

List of issues POLAND

The Simplified Reporting Procedure



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Introduction

This alternative report has been developed by a group of Polish non-governmental organisations. It provides information on Poland's non-compliance with certain provisions of the Convention on the Rights of the Child.

The report emphasises both lack of crucial elements necessary to conduct an effective policy for the benefit of children and the resulting negative consequences, among others, no co-ordination mechanism for the benefit of children, no implementation monitoring regarding the Convention on the Rights of the Child nor an efficient, consistent and comprehensive collection system of data relating to all areas of the child's rights.

The report does not address all issues related to non-compliance with the Convention on the Rights of the Child in Poland, focusing only on those which are the most vital from the point of view of the child's well-being and aligned with the activities of the organisations that are the authors of the report. UNICEF Poland took on the coordination of works on the report.

The following organisations have participated in the report preparation:

[Empowering Children Foundation](#)

[Comenius Foundation for Child Development](#)

[Dialog-Pheniben Foundation](#)

[Helsinki Foundation for Human Rights](#)

[Polish Foster Care Coalition](#)

[La Strada Foundation against Trafficking in Persons and Slavery](#)

[Polish Committee of EAPN](#)

[Association for Legal Intervention](#)

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General Measures of Implementation

Coordination of activities for the benefit of children

In 2014, the Ministry of Family, Labour and Social Policy took over activities related to the implementation of children's rights from the Ministry of National Education. However, no inter-ministerial team or any other coordinating mechanism has been appointed. No nationwide strategy nor plan of activities for the benefit of children has been developed. The Strategy for Responsible Development, which is the main strategic document, devotes relatively little space to children. Each ministry runs its own activities resulting from its internal planning. In combination with no monitoring of efforts for the benefit of children and the implementation of the Convention on the Rights of the Child, it raises serious concern.

Questions

- 1. How does the government plan to carry out coherent activities for the benefit of children, considering that no Strategy for Children has been developed, very little space has been devoted to children in the Strategy for Responsible Development, individual ministries perform their tasks and the Ministry of Family, Labour and Social Policy is only responsible for social and welfare issues and does not have any coordination function?**
- 2. Is the government planning to develop a Strategy for children with a monitoring system in the near future, if not why?**

Allocation of resources

In Poland, there is no system enabling identification of financial resources allocated for children by individual ministries (with the exception of targeted child-focused programmes), even though, following the example of other countries, it would be possible to draw up and review a dedicated children's budget. According to the government, there is no need to separate funds for children in the budget due to existence of the "family" budgeting section. The government wrongly assumes that funds allocated for the family are spent only on children. In addition, apart from the family section, there are funds earmarked for education, health, justice system etc. – and it is difficult to determine what means are allocated to children.

Consequently, no data are available that could be used to evaluate the levels of spending in relation to the achieved results, and how they change over time.

Question

- 1. Does the government assume the creation of a system enabling tracking and analysis of spending on children in individual ministries and government institutions. If not, how does it plan to estimate the total state expenditure for the youngest, assess the effectiveness of the spent funds as well as changes in their amount over time?**

Data collection and sharing

In Poland, statistics on children are collected by the Central Statistical Office as well as public institutions. Unfortunately, the Central Statistical Office publishes only selected data, while the remaining data must be obtained from individual ministries or entities relevant for a given subject area (e.g. Police, Healthcare Information System Centre, Educational Information System). At the same time, often the data on the same subject are collected according to different methodologies, which results in discrepancies preventing comparisons or causing interpretation problems (e.g. number of stillbirths, number of breastfed infants, international adoptions). Therefore, there is no integrated system for examining the situation of children, enabling a comprehensive analysis or a uniform methodological framework allowing for an objective evaluation of a given issue.

A particular problem in this area is significant insufficiency of data on children under the age of 5 (except for the education and healthcare systems). Simultaneously, the existing data are not analysed from the point of view of well-being of a child. For example, when describing the living conditions of children, we should verify not so much the level of income per family member, but how this income translates into the availability or unavailability of goods or services that children need.

Questions

- 1. Is the government planning to conduct comprehensive research on the conditions and quality of life of children? If so, when will these plans be implemented and what subject scope will be covered by the research?**
- 2. If not, why is the government not planning to take such actions and on the basis of which research/documents it analyzes the overall situation of children in Poland?**
- 3. How does the government monitor the situation of young children (under 5 years of age) and which criteria determine the needs of this group and the corresponding tasks?**
- 4. How does the government define the well-being of the infant and what indicators does it take into account while monitoring it?**
- 5. What priorities has the government set in terms of actions and services intended for young children? Which strategic documents include these priorities?**

Dissemination

No systematic education or training is conducted on the principles and provisions of the Convention on the Rights of the Child. Knowledge about the Convention on the Rights of the Child is incomplete, superficial, including among professional groups whose work is related to children, such as e.g.: teachers, care facility educators, social workers, doctors, police officers, as well as law-making groups, e.g. Members of Parliament.

Questions

- 1. How does the government analyse the level of knowledge about the child's rights among children and adults?**
- 2. What goals and forms of systematic education about the rights of the child among various social groups have been set for the near future?**
- 3. Why was the scope of education about the child's rights limited in the core curriculum?**

Children's participation in criminal procedures

Representation of minors in criminal proceedings

In Poland from September 30th, 2010, pursuant to the Supreme Court's decision [1], parents may not represent the rights of the child as the injured party, if the other parent is the defendant in the case. In such instances the child should be represented by a legal guardian appointed by the family court.

For 8 years, Poland has not introduced any systemic legal regulations concerning representation of children in criminal proceedings. Currently, the institution of the guardian ad litem is based exclusively on court decisions and fragmented, maladjusted legal regulations.

The lack of systemic solutions leads to many irregularities consisting in, among other things, appointing persons unprepared for representation of children, for whom there is a conflict of interest as well as doubts as to the reliability of their actions. Many irregularities are also demonstrated by law enforcement and judicial authorities, including through lengthy and belated stage of appointing guardians ad litem. Insufficient proper legal regulations prevent the so-called non-abusive parents from obtaining information about criminal proceedings concerning their children.

Legislative attempts in Poland are selective and focused exclusively on the regulations of the Family and Guardianship Code and the Code of Civil Procedure, which are not adapted to the specificity of criminal proceedings and safeguarding the rights of child victims of crimes. Issues regarding child representation in criminal proceedings, in accordance with the guidelines of the Constitutional Tribunal [2], should be regulated in the Code of Criminal Procedure.

Questions

- 1. Why is the issue of representation of the child victim not yet regulated in the Code of Criminal Procedure?**
- 2. Why, in the course of current legislative work, only three issues related to the institution of the guardian ad litem have been addressed, i.e. determining the group of persons who can perform this function, the manner of communication of guardians ad litem with the child's parents and the remuneration principles for such guardians, while no attention was given to the remaining issues identified by the Constitutional Tribunal as requiring regulation, i.e. the need to clarify the competences of persons who are to act as guardians ad litem by defining, for example, their experience of working with children or the need to complete specialized legal and psychological training, reducing irregularities in terms of the conduct manner of guardians ad litem and judicial authorities, the moment of appointing the guardian ad litem, the protracted process of appointment guardian ad litem by the court, the extent of independence of their actions, the manner of contact with the child, keeping secrecy or confidentiality associated with performance of the function?**

Interviewing child victims and witnesses of crimes above 15 years of age

Minor victims of crimes involving violence or unlawful threats, or crimes against liberty, family and care or against sexual freedom who, at the time of the interview, are above 15 years of age may take advantage of child-friendly conditions for the interview [3] only if there is a justified concern that an interview in other conditions could have an adverse effect on their mental state.

On the other hand, children – witnesses of crimes involving violence or unlawful threat, or a crime against family and care or sexual freedom, who are 15 years of age at the time of questioning are interviewed within the video-conference mode when there is a justified concern that the defendant's direct presence at the interview could have a constricting effect on the testimony of the witness or have a negative impact on their mental state.

The above legal regulations do not guarantee equal access to friendly interviewing conditions for children over 15 years of age [4]. The applicable law is only optional and thus the method of interrogating

minors is decided by the bodies conducting the criminal proceedings, which do not always seek to determine the child's mental state. It is necessary to introduce appropriate legal regulations imposing mandatory friendly hearing of children over 15 years of age.

Questions

1. **Is the government planning to extend friendly forms of interviewing by the group of children aged over 15?**

Preparing children for interviewing

In Poland there are no systemic solutions in the field of child-friendly informing of children about the activities involved in interviewing them. Children usually learn about their involvement in criminal procedures from their guardians, who receive formal and brief notification from the authorities conducting the criminal proceedings. Children should receive suited to their age, friendly, educational materials informing about the interview, including the place, participants, children's rights and duties. Such type of materials has been developed by the Empowering Children Foundation [5].

Questions

1. **Why are notifications about the child's interview excessively formal, instead of explaining the meaning of these activity in an accessible way?**
2. **Why does the government not use free materials about interviewing the child, prepared by NGOs?**

Participation of court-appointed experts in criminal and family proceedings

In Poland, the law on court-appointed experts has not yet been adopted, and therefore there are no comprehensive regulations regarding to the requirements towards expert psychologists providing opinions in cases involving minors or participating in interviewing them nor the method of verifying the qualifications of the above-mentioned experts in the course of appointing them and performing their duties.

The lists of court-appointed experts kept by Regional Courts do not identify experts specialising in cases involving children. As a result, any psychologist, even not a child psychology specialist, may be appointed as an ad hoc expert in a case involving a minor victim/witness.

The lack of experts' specialisation and methods of verifying their work poses a serious threat to well-being of children participating in legal procedures.

Questions

1. **Why are there no separate lists of court-appointed – child psychologists?**
2. **Why is the participation of a court-appointed expert specialising in child psychology in cases involving children not a standard?**
3. **Why is there no systematic training for court-appointed experts – child psychologists?**
4. **At what stage are the legislative works on the court-appointed expert bill and how do the planned legislative solutions relate to experts issuing opinions in proceedings involving children or participating in interviewing them?**

Competences of persons involved in interviewing children

Interviewing a child is a special kind of conversation. It requires the interviewer to adapt to the child's ability, respect their rights, as well as observe the judicial rules. It is the art of establishing contact with the child, asking the right questions, following the child's narrative and protecting them from secondary traumatising. Despite having knowledge on the peculiarity of this procedural act, in

Poland still too little attention is paid to competences of persons participating in interviewing the child.

No program has been developed in Poland as regards preparing representatives of the judiciary to interview children. Persons hearing testimonies do not have a legal obligation to complete specialist training, continuously improve their competences and their subsequent contact with children is not subject to any supervision. In addition, these persons too rarely use the “protocol of interviewing children” developed by the Empowering Children Foundation, under the patronage of the Ministry of Justice [6]. The protocol is based on the proven evidence-based NICHD protocol and the 10 step protocol.

Questions

- 1. What legislative changes is the government planning to introduce in order to implement the obligation of preparing representatives of the judiciary to interview children?**
- 2. What actions is the government planning to take in order to make persons interviewing the youngest apply the “protocol of interviewing children”?**

- [1] Resolution of the Supreme Court, ref. no. I KZP 10/10.
- [2] Judgment of the Constitutional Tribunal of 21st January 2014, ref. no. SK 5/12.
- [3] This interrogation is characterised, among other things, by a one-off testimony in premises adapted for such purpose.
- [4] Child victims and witnesses of the above mentioned crimes under 15 years of age are obligatorily interrogated in friendly conditions.
- [5] www.edukacja.fdds.pl
- [6] “The Methodology of interrogation of the minor witness” is available on the website www.edukacja.fdds.pl

Education

Integration of early care and education systems

Fully integrated early-childhood care and education services – commonly available and implemented by highly qualified, well-paid staff – play a leading role in reducing child poverty and developing social ties. They are characterised by no division into services for children up to the age of three and for children from the age of three to the compulsory school age.

In Poland, there is a separation between education (domain of the Ministry of National Education) and care (domain of the Ministry of Family, Labour and Social Policy). This division is mirrored at the local level, making it impossible for communes to combine financial resources and implement the welfare and education policy in the most effective way. With such limited resources for the care and education of young children as in Poland, the possibility of combining financial means is of key importance.

Questions

- 1. Is the government planning to undertake efforts to integrate early care and education systems? If so, what are the assumptions of such integration and what will be the cooperation between the Ministry of National Education and the Ministry of Family, Labour and Social Policy in this respect? If not, what are the reasons for the lack of such activities?**

Quality of work in care and education institutions

In 2011, a new Act on the care of children aged up to 3 years entered into force, which introduced the diversification of nursery forms and added – in addition to the obvious care functions – educational and upbringing functions. There are no regulations defining the substantive quality standards in terms of work with children. There is also no framework program in place for working with children, which would help caregivers in performance of educational tasks included in the Act. Such documents should be developed in cooperation with professionals, local governments and parents to guarantee the quality of early care and education. The standards and the work programme should include guidelines on, among other things, facilitating the adaptation/transition of infants from the family environment to the nursery, and then from the nursery to the kindergarten. Good adaptation to the new environment plays a crucial role in the educational success of children. It is also very important to ensure for parents the possibility of authentic cooperation with care and education facilities as well as guaranteeing the participation of children.

Questions

- 1. Which documents include quality standards of work with children, apart from the Act on caring for children under the age of 3? How is the government planning to support care and education facilities in performance of the substantive tasks? Is it planning to consider cooperation with local governments, experts, parents within this support?**

Access to early education

Educational inequalities in Poland begin with limited access to nursery care. In spite of the real and systematic increase in the number of nurseries nationwide, still these care forms are mainly available in cities. In addition, according to the Central Statistical Office data, in 2017, 76% of all childcare facilities for children up to 3 were private sector establishments. At the same time, it is not possible to meet the EU's postulate to reach by 2020 a 33% share of children under the age of 3 in nursery care. In 2017, 13.3% of children were included in such care in towns and only 2.0% in rural areas.

Changes in the education system introduced by the Act of 29th December 2015 restored the compulsory education for seven-year-old children and abolished the compulsory pre-school education for

five-year-old children. The above changes have deepened the problem of access to kindergartens: 6-year-olds have been “taking up” places for 3, 4 and 5-year-olds in kindergartens, especially in rural areas. The data demonstrate that almost 50% of 3 or 4-year-olds do not have access to pre-school education in rural areas. It is also worth emphasising that limiting the compulsory pre-school education to six-year-olds and raising the age of starting school to 7 reduces educational opportunities, in particular for children living in rural areas and those coming from families with low cultural capital.

The experience of recent years shows that local authorities recognise the importance of early care and education. Nonetheless, with the current level of debt among communes and their burden related to additional costs of introduction of the new education reform, they are not able to find the means to provide places in kindergarten to all children whose parents wish to place them there.

Questions

- 1. Is the government planning to introduce subsidies for local governments for educational tasks regarding children under the age of 6, to ensure access to education for all children? If so, when will the subsidy be introduced and how much will it amount to?**

Other forms of pre-school education

Other forms of pre-school education (colloquially called: small kindergartens, kindergarten centres) were included in the Act on the education system in 2007. It was assumed that they would be organisationally better adapted to the needs of rural areas than classic kindergartens. Fewer children, only educational function, close cooperation with parents and smaller organisational requirements were to allow rural communes to create flexible solutions tailored to their needs and capacity. However, the ordinances to the Act, which introduced organisational requirements just slightly more lenient than the ones for kindergartens, have made other forms differ less and less from classic kindergartens and do not enable rural areas to equalise access to pre-school education.

It is necessary to return to the idea of “other forms” and to make them more flexible to allow communes adjust them to their needs and capacity. This requires new ordinances, especially regarding the reduction of the number of children in the group (it should no more than 15 children), simplification of building and sanitary regulations, providing additional training for teachers (in particular within work with an age-diverse group, cooperation with parents, equalising educational opportunities). It is also necessary to analyse the impact of the Ministry of National Education Regulation of November 2017 on the types of other forms of pre-school education, the conditions for setting up and organising these forms as well as the manner of their operation in terms of equal access to the development of educational services for non-public entities (NGOs and companies).

Questions

- 1. How does the government assist local authorities in establishing “other forms of pre-school education”?**
- 2. Is the government planning to make the “other forms of pre-school education” more flexible by introducing new regulations to help local authorities in establish these forms? If so, when will these regulations be introduced and what will the changes consist in?**

The core curriculum for kindergartens

The new core curriculum of the pre-school education which has been in force since 2017 pays little attention to participation and competences related to living in a democratic society. It does not presuppose the use of participative and democratic methods, including those aimed at understanding the child perspective, and does not provide for the possibility of children learning about their own rights.

The analysed examples of core curricula and good practices from other countries demonstrate that introducing democratic values and methods of participation in early education is possible. However, it

requires proper preparation of teachers and conducting a continuous dialogue with parents and children. The methodological framework for such a dialogue could be set by the core curriculum of pre-school education as a document establishing all pedagogical activities undertaken in kindergartens.

Questions

- 1. Is the government planning to introduce changes to the core curriculum for kindergartens, which obliges teachers to apply the Convention on the Rights of the Child in their everyday teaching practice?**
- 2. If not, why are there no plans of such changes? If so, when will the changes be made and to what extent?**

Equalising educational opportunities

For years, various attempts have been made to level educational opportunities, yet they proved of little effect. Educational inequalities result mainly from disproportions between the city and the countryside, differences in the socio-economic status of parents and the wealth of local governments, which constitute the body running educational institutions.

This problem may affect almost half of children living in rural areas (45% of children in Poland). The availability of early education in these areas is definitely worse than in the city. In the school year of 2016/2017, the gap in the access of 3-5-year-old children to pre-school education was over 30% to the disadvantage of the countryside.

Children from villages and poorer environments score lower in science, have more hindered access to extracurricular activities, compensatory classes or interest groups. For several years, in all three nationwide tests, rural areas and small towns have achieved worse results than medium and large cities, especially as regards foreign languages [1]. In addition, school achievements significantly correlate with the family's wealth – the disparity in the percentage of students with better academic performance is around 19 % when comparing poor and affluent families [2].

These deficits translate into later education. According to the Central Statistical Office data, in the academic year 2016/2017 1/3 of students at Polish universities originated from rural areas (a few percentage points less than the demographics suggest) [3]. As a result, the professional opportunities of rural youth are visibly more limited, as the level of employment is strongly correlated with the level of education.

It is worth emphasising that the liquidation of lower secondary schools, which constitute in the recent years one of the main tools for levelling educational opportunities, may lead to deepening or exacerbating the inequalities. Lower secondary schools allowed children from different backgrounds to meet in one place, having at their disposal better equipped workshops, buildings (e.g. sports infrastructure), a higher level of foreign language teaching and access to more varied activities for developing their interests.

Questions

- 1. Does the government intend to introduce specific instruments to actually improve the level of equalising educational opportunities? If so, what kind?**

Low expenditure on education

The local government sets the budget based on the subsidy received from the Ministry of National Education, determined on the basis of the algorithm adopted by the Ministry. Wealthier communes provide additional financing for their schools. On average, they add 20% to school budgets, and poorer communes often do not transfer the entire subsidy amount to schools. The wealth level of communes has therefore a significant impact on inequalities in the quality of education.

The situation has worsened further this year as a result of burdening the local authorities with the costs (equipment, remodelling of buildings, dismissal of teachers, etc.) of changes (liquidation of lower secondary schools).

The total expenditure on educational institutions according to OECD in 2014 amounted to 4.7% of GDP and was slightly lower than the average for OECD countries (5.2%), with expenditure on higher education significantly lower than the OECD and EU average. At the same time, the actual value of expenditures per student was over 30% less than the OECD average, and for secondary schools the gap was additionally a few percentage points higher [4].

Questions

- 1. Does the government intend to increase expenditures on education? Will there be the activities to support poorer communes? If so, what kind?**

Ensuring suitable conditions for learning at schools

Public schools often do not ensure appropriate learning conditions for children (Information of the Supreme Audit Office of 2017). At school, there is a shift system which is not beneficial for children. They learn in too small rooms, breaks in between lessons are too short, and subjects requiring concentration (e.g. maths, physics, chemistry) are often planned as the last lessons or grouped into blocks of many hours. Many schools are also struggling with poor technical and sanitary condition of buildings [5].

At the same time, Polish students still carry too heavy backpacks, especially primary schoolchildren, with no possibility to leave books on the school premises.

Questions

- 1. How is the government implementing the recommendations of the Supreme Audit Office from 2017? What specific actions have been taken and what are the planned steps?**

Maladjustment of the education system to the needs and abilities of students

The Polish education system is focused on implementation of the core curriculum assumptions, not on the student's individual development. Simultaneously, the aim is to adjust the content provided within lessons to the average level, which leads to weaker students being left behind and deprivation of talented students of a chance to do better.

Students with disabilities

Despite the growth of interest in inclusive education, students with disabilities can only partially rely on the school's assistance in the field of education (the Supreme Audit Office report). Unfortunately, in many facilities implementation of activities related to inclusive education is limited by the total or partial lack of some classes, shortening their duration or no proper organisation [6]. Additionally, changes in the law hinder organisation of individual education programmes at school, which results in sending home children who participate in some lessons with their class and in others separately.

Talented children

In case of talented students, the offer and activities carried out by the school correspond to a too little degree to their needs and abilities. Talented students pose a great challenge for teachers who lack skills and tools to work with such children. Educational facilities, however, have no possibility to employ professionals working with gifted and exceptionally talented youth. The situation is much worse in small towns and rural areas, where the diagnosis of pupils potential is significantly restricted.

Questions

- 1. What changes does the government intend to introduce in the education and teacher training system so that the teacher can work effectively in the classroom with children of various levels, so as to maximize the potential and capabilities of each student?**
- 2. What does the government intend to do to improve the support system for children with educational deficits, so that a specified standard applies to all schools? Why changes in law work to the disadvantage of children with disabilities?**
- 3. Why is the potential of talented students wasted in our country? Why is there no systemic support for gifted children who are exceptionally talented? If and what specific changes are planned by the government?**

Uninvolved school

The external evaluation of the school's work demonstrates that students believe that they have no impact on what is happening at school. Only 4% are convinced that they influence the rules of school life and the assessment system, while 6% of students feel that they can suggest class or school decor. The study demonstrates a fundamental discrepancy between the opinions of the director or teachers about high student participation, and their everyday school experience [7]. At the same time, among the children and youth only 1/3 declare membership in an association, an organisation or a religious movement.

Questions

- 1. Is the government planning specific changes in the education system and in the teacher training system to support the real participation of children? If so, what are these changes? What changes should be made to the core curriculum?**
- 2. Will there be an incentive system for teachers to increase the participation of children in the school and local community life?**

Education on the child's rights and anti-discrimination policies

It is also worth adding that knowledge of children's rights and the rights of the student – both of adults as well as students – is insufficient and treated superficially. It is of no importance in the school's everyday life. This situation has further aggravated after the introduction of the new core curriculum along with the educational reform. The scope of knowledge about human rights and children's rights has been significantly limited within these guidelines. At the same time, the provision of law has been abolished which obliged schools to have an anti-discrimination policy and conducting activities involving the whole school community, this is particularly important in the face of the rise in racist and discriminatory behaviour in the society.

Questions

- 1. What is the plan to supplement students' knowledge about the child rights in order to equip children with the competences necessary to exercise their rights?**
- 2. Why has the obligation to run anti-discrimination policies by schools been abolished, especially in the light of changes in the society's attitudes?**
- 3. What was the government's intention in introducing a provision allowing the catechist to become a class master, is it not discriminatory towards children of another denomination/belief?**

[1] <https://dzieciwpolsce.pl>

[2] http://www.imid.med.pl/images/do-pobrania/Zdrowie_i_zachowania_zdrowotne_www.pdf

- [3] <http://stat.gov.pl/obszary-tematyczne/edukacja/edukacja/szkoly-wyzsze-i-ich-finanse-w-2016-r-2,13.html>
- [4] Education at a Glance 2017. OECD Indicators, OECD, pp. 177 and 187.
- [5] <https://www.nik.gov.pl/aktualnosci/edukacja-i-nauka/nik-o-bezpieczenstwie-i-higienie-nauczania-w-szkolach-publicznych.html>
- [6] <https://www.nik.gov.pl/aktualnosci/edukacja-i-nauka/nik-o-ksztalceniu-uczniow-z-niepelnosprawnosciami-2017.html>
- [7] G. Mazurkiewicz, A. Gocławska (ed.), Quality of education. Data and conclusions from external evaluation carried out in 2013-2014, Krakow 2014.

Alternative care systems

Family support and foster care over the child is regulated by the Act on family support and alternative care system, applicable since January 1st, 2012 [1]. The Act defines the organisation of foster care (FC) in Poland [2], dividing it into institutional foster care (IFC) and family foster care (FFC).

In 2016, the number of children in foster care decreased by 2.3% compared to 2015 [3] and it amounted to almost 75 thousand. Of this number, 22% of children live in institutions [4], i.e. care facilities, including intervention and specialist-therapeutic ones. Due to the adaptation of facilities to the new standard – the maximum of 14 children effective from 2020 that is 5 years since the introduction of the Act, their number increased from 508 to 833. Unfortunately, there is no parallel development corresponding to the needs of FFC [5]. It is worth noting that the government undertakes activities aimed at encouraging local authorities responsible for the organisation of FC for its deinstitutionalisation [6], including through co-financing employment of assistants and coordinators or developing and implementing a research tool to verify and support the deinstitutionalization process of FC in districts [7].

This chapter discusses placement in the FC. It should be remembered that there are no statistics which would provide comprehensive analysis of out-of-home stays of children, including placements both in FC and other residential institutions subject to the following departments: social welfare (Social Welfare Homes – SWH), education (Youth Sociotherapy Centres, Youth Educational Centres, Specialist Schooling and Educational Centres), health (Care and Therapeutic Facilities), justice (correctional facilities). The data scarcity blurs the image of the number of children outside the family and hinders development of services based on the local community resources.

Foster care for children with special needs and young children

The applicable Act allows, among other things, establishing specialist professional foster families, whose task is to take care of children with special developmental and health needs. However, in 2016, specialist families accounted for only 0.9% of the total number of FFCs and there was a drop by 8 families as regards this care form compared to 2015 [8].

The first choice in the process of placing a child in foster care should be FFC or a family-type facility, especially for children under 7 years of age [9]. However, the binding law allows establishment of 20-person intervention pre-adoption centres (IPC) [10], intended for infants up to 1 year of age, including those with special health needs. In addition to IPC, there are also residential care facilities dedicated exclusively to small children. In the first half of 2017, there were over 1600 young children in IFC [11]. This means that the United Nations recommendations included in “Guidelines for the Alternative Care of Children” regarding a foster care for children up to 3 years old are not taken into consideration.

The Act introduces, within the framework of institutional foster care, regional care and therapeutic facilities of maximum 45 minors, intended solely for sick children.

Questions

- 1. Why, despite the drop in the number of candidates for foster parents, is there no nationwide campaign raising the prestige of the foster parent and social awareness about foster parenthood?**
- 2. Why is there no monitoring of the reintegration of children from foster care with their parents and possible further, subsequent placement of these children in foster care?**
- 3. Why is it possible to provide institutional care for children with special needs, i.e. legal possibilities are maintained to create large intervention pre-adoption centres (up to 20 children up to 1 year of age) and regional care and therapeutic centres (up to 45 children) instead of developing specialist professional foster families or small facilities based on community-based care?**

Questions

- 4. Why have no regulations been implemented to protect children under the age of 7 against being placed in institutional foster care (IFC) while respecting the principle of non-separation of siblings?**
- 5. Why, despite the legal provisions, is there still IFC dedicated only to the youngest children?**
- 6. Why is there no consistent reporting system for children residing in non-family environments run by different ministries, including the ones which demonstrate the transfer of children in foster care between individual facilities?**

Barriers to the development of family foster care (FFC)

Despite declaring superiority of the FFC over institutional care, numerous district governors responsible for the FC development do not implement this assumption of the Act or do it in an illusory manner. The 3-year district (poviat) foster care development programmes, prepared in accordance with the statutory requirements, are not always aimed at activities which will result in deinstitutionalization. The problem is inadequate support for foster families, including the remuneration system not suited to the local job market, refusing or limiting optional financial support (despite the possibilities indicated in the Act). Another obstacle is achieving the balance between supporting the persons running FFCs and supervising them. Such actions make it difficult to effectively recruit candidates for foster parents and deinstitutionalize FC. There is also a lack of a national deinstitutionalization strategy.

Questions

- 1. Why has a nationwide strategy of de-institutionalization not been developed?**
- 2. Why is there a lack of sufficient mechanisms to support the deinstitutionalization process in districts (the existing incentive mechanisms are: a research tool to verify the deinstitutionalization process of FC in districts, subsidy programmes for assistant and coordinator tasks)?**
- 3. Why is there no provision that clearly separates the support of FFC (coordinators) from its supervision?**
- 4. Why are no measures taken that would hold local governments accountable as regards the implementation of existing regulations?**

Leaving care

The Act provides help for care-leavers, among other things in “providing adequate housing conditions”, including sheltered housing. This provision remains a dead letter as communes have neither enough housing resources nor develop them.

Poland ratified the Convention on the Rights of Persons with Disabilities in 2012. According to the Article 19 actions should be taken to provide sheltered supervised flats for people with disabilities, including those with disabilities who become self-reliant within FC. It is worth noting that the “Pro-life” Act of 4th November 2016 on the support of pregnant women and families, which makes it possible to obtain, among others, by local government or NGO’s support in the organisation of sheltered and assisted housing for foster children with disabilities. However, for the time being, the predominant offer for the disabled children is the institutional form of care such as Social Welfare Homes.

Questions

- 1. Why has a national deinstitutionalization programme not been implemented, including support for people with disabilities and the elderly, which would involve transformation of the existing system of institutional forms such as Social Welfare Homes?**

Questions

- 2. Why are there no mechanisms to promote “family social welfare homes”, provided for in the Act on Social Welfare, as an alternative to institutional SWH?**
- 3. Why was the integration of the social welfare system and the act on supporting the family and the alternative care system not applied and as a result children with disabilities after their stay in FC are placed in SWHs for life?**

Education system for teachers and guardians

The system of educating teachers and court-appointed guardians pays too little focus to the specificity of working with a child who is in FC. Each case of placing a child in foster care forms usually means previous difficult or traumatic experiences. The lack of knowledge and skills of the teacher and insufficient knowledge of the court-appointed guardian in dealing with traumatised children causes additional difficulties within integration of the child in a new environment.

Questions

- 1. Why has the teacher education system not been modified to include information on the specificity of working with a child in foster care and children with traumatic experience in teaching (and internship) content?**
- 2. Why does the court-appointed guardian’s education system not include knowledge about working with a traumatised child?**

- [1] Currently (June 2018), work is underway on another amendment to the Act.
- [2] The Journal of laws of 2011 No. 149 item 887.
- [3] Information of the Council of Ministers on the implementation in 2016 of the Act of 9th June 2011 on supporting families and the alternative care system. A similar number is provided by the Ministry of Family, Labour and Social Policy in the statistical report for the first half of 2017.
- [4] The statistics provided do not include family-type care and education facilities, estimated based on the Ministry of Family, Labour and Social Policy reports for the first half of 2017.
- [5] In 2016, compared to 2015, the number of family-type foster care entities decreased by 1%. Data according to: The Information of the Council of Ministers on the implementation in 2016 of the Act of 9th June 2011 on supporting families and the alternative care system.
- [6] Understood in the spirit of the Common European guidelines on the transition from institutional care to care provided at the local community level.
- [7] The tool was prepared as part of a project financed from ESF funds under the operational programme Knowledge Education Development.
- [8] Data based on: the Information from the Council of Ministers on the implementation in 2016 of the Act of 9th June 2011 on supporting the family and the alternative care system (the Journal of laws of 2013 item 135, as amended).
- [9] The provisions of the Act constitute that from 1st January 2020, children under 10 years of age may not be placed in an institutional form of foster care (excluding family-type care and educational facilities). The same rule applies to 7-year-old children from 1st January 2016.
- [10] Article 93 point 1 of the Act on supporting the family and the alternative care system, the Journal of Laws of 2011 No. 149 item 887.
- [11] An estimation without taking into account small children in family-type facilities and placement of underage mothers staying in facilities together with their child. Calculated based on the Ministry of Family, Labour and Social Policy statistics for the first half of 2017.

Primary health care

The problem of primary healthcare care is its quality and access inequality. Primary care physicians have limited diagnostic authority, which results in the fact that in the event of suspected serious diseases (oncological, cardiological, etc.) instead of referring the patient for the examination to confirm or exclude their suspicions, they are forced to refer the child to a specialist, which is associated with long queues that make it impossible to perform a quick diagnosis and start treatment.

At the same time, there are no reliable analyses aimed at identifying health needs in individual regions of the country – the existing health maps have not brought the expected results. In many provinces (voivodships), particular specialist services are not performed at all, while in others the limits are exceeded by several times (e.g. paediatric treatment of diabetes, paediatric urology) [1]. What is more, the number of paediatricians in both inpatient and outpatient health care is too small and will decrease in the coming years. In Poland there is an average of one paediatrician per 1,000 children, however, there are provinces where the availability of paediatricians is much lower which does not guarantee children equal access to healthcare.

Questions

- 1. What are the planned short and long-term activities to increase the availability of paediatricians and specialist paediatricians especially in those areas where the availability of paediatric care is insufficient?**

Mental health of children and adolescents

WHO indicates that up to 50% of mental health disorders have their onset in adolescence. For this reason, WHO recognised protection of mental health of children and youth as a priority in health care. In Poland, the number of children and adolescents included in specialist assistance is constantly growing due to mental disorders as well as the number of children hospitalised for this reason. In 2015, the number of hospitalised children was the highest in over a dozen years, and over 143,000 people up to 18 years of age took advantage of specialist care. Over $\frac{3}{4}$ of people from this group resided in cities [2]. These differences can largely result from the much lower availability of specialist care in rural areas and awareness of parents. This would mean that the needs in the scope could be even greater. The assumptions of the National Mental Health Programme implemented in 2011-2015 have not been met to a great extent. The Ministry of National Education, responsible for preventive actions among children and youth, only carried out 2 out of 9 tasks entrusted to it [3]. The next plan for 2017-2022 assumes an increase in expenditure and activities for the benefit of children and adolescents. Unfortunately, at present, there is a shortage of beds for young people in hospitals and the availability of child psychiatrists and psychologists is insufficient. Stress constitutes one of the factors affecting the deterioration of mental health of children and youth, including school stress. The percentage of young people who declare experiencing school stress is constantly rising [4]. At the same time, the report of the Supreme Audit Office reveals that in 2014-2016 almost 50% of educational institutions employed neither a specialist pedagogue nor a psychologist. Students in need of support could count only on teachers with additional qualifications or temporarily on specialists from psychological and pedagogical counselling centres [5]. One of the indicators determining the mental health condition of children and adolescents is the number of suicide attempts, which in our country in 2015 reached the highest level of 481 attempts by young people under 19 years of age. In terms of suicide attempts resulting in deaths, Poland in 2014 was ranked second in Europe, preceded only by Germany [6].

Questions

- 1. Does the government dispose of analyses on the mental condition of Polish children and the main factors affecting its deterioration in recent years and what are the actions undertaken in relation to this? What is the reason of the lack of implementation of the assumptions of the National Mental Health Programme for the years 2011-2015 and failure to carry out the Ministry's tasks in this respect? Is ongoing monitoring performed as regards implementation of the new plan?**
- 2. What measures are being taken to increase the availability of psychiatric and psychological care for children and adolescents, the number of hospital beds and the number of child psychiatrists?**
- 3. Given the data on the mental condition of children and adolescents, the impact of school stress and the increasing number of suicide attempts, what actions are taken at educational facilities firstly to minimise school stress, secondly to provide children with the best possible specialist care?**

Breast-feeding

Most of the activities aimed at promoting breastfeeding, including the operation of the Child-Friendly Hospital initiative, as well as the activities of the Breast Feeding Popularising Committee, are the activities of non-governmental organisations that are not financially supported by the government and therefore have a much smaller extent than could be concluded from their potential. Monitoring of breastfeeding in Poland is almost non-existent and therefore there are no reliable, representative data on this issue. There is also a lack of information campaigns that could balance the activities of companies promoting feeding with milk substitutes and that would convince women to breastfeed.

Question

- 1. What measures is the government planning to take to support and promote breastfeeding?**

Vaccinations

The high rate of preventive vaccination is maintained (over 90%), but this applies only to primary vaccinations. In contrast, for complementary vaccination, the immunisation level is very low (5% – 10%). The situation is aggravated by strong anti-vaccine movements, which is an evident in the rapidly growing number of people evading compulsory vaccinations – in 2007 this number did not exceed 4,000, while in 2016 it amounted to over 23,000 [7].

Questions

- 1. What measures is the government taking to reduce the proportion of parents who evade vaccinating their children and minimise the impact of anti-vaccine movements?**
- 2. Is the government planning to extend the compulsory vaccination schedule in the near future, e.g. by vaccinations against meningococcal diseases? If so, when?**

Premature mortality of children and adolescents

The WHO report "Global accelerated action for the health of adolescents" and Polish statistical data from the Central Statistical Office indicate that the cause of premature mortality of children and adolescents in Poland is primarily due to external causes (in 2016, 621 per 2831 deaths), including transport accidents, drowning and suicide. The problem is also the number of deaths among young children resulting from developmental congenital disorders (682 deaths), conditions beginning in the perinatal period (831 deaths) and increasingly higher mortality among children and adolescents

affected by cancer (173 deaths). Despite the government's efforts, it can be concluded that they are insufficient and require intensification, especially in terms of deaths from external causes and mortality of young children due to congenital malformations.

Questions

- 1. Is the health care system prepared for specialised treatment of the growing number of children with congenital disorders and children with conditions beginning in the perinatal period?**
- 2. What preventive measures are taken to reduce the number of deaths of children and adolescents due to external causes? To what extent are these actions effective?**

Palliative care over children

In recent years, the number of children requiring palliative and hospice care has grown. In spite of the continuous increase in spending on efforts in this area and the emergence of new support facilities, most of the children's hospices are underfunded. Often foundations operating in hospices must finance half of the expenses related to the facility's activity which due to the nature of their operation may be associated with a lack of financial stability. This, in turn, poses a direct threat for patients and the possibility to provide them with adequate care.

Questions

- 1. Has the government assessed the existing and future financial needs of institutions providing palliative care services for children and included them in the budget?**

- [1] <https://www.nik.gov.pl/aktualnosci/zdrowie/mapy-potrzeb-zdrowotnych.html>
- [2] Szredzińska R., Health of children and adolescents, in: Sajkowska M., Children matter 2017, Empowering Children Foundation, Warsaw 2017, p. 112.
- [3] <https://www.nik.gov.pl/aktualnosci/zdrowie/fiasko-narodowego-programu-ochrony-zdrowia-psychicznego.html>
- [4] Mazur J. (eds.): Health and health behaviours of school youth in Poland in relation to the selected sociodemographic conditions. Results of the 2014 HBSC study, Institute of Mother and Child, Warsaw 2015, p. 73.
- [5] <https://www.nik.gov.pl/aktualnosci/zdrowie/nik-o-pomocy-psychologiczno-pedagogicznej-dla-uczniow.html>
- [6] Szredzińska R., Health of children and adolescents..., p. 117.
- [7] http://wwwold.pzh.gov.pl/oldpage/epimeld/2016/Sz_2016.pdf

Poverty of children and their living conditions

The situation regarding child poverty has not been well researched in Poland. There has been no study on children from families who are recipients of social assistance and family benefits nor children living in very poor families. The original OECD equivalence scale is used in poverty statistics, if the modified scale were used, the child poverty in families would be of lower extent (see THE IMPACT OF “FAMILY 500+” PROGRAMME ON HOUSEHOLD INCOMES, POVERTY AND INEQUALITY – Michał Brzeziński, Mateusz Najsztub, 2017 [1]). Children living in poor households in terms of expenditure (a Central Statistical Office households budgets survey) or income (EUROSTAT EU-SILC) are considered as poor. The statistics do not take into account the specificity of children’s needs at different childhood stages, disabilities or unequal distribution of income within families.

In terms of monetary poverty in families, the situation of children in Poland has been improving for several years. The most significant improvement took place between 2015 and 2016. Nevertheless, in 2017 there were over 325,000 of extremely poor and 1.1 million of relatively poor children. The improved situation results from several factors among them is the implementation of the 500 Plus Programme (the educational benefit) introduced in 2016. However, the programme is mainly intended to increase the number of births, which is why it is not addressed only to poor children (income criteria were used for the only and the first children). While discussing poverty reduction measures, the government cites the 500 Plus Programme but at the same time it has not set any specific objective for the initiative when it comes to child poverty. If this goal had been to reduce extreme poverty among children to less than 1%, then the 2017 poverty rate would have had to decrease by 81% more (from 4.7% to at least 0.9%).

Questions

- 1. What goal has the government set for itself in terms of reducing child poverty? When will this goal be achieved? By what indicators will the implementation of this goal be measured?**
- 2. Has the child poverty indicator been included among the indicators of implementation of the government’s main socio-economic strategy (The Strategy for Responsible Development)? If it has not been included, why was such decision taken?**
- 3. Is government’s anti-poverty policy based on research evidence as regards to the situation of poor children and the causes and consequences of their poverty? If there is no such evidence or it is insufficient, is the government planning to start research programmes in this field?**
- 4. How does the government understand the problem of child poverty? Is it poverty only of financial and material nature, or multidimensional poverty involving also health, transport and energy poverty?**

[1] <https://www.ipiss.com.pl/wp-content/plugins/download-monitor/download.php?id=2487>

Children with disabilities

Access to information and specialist care

Problems of children with disabilities result is mainly due to the restricted access of parents and legal guardians to reliable information and integrated assistance, in particular the specialist one. Some of the problems were solved through the “Pro-Life” programme and the appointment of family assistants. Unfortunately, psychological support requires specialist qualifications often going beyond assistants competences. Consequently, parents or guardians from the very start struggle with limited access to psychological support and comprehensive information on the child development as well as the assistance manner. In the future these may result in therapeutic errors, care-related strain for parents and significant shortages in early support of child development.

Questions

- 1. Is the government planning to extend or change the provisions included in the “Pro-Life” programme? If so, which activities are planned and what is their scope?**
- 2. How is the government planning to increase the availability of information for parents and guardians of a disabled child and access to specialist care, in particular in rural areas and small towns?**

Subjectivity of children with disabilities

An essential issue for disabled children and youth is to make every effort to maintain their subjectivity in activities related to health care as well as in the area of education, career or cultural and social matters. The limitations affecting them often require assistance of their parent, guardian or even a teacher. Although they may not be related to the informal dependence of the child and then the adult from their family or assisting persons. The state actions should be aimed at maintaining the full subjectivity of the child, independence and supporting their further independence, especially in the field of material help, housing policy, job readiness and access to cultural services.

Questions

- 1. How does the government support the subjectivity of children with disabilities and what actions does it undertake to counteract their dependence on the family and assisting persons as well as discrimination or abuse?**

Shortage of available statistical data

A significant problem regarding the situation of children with disabilities is the very limited amount of statistical data in this respect. The collected information includes children with disabilities functioning in the education system (basic data is provided by the Ministry of National Education). There is a huge gap in data relating to the period from birth to the child’s educational inclusion and data relating to health, cultural and social issues. This results in difficulties in diagnosing the situation of children with disabilities, conducting comparative analyses and research including, for example, abuse or discrimination against this group of children.

Questions

- 1. How does the government monitor the situation of children with disabilities? Does the government plan to carry out additional cross-sectional research regarding the conditions and quality of life of children with disabilities? If so, when will the research be conducted and will the perspective of children be considered?**

Unaccompanied minors

Legal representation and assistance

The right of unaccompanied minors to representation and legal assistance is limited. Legal representation of the above children is regulated by the provisions of the Act of 13th June 2003 on granting protection to foreigners within the territory of the Republic of Poland and the Act of 12th December 2013 on foreigners, however, the regulations are limited to introducing the institution of a legal guardian whose responsibility is to represent a minor foreigner, but only as part of a specific procedure or a set of administrative proceedings. Apart from the asylum procedure, in which the process of immediate appointment of a legal guardian is regulated by law, in other administrative procedures involving a child (including the return procedure or for granting a residence permit), the law does not require the legal guardian to be appointed immediately and does not indicate the authorities responsible for submitting the application for designating them. There is no institution of a guardian or a legal guardian, who would be obliged to care for the best interest of the child, and would be equipped with broad powers to represent them outside a particular migration procedure. Due to the lack of statutory requirements as to the candidate's competences, incidental persons without knowledge about the law or the realities of migration procedures are appointed as guardians. Moreover, such a person may not represent the child in any other proceedings beyond the procedure for which he or she was designated. Thus, if there is a need to take any decision securing the child's interests on their behalf, each time such a decision should be taken by the Family and Guardianship court. As a result of the above mentioned gaps in the legal representation system, the minor also has limited access to legal counselling.

Questions

- 1. Is the government intending to introduce changes in terms of legal representation of unaccompanied minors in Poland, guaranteeing the best interests of the child and access to legal counselling?**

Placing minor foreigners in guarded detention centres

Although unaccompanied minors applying for international protection are not placed in guarded detention centres, a large group of migrant children continue to reside in such facilities sometimes even for the maximum permissible period of stay. The average length of stay in a guarded detention centre of a minor child is 8 months (the source: Border Guard). Minors constitute an average of 25% of all foreigners placed in these centres. Even though the law requires that the child's well-being should be considered when deciding on their placement in a guarded detention centres, the courts do not take this guideline into account – it is clearly demonstrated by court decisions, which reflect no consideration to the child's interest. The ECHR judgment *Bisteva v. Poland* (75157/14) of 10th April 2018 confirms that Poland violates the child rights by using such practices.

Questions

- 1. Why are minor foreigners still placed in detention, despite the opinion of CRC that detention is always in conflict with the child's best interest?**
- 2. How is the government going to implement the said ECHR ruling?**

Access to public healthcare

The problem is no access to public health care services for minor foreigners and pregnant women, as well as women in the postpartum and childbirth period who do not pay health insurance contributions. The law only allows certain groups of foreigners to participate in the state health insurance system, defining who can obtain the insured status. Additionally, the system leaves out children below the compulsory school age as well as pregnant women (and during the childbirth and

postpartum period) who do not have the right to stay in Poland or who, despite their legal residence status, do not meet the conditions of becoming insured.

Questions

- 1. How and when is the government going to ensure access to health care for all alien children residing in Poland, including undocumented children?**

Legalisation of stay

It is also worth mentioning the problem of unaccompanied alien children placed in foster care. In order to file at the province office an application concerning legalising the child's stay, one needs an ID document with a picture, i.e. the child's legal guardian must wait for the first such document in the form of a school ID so that the application can be processed at all.

Questions

- 1. How is the government going to solve the problem?**

Human trafficking

Unaccompanied minor foreigners – victims of human trafficking

After being detained by Polish law enforcement agencies, minor foreigners who have been granted the status of alleged victims of human trafficking are secured in care and educational facilities or centers for foreigners. These institutions are not prepared for admitting minors from Third Countries – interpreters are available sporadically, attempts to communicate with minor foreigners often fall short of commonly accepted and used methods of communication (conversation via online translator). Minors do not receive reliable, linguistically adapted and translated information about their legal situation, the institution of the court-appointed guardian, appeal options, the course of subsequent stages of proceedings in which a given minor is a party. They are also not informed about what their future lives will look like.

Questions

- 1. Do unaccompanied minors unable to understand Polish placed under the care of the institution have free access to an interpreter according to their needs?**
- 2. Is the minor systematically informed about their situation at any stage of the proceedings which they are involved in?**

Support system for unaccompanied minors

Unaccompanied minor foreigners who have been granted the status of alleged victims of human trafficking receive assistance under the National Intervention and Consultation Center, a public task carried out and financed from the state budget. However, this is help of an intervention nature. There is no long-term systemic support for minor victims of human trafficking. Criminal cases, as well as administrative proceedings, including legalisation ones, are proceedings lasting at least several months.

Care and education facilities in Poland are overcrowded, when a minor victim of trafficking in a given city is reported, the National Intervention and Consultation Centre's attempt to arrange a safe refuge most often is declined by the Family Support Center.

Questions

- 1. How is the support system for unaccompanied minors – victims of human trafficking in the short and long term perspective organised?**
- 2. Is evaluation of the needs performed as regards places in care and education centers for minor foreigners victims of trafficking?**

Violence and sexual abuse

Interdisciplinary assistance for abused children

Past experience demonstrates that assistance provided to the abused child should be of an interdisciplinary character. In Poland in 2018, owing to the commitment of the Empowering Children Foundation, four support centres for abused children will be established modelled on the American Child Advocacy Centre and the Scandinavian Barnahus. These centres will offer psychological, medical, legal, social assistance as well as friendly space for interviewing to child-victims and witnesses. Institutions of this type have been implemented for many years in other countries, including, among others, USA, Canada, Sweden, Norway, Iceland and are recommended by the European Commission. Thus, the introduction of the Child Advocacy Centre and Barnahus in Poland constitutes a milestone in building a system to counteract child abuse.

Questions

- 1. How is the government planning to promote the assumptions of the Child Advocacy Centre and Barnahus in Poland?**
- 2. How is the government planning to support the functioning of already established and existing Children Support Centres in Poland?**

Standards of protecting children against abuse in care and educational facilities

In Poland, care and educational facilities do not have a legal obligation to have internal standards of safeguarding children against violence relating to, among other things, intervention procedures in case of suspected child abuse by strangers, family members, facility staff and peers, nor they have any legal obligation to train employees in the field of identifying symptoms of child abuse and response manners. The lack of standards means that interventions in the event of child abuse are often of a cursory nature, or due to no appropriate knowledge and preparation of institution employees such an intervention is not carried out at all.

Questions

- 1. Is the government planning to undertake legislative action aimed at imposing on care and educational facilities an obligation to have standards in place as regards safeguarding children against abuse and the obligation to train employees to identify symptoms of child abuse and response methods?**

Improving parenting skills of parents

Poland lacks systemic solutions focused on improving parenting skills. According to a study carried out by the Children's Ombudsman in 2016, 46% of Polish society declares that they approve of upbringing children through corporal punishment and nearly 17% of adults think that beating is an effective educational method [1]. It is necessary to implement preventive solutions that raise parents' awareness of constructive parenting methods and positive parenting.

Questions

- 1. What systemic actions is the government planning to take to improve parenting skills in Poland?**
- 2. What systemic actions is the government planning to take in order to change the social attitudes of Poles in the area of their acceptance of corporal punishment in upbringing?**

Systemic analysis of serious cases of child abuse

In Anglo-Saxon countries a procedure has been introduced for analysis of serious cases of child abuse resulting from abuse or for unexplained reasons the so-called serious case review. In Poland, despite numerous media reports about tragic cases of child abuse, no systemic solutions have been put in place for thorough analysis of each child death and serious health impairment nor to verify effectiveness of the implemented procedures and propose possible improvements.

Questions

- 1. Is the government planning to implement systemic analyses of serious cases of child abuse?**

Sexual abuse

Persons under 18 are particularly vulnerable to recruitment by pimps. As a result of manipulation, the illusion of being accepted, the fascination with the interest of an adult, the lack of support from the loved ones, and finally the feeling of shame, minors become victims of commercial sexual exploitation. There is no mechanism in Poland for supporting minors after such experiences. If it happens so that such a person shares their most traumatic experiences, they do not receive systemic, specialist therapeutic or rehabilitation support.

Questions

- 1. Are minor victims of commercial sexual exploitation covered by specialist therapeutic and rehabilitation programmes?**

Sexual abuse on the Internet

A unexplored area where abuse and demoralisation of minors occur, as well as their commercial exploitation are so-called sex cams. While there are formal requirements to register and share your image with the so-called chat rooms, the website administrators do not actually verify whether minors are involved in presentations on sex portals. There are no systemic tools to protect minors from abuse in cyberspace.

Questions

- 1. Is there ongoing proactive monitoring of the commercial activity of minors on the Internet?**

[1] dr hab. prof. UŚ Ewa Jarosz, Violence in education – a retreat from tradition? Report of the Children’s Ombudsman 2016.

Children belonging to minority groups – Roma children

Language barriers

As confirmed by a study carried out by a group of psychologists from the Jagiellonian University [1], one among the several factors determining the school in which Roma children learn is language. At this point, it should be added that Roma children are bilingual, with Romani being the first language. When these children start their primary education, they do not speak Polish as fluently as their non-Roma peers, therefore, are referred for psychological evaluation. Within assessment at psychological and pedagogical counselling centres, children complete psychological tests to verify their cognitive skills. The problem is that the tests are in Polish, which often leads to lower scores, which in turn may become a reason for continuing education of a given child in a special school. It should be noted that although psychological and pedagogical counselling centres have non-verbal tests, and more recently, culturally sensitive tests, at their disposal, these tools are not used in evaluation of Roma children.

Another problem is the communication between the counselling centres' staff and the parents of children who ultimately decide on the further education of their children. They are often uneducated people or people who attended special schools themselves (in the communist Poland, most Roma children were referred to special schools), and therefore they are not always aware of the consequences of their decision.

Questions

- 1. What support activities (e.g. training) were planned for psychological and pedagogical counselling staff in the use of non-verbal and culturally sensitive tests within evaluation aimed at the diagnosis of cognitive skills of culturally different or bilingual children?**
- 2. Are there any additional lessons of Polish as a foreign language at schools where Roma children learn?**
- 3. Has there been a programme of educational classes on the specificity of the Roma community for personnel of psychological and pedagogical counselling centres as well as teachers?**

Segregated education

Despite the fact that segregated education is prohibited in Poland, the government continues to fund kindergartens for Roma children (the funds come from the state budget – the Programme for the Roma community in Poland 2007-2013. Such funding is also enabled with the Roma integration programme in Poland 2014-2020, which is to be implemented in Poland).

Questions

- 1. Are there any kindergartens in Poland attended only by Roma children?**

Support of the Roma assistant

In Poland, since 2001, as part of the Pilot Government Programme for the Roma Community in the Lesser Poland Voivodship for 2001-2003, and then within of the Programme for the Roma Community in Poland, the government has financed the institution of the Roma assistant (a person of Romani origin mediating between the child's family and the school). As it turns out, the presence of Roma assistants at schools has contributed to elimination of many problems that affect the education of Roma children (help with homework, mediating in conflict situations, motivating children to learn, communication between parents and teachers, etc.). Unfortunately, this function is often performed by persons with no qualifications to work at schools (e.g. people who attended a special school or with incomplete primary school education), and the only selection criterion is the ethnicity. These

persons often have neither their desk nor office at school and their status at school is not clearly defined.

Questions

- 1. Is there an educational programme aiming at strengthening and improving competences and complement education that could be used by Roma assistants operating in Poland?**
- 2. Who participated in its development? Have the educational institutions (universities, higher schools) or Roma-competent persons associated with these institutions been included?**
- 3. What is the status of Roma assistants working at Polish schools?**

[1] The results of the study were included in the report titled Cognitive and linguistic functioning of Roma children attending special and mass primary schools – social contexts, Oświęcim 2011.