

Information by the Republic of Poland on the implementation of commitments specified in the UN General Assembly resolution (A/RES/74/124) from 2019 entitled “Follow-up to the twentieth anniversary of the International Year of the Family and beyond”

1. Family-oriented policies and programmes

Adopted in 2016, the Family 500+ Programme supports procreation and encourages decisions to have a bigger family by reducing the financial burden connected with raising children. Another important objective of the programme is investing in human capital: children are better educated, better nourished and receive better care thanks to money transfers. Until 30 June 2019, second and consecutive children under the age of eighteen were entitled to a childcare benefit (PLN 500 per month) irrespective of the income. The right to the benefit for the first child was subject to the income criterion per person in family (PLN 800 or PLN 1,200 for a disabled child). As of 1 July 2019, the benefit is granted for each child until the age of eighteen, irrespective of the income.

The Good Start Programme, launched in 2018, consists in an annual benefit granted at the beginning of the school year (PLN 300), which helps families cover school expenses. In 2018, 4.4 million children received the benefit.

Childcare facilities for small children are expanded under the Act of 4 February 2011 on Care for Children under the Age of Three and the programme “Maluch+” (“Toddler+”). The number of places in nurseries, kids clubs and day carers has grown from 32,000 to 145,900 between 2011 and 2018. The percentage of children under the age of three in the day care system has increased from 4.4 percent to 19.8 percent.

As of 2013, parents can take one year of a paid parental leave.

In 2016, the parental benefit in the amount of PLN 1,000 was introduced for parents who are not entitled to maternity benefit.

Other family-friendly solutions include a systematic increase of the minimum salary and minimum hourly wage, and Sunday trading ban introduced in 2018, which allows families to spend leisure time together.

One of the government’s priorities is to support and integrate disabled children. Apart from solutions adopted in recent years in medical care, education, accessibility and mobility, a “Pro Life” comprehensive support programme for families was introduced in 2017. It seeks to fully integrate disabled persons, including children, and to support their families.

The Polish educational system assures the implementation of the right to education and the right to education and care in line with the Act of 7 September 1991 on the Educational System and the Act of 14 December 2016 – Educational Law which provide for detailed solutions. Disabled children, as well as children at risk of maladjustment and social maladjustment, are guaranteed access to education in all types of schools. Since the 2017/2018 school year, schools have been carrying out educational and prevention programmes addressed to students, teachers and parents which are prepared based on an assessment of needs and issues at a given school.

Funds for family policy

An annual report on family policy spending has been published since 2013. For the purposes of the report, family policy instruments are considered as addressed to children, families with children or parents, as well as actions tailored to various groups, which can include

families with children, parents and children. Spending on families with children was estimated at PLN 80.2 billion in 2016 (an increase of 34 percent compared to 2015) and PLN 88.5 billion in 2017.

State budget expenditure on children and families with children (in PLN million):

	2015	2016	2017
Primary, secondary and higher education, care, pre-school education, support for talented children, material assistance for school children and students	16,733.1	17,424.9	19,186.8
Early childhood care	11,656.5	12,804.0	13,453.0
Transport	6,775.0	6,848.6	6,992.2
Tax credits	6,926.7	7,431.6	7,391.1
Material support	4,601.1	22,299.9	28,119.3
Disability	3,051.0	3,184.1	3,393.4
Other: maternity allowance, child care allowance, support for families having parenting difficulties, foster care, prevention of violence, rehabilitation, Food Fund, survivor's pensions, holidays for children, telework subsidies, activation benefit	10,233.7	10,243.2	10,074.1
Total	59,977.2	80,236.3	88,609.9

Fight against child poverty

Pursuant to the Act of 28 November 2003 on Family Benefits, the amounts of family benefits and income criteria for allocations are verified every three years – the last verification took place in 2018. The amendment to the Act of May 2015 introduced a “zloty for zloty” mechanism – in the case of exceeded income threshold, a family receives the allocation reduced by the amount exceeding the income threshold.

The Act of 5 December 2014 on the Large Family Card supports the budgets of large families and promotes a large family model. The card offers discounts for rail transport, passport fees and enables free entrance to national parks. The card partners award discounts in various sectors (food, fuel, medical care). The card is available to families with at least three children up to the age of 18, up to the age of 25 if they study at school or university, or without age limit in the case of a child with moderate or serious disability.

Families with children can apply for social assistance benefits in cash (periodic or special-purpose allowances) or in-kind aid.

Implementation of the programme to provide financial support to communes in the area of nutrition “State Nutrition Assistance” concluded on 31 December 2013. The “State Nutrition Assistance” programme for 2014-2020 was carried out until the end of 2018. It aimed to reduce malnutrition among children from low-income families or from families in financial hardship, specifically in areas with high level of unemployment and in rural areas. The assistance was provided to school children up to the entry to primary school, to students until the end of secondary school, to persons and families in situations specified in the Social Assistance Act. The programme offered assistance in the form of a meal, a specific allowance to buy a meal, food or food products.

Under the new programme “Meal at school and at home” for 2019-2023, assistance is provided, among others, to children from families experiencing financial hardship; communes receive support to provide in-kind assistance (meals, food products) or an allowance to buy a meal or food products. An important part of the programme consists in providing school children with a hot meal at school. The programme also supports the purchase of equipment for school cafeterias or the adaptation of dining spaces.

2. Investments in parenting education

Elimination of corporal punishment, promotion of non-violent forms of child-rearing

The Constitution explicitly prohibits corporal punishment. The Family and Guardianship Code includes a provision explicitly prohibiting corporal punishment which applies to parents and other persons having guardianship or care of a minor.

Under the National Programme to Counteract Domestic Violence for 2014-2020, local authorities run projects to promote upbringing methods addressed to families at risk of domestic violence. Persons providing advisory services for families and individuals at risk, for instance pregnant girls, carry out actions to upskill parents in childcare and upbringing.

Media campaigns promote non-violent child-rearing methods and provide information on solutions to protect and help violence victims, interventions against violent individuals and the prohibition of corporal punishment.

In 2015, the Government Plenipotentiary for Equal Treatment co-organised a campaign titled “I love. I don’t beat” (TV and radio spots, internet portal).

3. Preventing all forms of violence against children

Protection against violence, support for child victims of violence

Prevention and fight against domestic violence is based on the Act of 29 July 2005 on Counteracting Domestic Violence and the National Programme to Counteract Domestic Violence for 2014-2020. Article 12 of the Act prioritizes protection of children from harm by imposing an obligation on persons who, while exercising their professional duty, came to suspect that an offence of domestic violence, prosecuted *ex officio*, had been committed. Such persons have a duty to inform the Police or the prosecutor’s office of their suspicion without delay. Witnesses of domestic violence should report it to the Police, the prosecutor or any other entity responsible for preventing domestic violence.

Solutions to help victims of domestic violence, including children:

- psychological, medical, legal and social advice, emergency intervention and support;
- safe shelter in a support centre specialising in helping victims of domestic violence;
- prohibiting the perpetrator of domestic violence from communicating with the victim and an order to leave the premises, even if the perpetrator is the owner of the residence;
- possibility to obtain a medical certificate free of charge specifying the causes and type of bodily injury inflicted as a result of abuse;
- “Blue Card” procedure.

In the case of a direct threat to life and health of a child as a result of domestic violence, the child can be separated from the family. It is placed under the care of the closest relative who does not live under the same address, in a foster family or in a care and educational facility. The guardianship court is informed about this measure without delay (not longer than within 24 hours). The parents have the right to file a complaint against the removal of the child, which the court examines within 24 hours.

The National Programme to Counteract Domestic Violence provides for the following:

- implementation of prevention programmes to fight violence, protect and educate, including schemes addressed to children, correctional and educational initiatives, both inside and outside of penitentiary facilities, as well as psychological and therapy programmes, at the level of communes, counties and provinces;
- expansion of the network of institutions providing support and assistance to victims of domestic violence;
- increased mobilisation of services, central and local authorities, closer cooperation with NGOs;
- education provided to staff of institutions tasked with fighting domestic violence,
- campaigns to change the perception of domestic violence, raise awareness in terms of reacting to domestic violence and preventing it.

Interventions to help child victims of violence are carried out according to the “Blue Card” procedure. The procedure includes a questionnaire which allows to identify cases where there is a high risk to life or health and facilitates the decision to detain the perpetrator of domestic violence. The questionnaire is also used as a follow-up tool in cases of domestic violence.

The Police uses a “Practical guidelines for police officers – assessment of risks related to individual cases of domestic violence” which set out the course of intervention in the case of domestic abuse. Their goal is to make interventions against perpetrators of violence more efficient and reduce to a minimum the threat to victims’ health or life, help identify cases posing high risk to health or life and provide a form of assistance tailored to specific situations. The questionnaire is also used in situations where the victim of violence is a child.

The Władysław Stasiak Programme to Reduce Crime and Antisocial Behaviour: Safer together for 2018-2020 follows up on the programme for 2007-2017. The programme activities aim to:

- prevent crime among minors (burglary, theft, assault and battery, property damage, etc.),
- organise activities to promote safety involving local communities, local administration units, services set up to ensure safety and public order, as well as other institutions,
- improve child and youth safety,
- reduce pathologies and antisocial behaviour.

Access of child victims of violence to secure, confidential and friendly mechanisms to report abuse

The Blue Card procedure is used to report cases of domestic violence. When a victim, a witness, or a competent entity report violence, a Blue Card-A form is filled.

The examination of violence victims has to take place in conditions which guarantee safety, freedom of expression and respect of dignity. When a child is involved, the measures are carried out, where possible, in the presence of a psychologist.

The form has to be submitted to an interdisciplinary team for preventing domestic violence with a view to carrying out support activities. The team members are forbidden from disclosing the information or data they have acquired.

Protection against sexual abuse and exploitation of children on the internet

The Criminal Code penalises acts consisting in making an offer, with the intention to carry it through, to a minor under the age of 15 by means of an information system or a telecommunications network of a sexual intercourse, submission to or performance of another sexual act, or participation in the production or preservation of a pornographic material.

The Police carries out activities to fight against manipulation, violence and sexual extortion targeting children and the procurement and use of photographs, films and other content of sexual nature. To this end, the Police works with enforcement agencies from other countries. The Police joined a pan-European campaign launched in June 2017 to counter online activities consisting in manipulation, blackmail, violence and sexual coercion of children.

The education system strives to raise awareness among children on how to use digital information sources safely, search for and analyse information, and meet and keep in touch in a respectful manner with other internet users.

Schools and facilities offering children internet access are obliged to implement measures preventing access to content putting at risk children's proper development, in particular by installing security software. The Ministry of National Education cooperates with the Ministry of Digital Affairs to provide schools with free-of-charge access to safe internet.

Adopted in 2017, the document "Safe school. Risks and recommended preventive measures to ensure physical and digital safety of students" addressed to school headmasters, teachers and parents, contains recommendations on how to respond to threats to students' cybersecurity.

The Centre for Education Development (ORE) organises training sessions, conferences and seminars devoted to educational and preventive activities. On its website, the centre makes available publications on risks connected with the use of new communication technologies by students.

Projects implemented under the operational programme Digital Poland set out standards of teachers' digital competencies.

Supporting child victims of sexual abuse and exploitation

The Act on Counteracting Domestic Violence and the National Programme to Counteract Domestic Violence for 2014-2020 specify activities aimed at protecting children.

Schools are required to provide students with psychological and pedagogical support should such need be identified by a school youth counsellor/speech therapist or a specialist employed at a psychological and pedagogical counselling centre.

Psychological and pedagogical counselling centres offer help to children in the form of individual and group therapy, family therapy, support groups and crisis intervention.

The Centre for Education Development published a training scenario “When a child reveals sexual abuse to an educator – assessment and conduct” to train school professionals and staff of psychological and pedagogical counselling centres.

The following legislative changes have been introduced:

a) Act of 16 October 2019 amending the Act – Criminal Code and the Act – Civil Procedure Code. It criminalized illegal adoptions or adoptions circumventing the law (Article 211a § 2 and 3 of the Criminal Code). The goal of this measure is to scale down this phenomenon or greatly reduce the number of such cases.

b) Act of 19 July 2019 amending the Act – Code of Criminal Procedure and some other acts. It introduced changes in the procedure of examination of injured persons and witnesses (Articles 185a – 185d of the Code of Criminal Procedure):

i) a time limit was set to carry out an examination under this procedure (the examination should be carried out without delay, not later than within 14 days after the receipt of the request to conduct the examination).

ii) the rules of examination of an injured person who turned 15 years old at the moment of the interrogation changed in the cases of crimes referred to in Articles 197-199 of the Criminal Code (rape, forcing into sexual intercourse, forcing into submitting to another sexual act or performing such act): an injured person is examined as a witness in the presence of an expert psychologist only if his or her testimony can be of great importance for the ruling on the case and only once, unless important circumstances come to light that need to be clarified in another examination.

The Ministry of Justice has drafted:

a) A bill to amend the Act – Civil Procedure Code and some other acts. The aim of this bill is to introduce in the legal order solutions allowing for a quick isolation of a person who has experienced violence, including a child, from the perpetrator of violence in situations when the person poses a threat to the life and health of household members. The bill is now being legislated on by the Sejm (lower chamber of the Parliament).

b) The Act of 13 June 2019 to amend the Act – Criminal Code and some other acts. The aim of this act is to strengthen criminal law protection in respect of acts that pose a risk to human life and health, sexual liberty or property (the Polish President referred it to the Constitutional Tribunal under the preventive control procedure: the act has not yet entered into force).

Among other provisions, the act:

a) tightens sanctions for crimes such as raping a minor under the age of 15 (Article 197 § 3a of the Criminal Code – penalty of imprisonment from 5 to 30 years); sexual intercourse with a minor under the age of 15 (Article 200 § 1 of the Criminal Code – penalty of imprisonment from 2 to 15 years),

b) introduces new qualified types of crimes, such as raping a minor under the age of 15 if the act was committed to the detriment of the minor who at the time of the act was dependent

on the perpetrator, specifically was in his or her custody, or if the act was committed taking advantage of the minor's critical situation (Article 197 § 3b of the Criminal Code – penalty of imprisonment from 8 to 30 years); sexual abuse of a minor under the age of 7 (Article 200 § 2 and § 4 of the Criminal Code – penalty of imprisonment from 3 to 20 years; another sexual act – penalty of imprisonment from 2 to 15 years);

c) eliminates the statute of limitation for crimes against sexual liberty and decency committed to the detriment of a minor or if pornographic content includes participation of a minor (Article 105 Section 3 of the Criminal Code);

d) introduces a rule whereby unlawful acts against life and health that were committed to the detriment of a minor and are liable to a penalty of up to more than 5 years of imprisonment cannot cease to be punishable prior to the minor turning 40 years old (at present it is 30 years old; Article 101 § 4 of the Criminal Code).

Justice Fund

a) The Justice Fund finances a network of aid for persons who were victims of crime. The centres, run by non-governmental organisations, provide comprehensive assistance with no time limits. Its aim is to alleviate the consequences of crime and enable a quick return to normal life. A considerable number of beneficiaries are women and children, including victims of domestic violence.

The centres provide material assistance in the form of temporary shelter, funds for medical drugs and rehabilitation, food vouchers, cleaning products and clothes, education support and help in taking a job. They provide legal assistance by helping analyse documentation and request court intervention, and by offering mediation services. The centres can also offer access to a psychologist, psychiatrist and therapist.

b) An infoline - Helpline for Injured Persons, financed by the Justice Fund, was launched in 2019. It is a 24-hour confidential helpline for victims of crimes, including children. Phone calls are answered by a psychologist and a lawyer. It is possible to speak English, Russian and Ukrainian using an Internet communicator and e-mail.

4. Promoting non-violent forms of disciplining children

Article 96 of the Family and Guardianship Code prohibits persons having parental authority and exercising care or custody over a minor from using corporal punishment. If they violate this ban, a guardianship court can intervene. The court can restrict or strip them of their parental authority, limit the contact of parents with the child or prohibit such contact. The stripping or restriction of parental authority can also be followed by placing a child in foster care.

Help in the proper functioning of a family

Family support services make sure that the child is not separated from its family. In order to achieve it, they:

- work with the family, also in the presence of a family assistant,
- provide specialised consultations and advice, therapy and mediation,
- offer care and specialised facilities,
- provide legal assistance,
- organise meetings to share experiences and prevent isolation (support groups, self-help groups),

- offer day centres providing childcare and education, support families.

The reform of foster care system is underway, in line with the Act of 9 June 2011 on Family Support and Foster Care. It aims to base the system on family-type facilities. The act limits the role of institutions in caring for minors who were separated from their biological parents by reducing the number of children placed in institutional care and increasing the age of children who can be placed in institutional care system. The changes are introduced gradually. As of 1 January 2020, children placed in institutional care have to be at least ten years old; as of 1 January 2021, care centres will accept no more than 14 children (2018 – 30). The percentage of children placed in foster care went from 0.99 percent (2012) to 0.88 (2017), while the percentage of children in institutional care against all children placed in foster care dropped to 23.8 percent (2017) from 26.1 percent (2012).

Deinstitutionalisation of foster care is also achieved through:

- the development of family placement (foster families and family-type foster homes) and ensuring necessary organisational and financial conditions for their successful functioning,
- effective programmes promoting independence,
- services for families with children aimed at reducing the number of children in foster care and increasing the number of children returning to their families after placement in foster care.

In 2018, a set of indicators, graphs and algorithms was prepared to help measure the progress of the deinstitutionalisation of foster care in counties.

Activities financed by the European Social Fund: training and upskilling candidates for foster families, persons running family-type foster homes, directors of education and care centres, legal, family and psychological counselling, therapy and specialised support for children and foster parents, support groups, assistance of foster care coordinators.

Children in foster care or young people leaving foster care can benefit from integration services to help them acquire, reacquire or strengthen their social skills, resourcefulness, independence and social activity. Persons aged 16 or older can benefit from services to help them integrate in the work sphere (help in choosing a profession, gaining professional qualifications). They can also use training apartments which prepare them for autonomous life.

5. Providing legal identity including birth registration

The rules governing the civil registries in Poland are outlined in the Act of 28 November 2014 on civil status records. The civil status records are registered in a civil registry which is, since 1 March 2015 a part of the central information system.

All births and deaths on the territory of Poland are registered by the chief of the civil status records office relevant according to the location of the birth or death, regardless of whether the person concerned has/had Polish citizenship.

A card of birth (or a card of stillbirth) or a protocol of birth notification (including electronic notification) is the basis for the issuance of a birth certificate. Card of birth/stillbirth is transmitted to the chief of the relevant civil status records office, who is responsible for the issuance of the birth certificate.

The persons entitled to notify a birth are, as a rule: mother or father of a child having full or limited (in the case of parents between 16 and 18 years of age) capacity to perform acts in law and in specific cases also the mother's statutory representative or guardian.

In case the obligation to notify the birth of a child, depending on the cause, the act is issued by the chief of the civil status records office by operation of law or after the content of the act is established by court in a non-litigious proceeding upon a request of an interested person, attorney or chief of the civil status records office.

If a child was born outside of the Polish territory (depending on the circumstances and availability of documents proving the fact of birth), the birth may be registered in the Polish system by issuance of the Polish birth certificate in one of the exceptional procedures of registering civil status under the Polish regulations.

After the registration of birth, by operation of law, a unique PESEL number is assigned to the child. This number allows for an unequivocal recognition of identity.