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Committee on the Rights of the Child**Concluding observations on the combined fifth and sixth
periodic reports of Poland*****I. Introduction**

1. The Committee considered the combined fifth and sixth periodic reports of Poland (CRC/C/POL/5-6) at its 2544th and 2545th meetings (see CRC/C/SR.2544 and 2545), held on 13 and 14 September 2021, online, and adopted the present concluding observations at its 2562nd meeting, held on 24 September 2021
2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee notes with appreciation the adoption of the following legislative, policy and administrative measures:
 - (a) The adoption of the Act of 23 March 2017 amending the Criminal Code, the Juvenile Criminal Justice Act and the Code of Criminal Procedure, which strengthened the protection for minors;
 - (b) The Act of 26 January 2018 on the Exercise of Certain Activities of the Central Authority for Family Matters in the Context of Legal Proceedings under European Union Law and International Agreements;
 - (c) The amendment in 2018 of the Act of 13 June 2003 on the Protection Granted to Foreigners in the Territory of Poland, which improved the situation of unaccompanied minors seeking international protection;
 - (d) The Student Health Care Act of 12 April 2019 ensuring equal access to health care at school, regardless of the student's place of residence or the type of school;
 - (e) The amendment of the Act of 6 November 2008 on Patient Rights and the Patient Rights Ombudsman, adopted on 16 May 2019, which provides that parents may stay free of charge in health-care facilities with their sick children;
 - (f) The amendment of the Criminal Code, which makes illegal or irregular child adoptions punishable offences (Act of 16 October 2019 amending the Act on the Criminal Code and the Act on the Code of Civil Procedure);

* Adopted by the Committee at its eighty-eight session (6-24 September 2021).



(g) The adoption of the Strategy for Persons with Disability 2021-2030.

4. The Committee also welcomes the development of the comprehensive family support programme and other measures for support and inclusion of children with disabilities and the progress made in reducing infant mortality.

III. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 18), freedom of thought, conscience and religion (para.24), freedom of child from all forms of violence (para. 26), sexual exploitation and abuse (para. 28), health and health services (para. 33) and the administration of child justice (para. 45).

A. General measures of implementation (arts. 4, 42 and 44 (6))

Reservations

6. **The Committee, in line with its previous recommendations (CRC/C/POL/CO/3-4 of 2015, para. 7) and in the light of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, encourages the State party to consider withdrawing its interpretative declaration regarding articles 12 to 16 and 24, paragraph 2 (f) of the Convention as well as to strengthen its awareness raising activities on the principles and rights enshrined in the Convention.**

Legislation

7. While noting legislative work undertaken by the State party in several areas of the Convention, the Committee recommends that the State party conduct a comprehensive review of all its legislation in line with the Convention, and ensure its full applicability.

Comprehensive policy and strategy

8. **The Committee, while noting the adoption of the State party's Strategy for Responsible Development in 2017, recommends that the State party:**

(a) **Develop a comprehensive policy and strategy on children that encompasses all areas covered by the Convention;**

(b) **Allocate specific and adequate budgets for the policy and strategy's implementation, monitoring and evaluation at all levels.**

Coordination

9. **While noting that the Ministry of Family and Social Policy oversees the activities related to the implementation of children's rights, the Committee recommends that the State party establish a clear mandate and sufficient authority, human, technical and financial resources in order for the Ministry of Family and Social Policy to coordinate all activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels.**

Allocation of resources

10. **The Committee welcomes the increased support for families with children. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee encourages the State party to:**

(a) Utilize a child-rights approach in the elaboration of its budget and implement a tracking system and indicators for the allocation and use of resources for children in individual ministries;

(b) Take measures to ensure transparent and participatory budgeting through public dialogue, especially by encouraging child participation and building the capacity of children and of the authorities involved.

Data collection

11. With reference to its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party develop a centralized and integrated data collection system, disaggregated by age, sex, disability, residence, ethnic and national origin, and socioeconomic and migration background, and harmonize methodologies and procedures for the collection of data on children.

Independent monitoring

12. The Committee recommends that the State party provide the Office of the Ombudsman with the necessary resources to ensure that it can effectively, independently and fully implement its mandate on the promotion, protection and monitoring of children's rights.

Cooperation with civil society

13. The Committee recommends that the State party involve civil society and organizations working for and with children in developing, implementing, monitoring and evaluating policies, plans and programmes concerning children's rights, and in preparing periodic reports to the Committee.

Dissemination, awareness-raising and training

14. While welcoming the training courses by the National School of the Judiciary and Public Prosecution on several children's rights issues, the Committee notes that the level of awareness of the Convention in the country is insufficient, particularly among children, their parents and professionals working with and/or for children. The Committee therefore recommends that the State party intensify its awareness-raising and systematic training efforts targeting those groups.

Children's rights and the business sector

15. With reference to its general comment No. 16 (2013) on the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights and require impact assessments of, consultations on and full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts.

B. Definition of the child (art. 1)

16. The Committee recommends that the State party amend its legislation to remove all exceptions that allow marriage under the age of 18 years.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

17. The Committee is concerned that:

(a) The legislation does not explicitly prohibit discrimination on all grounds, in all aspects of life and in all forms, including multiple forms of discrimination and the phenomenon of declaring LGBTIQ free/unwelcome territories, workplace or services;

(b) There is a reported increase in the number of incidents of bullying and discrimination based on ethnicity, religion and no religion, sexual orientation and gender identity and the insufficient response by the authorities to such incidents.

(c) Gender stereotypes concerning the roles and responsibilities of women and men in the family and in society persist.

18. The Committee reiterates its previous recommendation (CRC/C/POL/CO/3-4, para. 17), and recommends that the State party:

(a) **Amend the relevant legislation to ensure protection against all forms of direct, indirect, multiple and intersectional discrimination, including based on sexual orientation and gender identity, disability and gender; and ensure that such incidents are thoroughly investigated and that perpetrators are brought to justice;**

(b) **Systematically undertake awareness raising and education on the issues of discrimination, intolerance and hate speech against children belonging to ethnic, religious, linguistic and minority groups, refugee, asylum-seeking and migrant children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;**

(c) **Strengthen the measures to prevent and eliminate gender stereotypes, intolerance and discrimination among the general public and national and local authorities;**

(d) **Provide in its next periodic report an update of the work, relevant for children's rights, of the interministerial team referred to in paragraph 48 of the State party's report.**

Best interests of the child

19. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) **Integrate and consistently interpret and apply the right of the child to have their best interests taken as a primary consideration in all legislative, administrative and judicial proceedings and all decisions concerning children, including in custody disputes and children born to same sex parents, as well as in all policies, programmes and projects that are relevant to and have an impact on children;**

(b) **Develop procedures and criteria to provide systematic training and guidance for all relevant professionals to assess and determine the best interests of the child in every area, particularly regarding education, disability, alternative care, migration and asylum, and justice and to give this principle due weight as a primary consideration.**

Respect for the views of the child

20. While noting with concern the lack of clear rules of procedure for hearing a child, recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) **Ensure the adoption of regulations and their effective and consistent implementation of the right of the child to be heard in all relevant judicial and administrative processes concerning them, including in civil and criminal courts, migration and asylum-seeking processes, parental and alternative care;**

(b) **Reinforce measures to ensure that professionals working with and for children systematically receive appropriate training on hearing and taking into account children's views in all decisions affecting them.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration and nationality

21. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Strengthen the prevention of statelessness among children, including by extending protection to children born to undocumented stateless parents;
- (b) Consider ratifying the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

Right to identity

22. The Committee reiterates its previous recommendations ([CRC/C/POL/CO/3-4](#), para. 21) and urges the State party to address the causes of anonymous abandonment of children, strengthen family support measures and consider introducing, as a last resort, the possibility of confidential hospital births, in order to abolish baby boxes.

Freedom of thought, conscience and religion

23. The Committee is concerned about the role that the Catholic Church reportedly plays in public education. The Committee is also concerned that ethics classes are not available in all schools as an alternative to religion classes.

24. The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion in education, in accordance with international standards, which implies that the secular public school system promotes a culture of equality and inclusion, and ethics classes are available in all schools as an alternative to religion classes.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Freedom of the child from all forms of violence

25. The Committee welcomes the measures taken by the State party to combat domestic violence but remains concerned about:

- (a) The absence of comprehensive national strategy to prevent and protect children from all forms of violence, including bullying and digital violence, and to provide support to child victims;
- (b) The expiration of several programmes, such as the National Programme for Countering Domestic Violence 2014-2020 and the Wladyslaw Stasiak Programme for the Reduction of Crime and Antisocial Behaviour 2018-2020;
- (c) Persisting practice of corporal punishment, mostly at home, and domestic violence on children;
- (d) Absence of legal obligation for care and educational facilities to develop standards on safeguarding children against violence;
- (e) Absence of safe, confidential and child-friendly complaint mechanisms to report abuse in police emergency youth centres, youth shelters, schools or any other facility for children.

26. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and general comment No. 25 (2021) on children's rights in relation to the digital environment, as well as target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) **Formulate, with the involvement of children, a comprehensive strategy for preventing, combating and monitoring all forms of violence against children, including bullying and digital violence;**
- (b) **Consider extending the expired National Programme for Countering Domestic Violence 2014-2020 with the view of implementation of the Council of Europe Convention on violence against women and domestic violence;**
- (c) **Strengthen measures to eradicate corporal punishment, particularly at home, and domestic violence;**
- (d) **Legally oblige care and educational facilities to develop internal standards of safeguarding children against violence;**
- (e) **Encourage the reporting of all forms of violence against children and establish accessible, confidential, child-friendly and effective complaint and reporting mechanisms, including in police emergency youth centres, schools and care institutions;**
- (f) **Ensure that all cases of violence against children are investigated and prosecuted and that perpetrators are brought to justice;**
- (g) **Strengthen programmes and services for the prevention, recovery and social reintegration of child victims.**

Sexual exploitation and abuse

27. The Committee notes the adoption of the Act of 30 August 2019 on the State Commission to Investigate Cases of Acts contrary to Sexual Freedom and Decency Committed against Minors under 15 Years of Age, and the establishment of the independent commission to investigate cases of sexual abuse against children under the age of 15. The Committee remains concerned about the sexual abuse of children and limited information on the investigation, prosecution and sanction of cases of sexual abuse by clergy, as result of the Act of 30 August 2019.

28. **The Committee reiterates its previous concluding observations (CRC/C/POL/CO/3-4, para. 27) and urges the State party to:**

- (a) **Continue its efforts to ensure that all cases of sexual abuse of all children until the age of 18 are reported, investigated and prosecuted, including in the circle of trust such as the family and in the Catholic church;**
- (b) **Collect disaggregated data related to cases of sexual abuse against children, including involving the Catholic clergy, and provide in its next periodic report detailed information on reports of such abuse and associated investigations, prosecutions and convictions.**
- (c) **Ensure legal and budgetary basis for the child friendly and multidisciplinary support centres (Barnahus) with the aim of providing facilities for forensic interviews and appropriate therapeutic services for child victims of sexual abuse and enhance access to such services for children living in all regions;**
- (d) **Consider withdrawal of the names of children who have committed sexual offences from the Register of Sexual Offenders and ensure that they receive appropriate therapeutic support with the aim of addressing their developmental needs and sexual behavioural problems;**
- (e) **Ensure appropriate remedies and support to child victims of sexual abuse and that perpetrators are duly sanctioned and deterred from having contact with children in their professional capacity.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

29. The Committee recommends that the State party:

- (a) Strengthen the family court system, expedite the court procedures and adopt regulations on the enforcement procedure in family and guardianship cases;
- (b) Undertake research on children left behind by parents migrating for work;
- (c) Incentivize fathers to take full advantage of parental leave.

Children deprived of a family environment

30. Drawing its attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recalls its previous concluding observations (CRC/C/POL/CO/3-4, para. 33) and recommends that the State party:

- (a) Ensure that policies and practices are guided by the principle that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration;
- (b) Take all necessary measures to avoid out of home placement of all children, inter alia by granting adequate support to parents and families in vulnerable situations, and fully implementing the commitment in paragraph 143 of the State party's report (CRC/C/POL/5-6) not to place children under 10 years in institutions;
- (c) Expedite the deinstitutionalization of children with disabilities by providing them with safe alternative care in family settings and inclusive services in the community;
- (d) Extend and strengthen support for the family foster care system, including increase of salaries and of number of foster care families;
- (e) Ensure that local government does not refuse the placement of children originating from outside their local area in foster families from their local area.
- (f) Ensure periodic review of the placement of children in alternative care and monitor the quality of care, including by providing accessible channels for children to report violence and maltreatment, as well as investigate cases, hold the perpetrators accountable and provide children with adequate remedies;
- (g) Provide premises and opportunities for children in alternative care to maintain direct contact with their parents;
- (h) Develop detailed regulations on the principles and transparent procedures for adoption, including regarding adoption centres and international adoption.

G. Children with disabilities (art. 23)

31. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee reiterates its previous concluding observations (CRC/C/POL/3-4, paragraph 35) and urges the State party to adopt a human rights-based approach to disability, and:

- (a) Adopt a single definition of disability based on the Convention on the Rights of Persons with Disabilities and make use of the International Classification of Functioning, Disability and Health: Children and Youth Version;
- (b) Ensure accessibility, in line with the Strategy for Persons with Disabilities 2021-2030, and improve the quality of inclusive education;

(c) **Strengthen early identification of disability and age-appropriate rehabilitation interventions, improve information outreach for parents of children with disabilities and develop programmes to support children with disabilities in transition to adulthood to help them start an independent life;**

(d) **Increase access to community services for children with disabilities, particularly health and rehabilitation services, transport, leisure and sports, in order to promote their inclusion in society;**

(e) **Strengthen support for parents of children with disabilities to enable the children to grow up in a family environment, and develop family-based care solutions for children with disabilities deprived of a family environment;**

(f) **Organize the systematic and comprehensive collection of data on children with disabilities.**

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

32. The Committee welcomes the adoption of the Law of 2019 on pupil health care, a number of new dental offices that were set up in small towns, rural areas and schools as well as nutritional research and measures aimed at improving food standards at schools. The Committee however remains concerned about:

(a) The growing number of children with congenital disorders and conditions beginning in perinatal period;

(b) Increasing mortality rate among children due to cancer;

(c) The growing number of children in need of palliative care and insufficient financial support;

(d) The limited availability of and access to specialised outpatient health care and long waiting time for children in socially and economically disadvantaged situations, including children with disabilities and Roma children, particularly for neonatologist, paediatric and orthodontic treatment;

(e) The growing number of parents who refuse standard routine vaccination of their children;

(f) The emergence of hospital infections and of drug-resistant strains of bacteria and their impact on children's health;

(g) Insufficient monitoring and information on breastfeeding and lack of State financial support for the promotion of breastfeeding;

(h) Childhood obesity and poor diet lacking fruits and vegetables.

33. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and target 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Enhance the quality and coverage of maternal and child health services to ensure proper screening, detection and timely intervention for any complications targeting both the mother and child in addition to integrating proper counselling services for parents in the whole cycle of the pregnancy;**

(b) **Improve access to cancer treatment for children and adolescents, raise awareness among doctors, children and parents on the early signs of cancer, improve access to treatment and provide sufficient financial resources to make it affordable;**

(c) **Secure stable financial support for the provision of palliative care for children;**

(d) **Ensure the availability of and equitable access to quality specialized outpatient health care, particularly neonatology, paediatrics and orthodontic care, for**

all children in the country, including those in socially and economically disadvantaged situations, especially Roma children and children with disabilities;

(e) Adopt measures to increase the vaccination rate, including by conducting routine pro-vaccination campaigns, and ensure that health professionals and staff are trained to work with children and establish effective communication with their parents and family;

(f) Address the prevalence of hospital infections in children and the effect of drug-resistant strains of bacteria on children's health;

(g) Strengthen support, including financial support, to promote best practices of breastfeeding and monitor the implementation of the International Code of Marketing of Breast-milk Substitutes;

(h) Address the issue of child obesity, including by promoting healthy diet consisting of daily intake of fruits and vegetables and exercise.

Mental health

34. The Committee notes the increasing numbers of adolescents suffering from depression, anxiety and stress, often related to the school context, and increasing number of adolescents with suicidal tendencies who are admitted to psychiatric services as well as the insufficient number of child psychologist and psychiatrists. Recalling target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Conduct research into the root causes of suicide among children and based on the results of such research, develop a suicide prevention strategy, paying particular attention to children, that focuses on reducing stress, improving mental well-being, promoting healthy lifestyles and physical activity and strengthening social protection and community services, and that takes into account best practices implemented in other countries;

(b) Allocate adequate human, technical and financial resources to mental health services and programmes to ensure that the number of qualified medical professionals, including child and adolescent psychologists and psychiatrists, and available beds for inpatient care are sufficient to meet children's needs.

Adolescent health

35. The Committee notes the efforts of the State party to prevent substance abuse and the measures taken under the National Programme for Drug Prevention and the National Programme for the Prevention and Resolution of Alcoholism. Recalling its general comments No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence and targets 3.5 and 5.6 of the Sustainable Development Goals, the Committee reiterates its previous concluding observations (CRC/C/POL/3-4, paragraph 39) and urges the State party to:

(a) Expand the scope of the compulsory Family Life Education course so that adolescents have access to comprehensive, age-appropriate, scientifically-based and gender stereotypes free education on sexual and reproductive health and rights, including information on prevention of adolescent pregnancy, high-risk sexual behaviour and the issues of sexual orientation and gender identity, family planning, contraceptives, as well as the prevention and treatment of sexually transmitted infections;

(b) Ensure full access to sexual and reproductive health care services, tailored to address the needs of adolescent girls, children with disabilities, gay, lesbian, bisexual, transgender and intersex children;

(c) Ensure that a full range of modern contraceptives and related information and services, including emergency contraception, are readily accessible for adolescents;

(d) Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;

(e) Train health professionals to support children with disabilities, lesbian, gay, bisexual and transgender and intersex children;

(f) Strengthen its measures to prevent the use of tobacco, alcohol and drugs among adolescents and to provide rehabilitation services for those in need.

Impact of climate change on the rights of the child and environmental health

36. While noting the establishment of the Youth Climate Council and the Youth Ecological Council and recalling targets 3.9 and 13.5 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Adopt urgent mitigation measures in line with greenhouse gas emission targets and deadlines compliant with the international commitments set forth in the Paris Agreement;

(b) Phase out the funding of coal-fired power plants and accelerate the transition to renewable energy;

(c) Expedite the implementation of the National Air Protection Programme;

(d) Place the rights and participation of children at the centre of national and international climate change adaptation and mitigation strategies;

(e) Carry out an assessment of the impact of air pollution from coal-fired power plants and from transport on children's health as a basis for designing a well-resourced strategy to remedy the situation, and strictly regulate maximum air-pollutant emissions, including those produced by private businesses;

(f) Increase children's awareness and preparedness for climate change and natural disasters by incorporating the subject into the school curriculum and teachers' training programmes.

Standard of living

37. While noting the introduction of child care benefits and recalling target 1.3 of the Sustainable Development Goals, the Committee reiterates that the State party should ensure an adequate and sustainable standard of living for all children within its territory, particularly the ones in the most vulnerable situations. It also recommends that the State party:

(a) Apply the multidimensional child poverty approach to measure child poverty and to develop a national poverty reduction strategy and budget with a particular focus on children and families in situations of vulnerability;

(c) Strengthen support programmes for single-parent families with a single child, parents of children with disabilities and children without parental care;

(d) Develop and enforce a mechanism for recovering child maintenance, in accordance with article 27 (4) of the Convention.

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

38. Welcoming the activities under the 2014-2020 Programme for the Integration of the Roma Community in Poland, particularly equipping 98 per cent of Roma students with a school kit, doubling the day-care institutions for children up to 3 years of age and limiting preschool educational fees, the Committee recalls target 4.5 of the Sustainable Development Goals and recommends that the State party:

- (a) Inform, in its next periodic report, how the institutional changes to the education system have affected the size of the classes, distance to school and equality between students;
- (b) Ensure access to education in the context of COVID-19 pandemic, particularly by strengthening new methods of learning and by providing better IT infrastructure in schools and at homes;
- (c) Take measures to improve access to education for children living in rural areas, including their access to extracurricular activities;
- (d) Extend the Programme for the Integration of the Roma Community and strengthen measures for inclusion and retention of Roma children in education, Roma girls in particular, including by raising awareness of the importance of education and school registration requirements among the Roma community;
- (e) Ensure that all children with disabilities, including children with autism, Asperger and ADHD, have access to inclusive education, including by: (i) training and assigning the number of specialized teachers and assistants necessary to provide individual support to children with disabilities in order to keep them in inclusive education; (ii) providing assistive technologies and devices; (iii) developing individual education plans; and (iv) ensuring reasonable accommodation in school infrastructure, places for sport and leisure, school transportation and training;
- (f) Improve the quality of teachers' training;
- (g) Address homophobic behaviour from students and teachers towards lesbian, gay, bisexual and transgender students and teachers, in particular in the context of religion classes;
- (h) Expand the availability of preschools, particularly for children under the age of three, especially in rural areas, assist local authorities in the establishment of "other forms of preschool education", strengthen specialized training for preschool teachers and reduce the number of children in the group;
- (i) Increase funding and measures for the inclusion of Roma children in kindergarten with other children instead of funding kindergarten for Roma children.

Rest, leisure, recreation and cultural and artistic activities

39. Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party strengthen its efforts to guarantee the right of children, particularly children with disabilities, to rest and leisure and sufficient time to engage in play and recreational activities that are safe, accessible, inclusive, reachable by public transport, and age-appropriate. It also recommends that the State party address the excessive amount of homework that limits children's opportunity for rest, leisure, recreation and cultural and artistic activities.

J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking and refugee children and children in situations of migration

40. Recalling joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee reiterates its previous concluding observations (CRC/C/POL/CO/3-4, paragraph 45) and urges the State party to:

- (a) Uphold the best interests of the child for courts at all times as a primary consideration in all situations concerning children in the context of international

migration, including unaccompanied and separated children and to express this in their decisions;

(b) Ensure that asylum seeking children, refugee children and children in situations of migration and families with children are not placed in guarded detention centres;

(c) Ensure that children's views are duly taken into account in all decisions concerning them, including in the administrative procedures, and provide support to families with migration backgrounds to prevent family separation;

(d) Build the capacity of the authorities to determine and apply the best interests of the child in asylum and migration-related procedures;

(e) Ensure that child protection authorities are promptly informed and assigned to participate in procedures for the determination of the best interests of the child once an unaccompanied or separated child crosses an international border, in accordance with international law, including by training border officials on the rights of the child and child-sensitive procedures, such as those that prevent family separation, and to reunite families in the event of family separation;

(f) Ensure that all children in situations of migration, including undocumented and separated children, receive appropriate protection, are informed about their rights in a language they understand, have access to education and health care, including psychosocial support, and are provided with interpretation and free legal aid; and develop comprehensive referral, case management and guardianship frameworks for unaccompanied and separated children;

(g) Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Children belonging to minority groups

41. The Committee reiterates its previous concluding recommends ([CRC/C/POL/CO/3-4](#), paragraph 47) and recommends that the State party:

(a) Continue its efforts to remove barriers that hinder Roma children from accessing social services, social reintegration programmes and education;

(b) Strengthen the role and competencies of Roma assistants;

(c) Ensure the publication and distribution of textbooks and educational materials for the children of Ukrainian minority;

(d) Ensure that school certificates can be obtained in a minority language.

Children in street situations

42. With reference to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party ensure that all children in street situations receive adequate care and social support.

Sale, trafficking and abduction

43. The Committee welcomes the adoption of the National Plan of Action to Combat Trafficking in Persons for the period 2019–2021, which provides for measures including the implementation of a code of conduct to protect children against commercial sexual exploitation in tourism and the development of a support and protection programme for child victims of trafficking. Recalling target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Increase identification of child victims of sexual exploitation and trafficking, in particular children in vulnerable situations such as unaccompanied asylum-seeking, refugee or migrant children;

(b) Strengthen the training of professionals concerned with identifying and referring child victims of trafficking;

(c) **Provide child victims of trafficking with services specific to their needs, and ensure that all child victims are referred to appropriate services;**

(d) **Allocate adequate resources to the implementation of the above recommendations and provide financial support to civil society organizations working with child victims.**

Administration of child justice

44. The Committee is concerned about:

(a) The existence of a variety of minimum ages - at 13 and 15 - for children to enter the criminal justice system, which is in breach of article 40, paragraph 3 (a) of the Convention;

(b) The possibility to subject a child between 17 and 18 years to criminal proceedings in the same way as an adult;

(c) The fact that the child may enter the justice system for committing status offences, for which adults cannot be held criminally liable or for demoralisation;

(d) The fact that children under the minimum age of criminal responsibility may be deprived of liberty and the lack of clarity between the notion of deprivation of liberty and limitation of liberty;

(e) A number of children detained in juvenile shelters for extensive periods of time prior to and during correctional proceedings;

(f) Different special protective conditions for hearing of a child witness or victim under 15 years of age and a child witness or victim over 15 years of age.

45. **With reference to its general comment No. 24 (2019) on children's rights in the child justice system and recalling its previous recommendations (CRC/C/POL/CO/3-4, paragraphs 53 and 55), the Committee urges the State party to bring its child justice system fully into line with the Convention and to:**

(a) **Apply the minimum age of criminal responsibility at 15 years below which a child cannot be held responsible in criminal law proceedings and cannot be detained in a child detention center (youth education center);**

(b) **Increase the upper age limit of the child justice system to 18 years;**

(c) **Ensure removal of all status offences of the laws and strengthen the child-friendly and multidisciplinary responses to the first signs of behaviour that would, if the child were above the minimum age of criminal responsibility, be considered an offence;**

(d) **Strictly enforce the regulations that provide for a maximum stay of three months in juvenile shelters and provide legal safeguards for exceptional extensions of such detention with a clear limitation of the maximum period of such extension;**

(e) **Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, as a priority, the use of non-custodial sentences, such as probation or community service;**

(f) **Ensure that deprivation of liberty is used as a measure of last resort and for the shortest possible period of time and that it is regularly reviewed with a view to its withdrawal;**

(g) **Ensure that special protective conditions for hearing of a child witness or victim, such as the mandatory presence of a psychologist, a single hearing and a hearing in a specially prepared room, is guaranteed to all child victims and witnesses of crime, regardless of their age.**

K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention

Optional Protocol on the sale of children, child prostitution and child pornography

46. With reference to its 2019 Guidelines on the implementation of the Optional Protocol, and recalling its previous recommendations ([CRC/C/OPSC/POL/CO/1](#)), the Committee recommends that the State party:

- (a) Provide a definition of "child prostitution" and "sale of children" in the penal law and ensure that children between the ages of 15 and 18 are explicitly protected from sexual exploitation in pornography and prostitution;
- (b) Strengthen the provision of free legal aid and psychological, medical and social support for child victims of offences prohibited under the Optional Protocol;
- (c) Strengthen the systematic training on the provisions of the Optional Protocol for all professional groups working with children in order to improve victim identification and referral;
- (d) Provide adequate support and recovery services to child victims and ensure access to compensation and redress;
- (e) Include provisions for the liability of legal persons in the Penal Code and to ensure the legal accountability of business enterprises operating in or managed from the State party, especially in the tourism industry.

Optional Protocol on the involvement of children in armed conflict

47. Noting the State party's information on setting up a system for identifying members of vulnerable groups among persons applying for international protection, the Committee recalls its previous recommendations ([CRC/C/OPAC/POL/CO/1](#)) and recommends that the State party:

- (a) Take measures to provide children who are identified through such procedures with appropriate assistance for their physical and psychological recovery and social reintegration;
- (b) Ensure that all national military personnel involved in UN peacekeeping operations receive training in respect to children's rights, particularly in the context of armed conflict.

L. Ratification of the Optional Protocol on a communications procedure

48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights and the access to justice, ratify the Optional Protocol on a communications procedure.

M. Ratification of international human rights instruments

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

- (a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (b) The International Convention for the Protection of All Persons from Enforced Disappearance;
- (c) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(d) **Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

N. Cooperation with regional bodies

50. The Committee recommends that the State party cooperate with the Council of Europe and the European Union on the implementation of the Convention and other human rights instruments and the Children's rights Strategies of these bodies, both in the State party and in other Council of Europe member States.

IV. Implementation and reporting

A. Follow-up and dissemination

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, and the present concluding observations be made widely available in the languages of the country.

B. Next report

52. The Committee invites the State party to submit its combined seventh periodic report by 6 July 2026 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 ([CRC/C/58/Rev.3](#)) and should not exceed 21,200 words ([General Assembly resolution 68/268](#), para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

53. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I) and paragraph 16 of General Assembly resolution 68/268.
