Leaders Foundation of the Polish-American Freedom Foundation. The project aims to develop the leadership and social competencies of young Warsaw residents active in student and student self-governments, youth councils and informal groups, in order to strengthen their further social and civic activity.

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<sup>298</sup> Poland, Sejm, [SDiM \(Sejm Dzieci i Młodzieży\)](#) (accessed 30.03.2023).

<sup>299</sup> The School for Leaders Foundation (*Fundacja Szkoła Liderów*), [Młoda Polska. Akademia nowego przywództwa](#) (accessed 30.03.2023).

<sup>300</sup> The School for Leaders Foundation (*Fundacja Szkoła Liderów*), [Warszawska Akademia Młodych Liderów](#) (accessed 30.03.2023).