

## POLAND

### CRC A/51/41 (1996)

#### Concluding observations

366. The Committee considered the initial report of Poland (CRC/C/8/Add.11 and HRI/CORE/1/Add.25) at its 192nd to 194th meetings (CRC/C/SR.192-194), on 16 and 17 January 1995 and adopted, at its 208th meeting, on 26 January 1995, the following concluding observations.

#### Introduction

367. The Committee expresses its appreciation to the State party for its report and for engaging, through a high-ranking delegation, in a constructive and frank dialogue with the Committee. The Committee welcomes the written information provided by the Government of Poland in reply to the questions set out in the list of issues that was communicated to it before the session.

#### Positive factors

368. The Committee welcomes the formal adoption of the report by the Council of Ministers.

369. The Committee further welcomes the intention expressed by the delegation to review the contents of the reservations and declarations made at the moment of the ratification of the Convention on the Rights of the Child with a view to considering their possible withdrawal.

370. The Committee is encouraged by the Government's willingness to identify and address the various problems impeding the implementation of the rights provided for in the Convention and to seek appropriate solutions, particularly in the area of child health care.

371. The Committee welcomes measures adopted by the Government to promote awareness of children's rights. It also welcomes the publication of the text of the Convention by the Polish Committee for UNICEF and the Committee for the Protection of Children's Rights, as well as the organization of several workshops and seminars. It is encouraged by steps taken with regard to the training of teachers in the rights and principles of the Convention as well as similar activities undertaken for the benefit of judges.

372. The Committee notes with appreciation the activities undertaken by the Commissioner for Civil Rights and the recent decision to re-establish the Office of the Government Plenipotentiary for Women and Family Affairs for the protection of human rights and fundamental freedoms, including children's rights.

373. The Committee appreciates that Poland, despite its present financial difficulties, is

participating in international cooperation activities, including in the area of education of students from developing countries.

374. The Committee recognizes the importance accorded by the State party, at a time of critical political and economic change in the country, to introducing positive changes for the benefit of children and to pursue policies that take into account the needs of children. In that connection, it particularly welcomes the assurances given by the delegation that the Committee's concluding observations will be brought to the attention of the Council of Ministers for appropriate action.

#### Factors and difficulties impeding the implementation of the Convention

375. The Committee notes the difficulties facing Poland in the present period of political transition and in a climate of social change and deep economic crisis. It notes that the situation of many children is affected by growing poverty and increasing unemployment.

376. The Committee also notes the difficulties that have been caused by prejudices, intolerance and other social attitudes in contradiction with the general principles of the Convention.

#### Principal subjects of concern

377. The Committee is worried about the impact on children of the difficult economic situation prevailing in the country. In this connection, the Committee is particularly concerned as to whether appropriate measures have been undertaken to protect children, particularly those belonging to the most vulnerable groups, from being the victims of economic reform, in the light of articles 3 and 4 of the Convention.

378. The Committee is concerned that traditional attitudes still prevailing in the country may not be conducive to the realization of the general principles of the Convention, including, in particular, article 2 (principle of non-discrimination), article 3 (principle of the best interest of the child) and article 12 (respect for the views of the child).

379. The Committee is concerned about the insufficient steps taken in the framework of legal reform to bring existing legislation into full conformity with the Convention, including in the light of the general principles of the Convention, as in the case of minimum age for marriage, family law and in the area of juvenile justice.

380. The Committee is concerned at the insufficient coordination between the various ministries, as well as between central authorities and regional and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

381. The Committee expresses its concern at the lack of a systematic monitoring mechanism in the field of the rights of the child as well as at the lack of a comprehensive system of data gathering on the situation of children, which results in an inability adequately to overcome the prevailing economic and social disparities in the implementation of the Convention.

382. The Committee regrets that a national strategy in the field of the rights of the child has not yet been adopted and that specific programmes aiming at protecting vulnerable children, including through the adoption of a national plan of action, with a view to ensuring that safety nets are in place to prevent a deterioration of their rights, have not yet been established.

383. The Committee is concerned at the insufficient awareness in various sectors of the population of the principles and provisions of the Convention. In this regard, it is also concerned that society is not sufficiently sensitive to the needs and situation of particularly vulnerable children such as children infected with HIV or AIDS and Roma children. The Committee is concerned about the lack of adequate training given to professional groups, in particular social workers, law enforcement officials and judicial personnel, on the principles and provisions of the Convention.

384. The Committee regrets that appropriate measures have not yet been taken to prevent effectively and combat corporal punishment and ill-treatment of children in schools or in institutions where children may be placed. The Committee is also preoccupied by the existence on a large scale of child abuse and violence within the family and the insufficient protection afforded by the existing legislation in that regard.

385. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty is a matter of concern to the Committee. In that regard, the Committee deplores the provisions relating to "juvenile demoralization", which do not appear to be compatible with the Convention.

386. The Committee notes with concern the growing use and involvement of children in criminal activities and the vulnerability of children to sexual abuse, drug abuse and alcoholism, as well as torture and ill-treatment.

#### Suggestions and recommendations

387. The Committee encourages the Government of Poland to consider the possibility of reviewing its reservations, as well as the declaration made in relation to the exercise of the rights defined in articles 12 to 16, with a view to withdrawing them.

388. The Committee recommends that the State party strengthen the coordination between the different governmental mechanisms involved in human rights and children's rights, at both the national and local levels, and ensure a closer cooperation with non-governmental organizations, with a view to developing a comprehensive policy on children and ensuring an effective evaluation of the implementation of the Convention in the country. In this regard, the Committee suggests that consideration be given to strengthening the powers and responsibilities currently held by the Commissioner for Civil Rights and the recently re-established Office of the Government Plenipotentiary for Women and Family Affairs.

389. The Committee further recommends that the State party undertake to gather all the necessary

information on the situation of children in the various areas covered by the Convention, including in relation to those children belonging to the most vulnerable groups. It also suggests that a multidisciplinary monitoring system be established to assess the progress achieved and the difficulties encountered in the realization of the rights recognized by the Convention at the central, regional and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State party to shape appropriate policies and to combat prevailing disparities and traditional prejudices.

390. The Committee encourages the Government of Poland to pay particular attention to the full implementation of article 4 of the Convention and to ensure a judicious distribution of the resources at the central, regional and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

391. The Committee further encourages the Government to give consideration to the adoption of a national plan of action in the field of the rights of the child and to develop specific programmes aiming at protecting children and at ensuring that safety nets are established to prevent a deterioration of their rights in the context of economic transition.

392. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in the light of article 42 of the Convention.

393. Further measures should also be taken to prevent a rise in discriminatory attitudes or prejudices towards vulnerable children, particularly Roma children and children infected with HIV/AIDS, in the light of article 2 of the Convention.

394. The Committee recommends that periodic training programmes on the rights of the child be organized for professional groups working with or for children, including teachers, law enforcement officials and judges, and that human rights and children's rights be included in their training curricula.

395. The Committee suggests that the State party pursue its legal reform with a view to ensuring the full conformity of its national legislation with the provisions of the Convention and to clearly reflecting its general principles, including on non-discrimination, best interests of the child and respect for the views of the child. In this regard, the Committee recommends that the 1968 Family Code be reviewed and that the safeguards currently in force in cases of intercountry adoption be improved. In this connection, the Committee encourages the Government of Poland to consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

396. The Committee further suggests that the clear prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as the ban on corporal punishment in the family, be reflected in the national legislation. In this field, the Committee also suggests the development of procedures and mechanisms to monitor complaints of maltreatment and cruelty within or outside

the family. Moreover, special programmes should be set up to promote physical and psychological recovery and social reintegration of children victims of any form of neglect, abuse, exploitation, torture or ill-treatment in an environment which fosters the health, self-respect and dignity of the child.

397. The Committee recommends that, in the framework of its legal reform, the Government envisage addressing the situation of unaccompanied children and children having been refused refugee status and awaiting deportation in the light of the provisions and principles of the Convention. In this connection, the Committee encourages the State party to consider seeking technical assistance from UNHCR.

398. In the field of the administration of juvenile justice, the Committee suggests that a comprehensive reform be undertaken and that the Convention, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, be seen as a guide in this revision. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of liberty, as well as respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system, including under the pretext of public assistance. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice, in particular judges, law enforcement officials, correctional officers and social workers. The Committee recommends that technical assistance in this area be sought from the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch.

399. The Committee considers that greater efforts should be made to provide family education and to develop awareness of the role of the family in society and of the equal responsibilities of parents. Further steps should be taken to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities, in particular in the light of articles 18 and 27 of the Convention. It is further suggested that the problem of single parenthood be studied and that relevant programmes be established to meet the particular needs of single parents.

400. The Committee encourages the State party to address the situation of children in institutions, with a view to envisaging and making available possible alternatives to institutional care and to establishing effective monitoring mechanisms of the realization of the rights of the child placed in an institution.

401. The Committee encourages the State party to seek international technical assistance and advice from, among others, the Centre for Human Rights and UNICEF, in its efforts to implement the Convention and, in particular, to harmonize national legislation with the Convention, develop a coordinating and monitoring mechanism on children's rights and adopt a comprehensive social policy identifying the rights of the child as a clear priority.

402. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the report submitted by the Government be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records

and the concluding observations adopted thereon by the Committee.

## **CRC CRC/C/121 (2002)**

494. The Committee considered the second periodic report of Poland (CRC/C/70/Add.12), submitted on 2 December 1999, at its 827th and 828th meetings (see CRC/C/SR.827 and 828), held on 1 October 2002, and adopted, at its 833rd meeting (CRC/C/SR.833), held on 4 October 2002, the following concluding observations.

### **A. Introduction**

495. The Committee welcomes the submission of the State party's second periodic report, as well as the detailed written replies to its list of issues (CRC/C/Q/POL/2), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the cross-sectoral delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

### **B. Follow-up measures undertaken and progress achieved by the State party**

496. The Committee welcomes the State party's adoption of a new Constitution in 1997, which embodies many of the principles of the Convention on the Rights of the Child.

497. The Committee welcomes the State party's establishment in 2000 of the Office of the Ombudsman for Children responsible for monitoring children's rights throughout Poland, and the role of the Supreme Chamber of Control in assessing and evaluating the Government's policy with regard to children's rights and the implementation of the Convention.

498. The Committee welcomes the various legislative measures taken to further implement the Convention, notably the following:

(a) The Act of 24 July 1998 amending the Act on Social Welfare, which established local centres for family assistance;

(b) The Act of 7 January 2000 amending the Acts on Social Welfare and Pensions, which created a coherent system of family protection and childcare within the framework of social welfare based on the local centres for family assistance.

499. The Committee welcomes the State party's ratification of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, of 1993.

500. The Committee also notes the State party's creation of the Office of the Government Plenipotentiary for Family Matters and Equal Status of Men and Women (2001), which replaced the Office of the Plenipotentiary for Family Matters.

### **C. Factors and difficulties impeding the implementation of the Convention**

501. The Committee acknowledges that the State party continues to face economic difficulties and high unemployment rates as a result of the transition to a free market economy. This has led to regional disparities and increased poverty, thereby negatively affecting the welfare and living standards of vulnerable families with children.

#### D. Principal areas of concern and recommendations

##### 1. General measures of implementation

###### Reservations and declarations

502. The Committee welcomes the information given by the delegation that the process of considering the withdrawal of the State party's reservations to articles 7 and 38 of the Convention and the declarations on articles 12 to 16 and 24 was resumed in 2001.

503. In light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to continue and complete the process of withdrawing all of its reservations to and declarations on the Convention.

###### Legislation

504. The Committee, while taking note of the adoption of the new Constitution in 1997 and the subsequent amendments to domestic legislation, nevertheless remains concerned that all domestic laws still do not fully comply with the provisions and principles of the Convention.

505. The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention, in particular in the area of juvenile justice, unaccompanied asylum-seekers and sexual exploitation of children.

###### Coordination

506. The Committee notes the decision of the President of the Council of Ministers to make the Minister for National Education and Sport responsible for the coordination of policy on children and youth and the information given by the delegation that the State party is developing a national plan of action. Yet, the Committee remains concerned that the activities and programmes run by the various ministries and levels of government lack coordination.

507. The Committee recommends that the State party ensure that the Ministry for National Education and Sport is provided with adequate financial, human and material resources to effectively carry out its responsibilities in the coordination of policy, and that appropriate mechanisms for consultation and coordination are set up among the ministries and between all levels of government working with and for children.

### Independent monitoring

508. The Committee welcomes, as noted above, the establishment of the Office of the Ombudsman for Children and the role of the Supreme Chamber of Control. Nevertheless, it is concerned at the lack of sufficient resources for the Office of the Ombudsman for Children.

509. The Committee recommends that the State party:

(a) Strengthen the role of the Supreme Chamber of Control as an internal monitoring body for the evaluation of children's issues and establish a comprehensive system for monitoring and self-evaluation of the implementation of the Convention both at the national and local level;

(b) Provide the Ombudsman for Children with sufficient resources to enable him to fulfil his responsibilities;

(c) Collaborate with non-governmental and civil society organizations in monitoring children's rights and policies both at the national and local level.

### Allocation of resources

510. The Committee notes with concern that allocations for children from the central budget declined from 2000 to 2001 and are insufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children.

511. While recognizing the difficult economic conditions, the Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children "to the maximum extent of ... available resources". Noting the State party's efforts at administrative reform and the decentralization of service provision, the Committee recommends that the State party strengthen, to the maximum extent of available resources, the capacity of local governments in rural and urban areas equally to implement the economic, social and cultural rights of children.

### Data collection

512. The Committee welcomes the additional statistical data contained in the written replies to the list of issues (CRC/C/Q/POL/2) and the information that a programme called E-Poland will be initiated in order to improve the exchange of data between ministries and facilitate their comparison and analysis. However, the Committee remains concerned that very little data are specifically disaggregated by gender and that data and indicators are not available for all areas covered by the Convention.

513. The Committee recommends that the State party:

(a) Ensure that the current system of data collection and indicators are disaggregated by gender and,



where appropriate, by minority and ethnic group, and urban and rural area. The current system of data collection should be expanded, with the assistance of relevant ministries and authorities, to include all areas covered by the Convention, including all aspects of the juvenile justice system and assistance provided to child victims of sexual exploitation or abuse. The system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect or ill-treatment, children with disabilities, children belonging to ethnic groups, refugee and asylum-seeking children, children in conflict with the law, working children, children living in the streets, children involved in commercial sexual exploitation and trafficking, and children in rural and economically depressed areas;

(b) Use these data and indicators for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

### Cooperation with civil society

514. Despite the existence of a vibrant civil society, the Committee is concerned that non-governmental organizations are not fully involved in the Government's efforts to implement the Convention.

515. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party involve non-governmental organizations in a more systematic and coordinated manner throughout all stages of the implementation of the Convention, including policy formulation, at the national and local levels.

### Dissemination

516. While noting the initiatives of the State party and the many activities of the Ombudsman for Children to promote awareness of the principles and provisions of the Convention, the Committee is concerned that all groups of professionals working with and for children, as well as children, parents and the public at large, are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

517. The Committee recommends that the State party strengthen its awareness-raising efforts and encourages the State party to undertake systematic education and training in the principles and provisions of the Convention, in particular for parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists, social workers and religious leaders, as well as children and their parents.

## 2. Definition of the child

518. The Committee is concerned that there is no clear minimum age of criminal responsibility and that, in some cases, children as young as 10 years of age can be sentenced to educational measures.

519. The Committee recommends that, as the 1982 Law on Procedures in Cases Involving Juveniles considers juveniles to be between the ages of 13 and 17 years, the State party establish 13 years as the minimum age for criminal responsibility in all cases, below which children cannot be sentenced to either correctional or educational measures.

### 3. General principles

#### Non-discrimination

520. The Committee notes with concern that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, including children of the Roma and other ethnic minorities, children living in institutions, children with disabilities, children of poor families and children with HIV/AIDS. In particular, the Committee is concerned about their limited access to adequate health, education and other social services and about reports of racially motivated violence in which police have failed to protect the victims.

521. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

522. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

#### Respect for the views of the child

523. The Committee notes the State party's efforts to require administrative and judicial proceedings to take into account the views of the child, but is concerned that in practice this principle is not always implemented, particularly in proceedings involving unaccompanied children applying for refugee status, juvenile offenders and children placed in institutions, as well as in custody hearings.

524. The Committee recommends that the State party:

(a) Take effective measures, including legislation, to promote and facilitate respect for the views of children, by courts and all administrative bodies and the participation of children in all matters affecting them, in accordance with article 12 of the Convention;

(b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, the Roman Catholic Church and other religious groups, and

society at large, on children's right to have their views taken into account and to participate in matters affecting them.

#### 4. Civil rights and freedoms

##### Freedom of conscience and religion

525. The Committee is concerned that, despite regulations guaranteeing that parents can choose for their children to attend ethics classes instead of religion classes in public schools, in practice few schools offer ethics courses to allow for such a choice and students require parental consent to attend ethics courses.

526. The Committee recommends that the State party ensure that all public schools permit children, in practice, to choose freely whether to attend religion or ethics classes with parental direction provided in a manner consistent with the child's evolving capacities.

##### Ill-treatment and violence

527. The Committee notes the establishment of the "Blue Card" programme to address family violence, but is concerned that child abuse, and violence in the home and in schools, remain a problem in the State party and that there is no national system to receive and address complaints of child abuse and neglect. It is also concerned that victims of abuse and their families receive limited support for recovery and reintegration. Furthermore, the Committee is concerned that corporal punishment is widely practised in the home, in schools and other institutions, such as prisons, and in alternative care contexts.

528. The Committee recommends that the State party:

- (a) Establish a national system for receiving, monitoring and investigating complaints, and when necessary prosecuting cases, in a child-sensitive manner, and provide training for law enforcement officials, social workers and prosecutors in this regard;
- (b) Set up a comprehensive and nationwide response system designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance with recovery and reintegration, particularly in communities where the local administration does not have sufficient resources to set up a family crisis centre;
- (c) Establish a mechanism to collect data on the perpetrators and victims of abuse, disaggregated by gender and age, in order to properly assess the extent of the problem, and design policies and programmes to address it;
- (d) Expressly prohibit corporal punishment in the home, schools, and all other institutions;
- (e) Carry out public education campaigns about the negative consequences of ill-treatment of

children and promote positive, non-violent forms of discipline as an alternative to corporal punishment.

## 5. Family environment and alternative care

### Alternative care

529. The Committee is concerned at the large number of children in the State party living in institutions, a significant proportion of whom are “social” rather than natural orphans.

530. The Committee recommends that the State party:

- (a) Ensure periodic review of placement of children in institutions which takes into account the views and best interests of the child while aiming, whenever possible, at reintegrating them into their families, with appropriate counselling and support, or at finding other forms of care than institutionalization;
- (b) Expand the foster-care system by providing greater financial support to foster families and increasing the counselling and support mechanisms for foster families;
- (c) Upgrade the capacity and skills of social workers so that they are better able to intervene and assist children in their own environment;
- (d) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding their future placement, and that these children retain their right to social protection.

## 6. Basic health and welfare

531. While encouraged that health indicators of children are good and continuously improving, the Committee is nevertheless concerned at the increase in unhealthy behaviours and lifestyle trends, as well as at the low percentage of mothers continuing to breastfeed.

532. The Committee recommends that the State party:

- (a) Improve the effectiveness of health promotion and health education programme, in particular by promoting healthy lifestyles among children and young people;
- (b) Take steps to encourage and educate mothers on the benefits of exclusive breastfeeding of infants for the first six months and of continued breastfeeding for two years.

### Children with disabilities

533. The Committee is concerned that children with disabilities do not all have the opportunity to attend integrated schools and education programmes, and that in some cases children with

disabilities are institutionalized or do not attend school regularly owing to a lack of appropriate programmes close to their homes.

534. The Committee recommends that the State party:

(a) Develop a time-bound plan for reducing the number of children with disabilities living in institutions and integrating them into mainstream education and vocational training programmes, as well as social, cultural and leisure activities;

(b) Provide sufficient financial, human and organizational resources to *powiats* to ensure that they all offer integrated educational facilities that are accessible and appropriate to children with disabilities that will ensure their full participation in society.

### Adolescent health

535. The Committee is concerned that:

(a) The rate of teenage pregnancies is relatively high and that adolescents have limited access to reproductive health education or services;

(b) Smoking amongst adolescents is excessive;

(c) The abuse of alcohol, drugs and illicit substances is increasing among teenagers.

536. The Committee recommends that the State party institute health education and awareness programmes specifically for adolescents on sexual and reproductive health and the dangers of smoking and drug and alcohol abuse in schools, community clubs, family centres and other institutions working with children.

### 7. Education

537. The Committee notes the new initiatives to provide textbooks to children from poor families and provide all schools with computers, yet it remains concerned at the increasing disparities in access to education, the material condition of schools and the quality of education between rural and urban areas, particularly with regard to kindergartens and extracurricular programmes and activities.

538. The Committee recommends that the State party ensure that children in rural areas have equal opportunities for a quality education which provides them with the skills to enter the labour market or university-level education based on their merit, by:

(a) Seeking innovative means for promoting the cognitive, social and emotional development of children, through, inter alia, programmes that foster interaction between children and their peers and parental education programmes on the benefits of early childhood education, ensuring that there are sufficient and appropriate kindergarten facilities for all children in rural areas; orienting

the education system towards achieving the aims mentioned in article 29, paragraph 1, of the Convention and in the Committee's General Comment No. 1 on the aims of education; and introducing human rights, including children's rights, into the school curricula;

(b) Ensuring that rural areas and poorer communities are provided with additional funds to allow them to provide the same quality of education and level of extracurricular programmes as urban schools;

(c) Ensuring that students from poor families or those in rural areas have access to scholarships or other forms of financial support that allow them to attend general secondary schools in preparation for university.

## 8. Special protection measures

### Refugee children and unaccompanied minors seeking asylum

539. The Committee notes the State party's efforts to speed up the processing of refugee cases, but is concerned that the claims of unaccompanied minors are slowed down by cumbersome procedures for appointing a legal representative of such minors applying for refugee status, who is solely responsible for administrative matters and not obligated to act in the best interests of the child. Furthermore, the Committee is concerned that children waiting for their refugee claims to be processed do not have opportunities for education if they are housed in emergency blocks and that, in some cases, they are held together with juvenile offenders.

540. The Committee recommends that the State party:

(a) Amend current legislation on refugee processing so as to ensure that all unaccompanied minors are immediately appointed a legal guardian responsible for them who is obligated to act in their best interest to take their views into account;

(b) Ensure that asylum-seeking children temporarily placed in emergency blocks are not held together with juvenile offenders and only remain there for the shortest possible time, and not exceeding the legal maximum of three months;

(c) Ensure that all children awaiting processing of their refugee claims in emergency blocks, the refugee reception centre or other forms of care have full access to education.

### Sexual exploitation and trafficking

541. While noting the increased efforts of the State party to cooperate in regional programmes to prevent trafficking and repatriate victims, the Committee is nevertheless concerned that Poland continues to be a country of origin, destination and transit for children trafficked for sexual exploitation.

542. The Committee recommends that the State party:

(a) Proceed with its intention to ratify the Worst Forms of Child Labour Convention (No. 182) of the International Labour Organization (ILO) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and develop a national plan of action on commercial sexual exploitation of children, as agreed at the first and second World Congresses against Commercial Sexual Exploitation of Children, held in Stockholm in 1996 and Yokohama, Japan, in 2001, respectively;

(b) Ensure that all persons under 18 involved in prostitution and the production of pornographic materials are not criminalized and enjoy full protection;

(c) Train law enforcement officials, social workers and prosecutors in how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner;

(d) Ensure that all victims of trafficking and forced prostitution have access to appropriate recovery and reintegration programmes and services.

#### Juvenile justice

543. The Committee is concerned at the high number of juveniles spending extensive periods of time in emergency blocks either as a pre-trial detention measure or as punishment for their actions in the juvenile reform centres. In addition, the Committee is concerned that not all juvenile detention centres guarantee the child's right to maintain contact with his or her family or provide adequate living standards.

544. The Committee recommends that the State party:

(a) Ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in light of the Committee's day of general discussion on the administration of juvenile justice, held in 1995;

(b) Enforce the regulations allowing a maximum stay of three months in emergency blocks;

(c) Use deprivation of liberty only as a measure of last resort and protect the rights of children deprived of their liberty, including those pertaining to conditions of detention.

#### Children belonging to minority groups

545. The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination which has in some instances impeded Romani children's right to education, health and social welfare.

546. The Committee recommends that the State party:

(a) Initiate campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and in particular amongst authorities and professionals providing health, education and other social services;

(b) Develop and implement a plan aimed at integrating all Roma children into mainstream education and prohibiting their segregation into special classes, and which includes pre-school programmes for Romani children to learn the primary language of schooling in their communities;

(c) Develop curriculum resources for all schools which include Romani history and culture in order to promote understanding, tolerance and respect of Roma in Polish society.

9. Optional Protocols to the Convention on the Rights of the Child and amendment to article 43, paragraph 2, of the Convention

547. The Committee notes that the State party has not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

548. The Committee recommends that the State party ratify the two Optional Protocols to the Convention on the Rights of the Child.

10. Dissemination of documents

549. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

11. Next report

550. The Committee, aware of the delay in the State party's reporting, wishes to underline the importance of a reporting practice which is in full compliance with the rules set out in article 44 of the Convention. The Committee in charge of doing so should have the opportunity to regularly examine the progress made in the implementation of children's rights. In this regard, regular and timely reporting by States parties is crucial. In order to help the State party return to full compliance with its obligation under the Convention, the Committee invites the State party, by way of exception, to submit its fourth periodic report before the due date established under the Convention for that report, i.e. 7 July 2008. This report would combine the third and fourth periodic reports.