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Summary record of the 33rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 September 2024, at 3 p.m.

Chair: Ms. Crăciunean-Tatu

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The meeting was called to order at 3 p.m.

Consideration of reports:

(a) Reports submitted by States parties under articles 16 and 17 of the Covenant
(continued)

*Seventh periodic report of Poland (E/C.12/POL/7; E/C.12/POL/Q/7;
E/C.12/POL/RQ/7)*

1. *At the invitation of the Chair, the delegation of Poland joined the meeting.*
2. **A representative of Poland** said that the economic impacts of the coronavirus disease (COVID-19) pandemic and the armed invasion of Ukraine by the Russian Federation had proven to be temporary. The Government had taken measures to support entrepreneurs and employment, had removed value added tax on food and had introduced allowances to cover heating and electricity costs. In response to the massive influx of millions of Ukrainian refugees in 2022, it had also adopted a special law providing for financial support, education and free access to public health-care services.
3. The labour-force participation and employment rates were on a steady upward trend, with unemployment at 3 per cent in 2024, the second lowest rate in the European Union. The risks of poverty and social exclusion were low, and the Government was particularly focused on strengthening policies on families, older persons and health. A universal child benefit had been introduced in 2016, and the new Active Parent programme, aimed at supporting working parents in raising their children, would be launched on 1 October 2024. Intensive efforts were under way to provide day care for as many children under the age of 3 as possible.
4. Comprehensive solutions to combat domestic violence had been in place since 2005, with important changes, such as rapid isolation of perpetrators from their victims, being introduced in 2020. Those solutions had been further strengthened in 2023 and applied to all places frequented by the victims.
5. The policy on disability had been overhauled following the ratification of the Convention on the Rights of Persons with Disabilities in 2012. The comprehensive, cross-sectoral strategy in that domain addressed areas such as independent living, accessibility, education, work, social protection, health and awareness-raising. The Act on Ensuring Accessibility for Persons with Special Needs required all public entities to meet minimum requirements for architectural, digital, information and communication accessibility, and a law requiring businesses to ensure the accessibility of certain goods and services had been adopted in April 2024. Institutionalized incapacitation would soon be replaced with solutions for supported decision-making.
6. A new core curriculum was being designed, centred around key competencies, the development of creativity and students' well-being. A team had been set up to offer a new course in health education that would cover matters such as mental and physical health, sex education and addiction prevention. An extensive psychological and pedagogical support system was in place to ensure that students with disabilities were included in mainstream schools, and standards for the employment of specialist teachers in mainstream and inclusive schools had been introduced. A postgraduate training programme had been rolled out to prepare teachers to work with students with various needs or as family counsellors.
7. The health-care system had been undergoing an extensive digitization process in recent years, resulting in improved efficiency, quality and accessibility. Remote health-care services had proven to be particularly effective during the COVID-19 pandemic, while pilot programmes for home-based medical care using telemedicine devices had been implemented since 2021 and a project to provide highly specialized care remotely in a range of fields of medicine had been initiated in 2023. The health-care system was also being adapted to meet the needs of an ageing population. Key areas included prevention and health promotion, early diagnosis, support for informal carers and the conversion of hospitals into long-term and geriatric care facilities.
8. A labour-market reform had been undertaken to enhance job activation, upskilling and the functioning of public employment services, with the aim of increasing employment

levels, adding decent jobs and adapting human resources to the needs of an economy undergoing structural change. An array of measures had been introduced to support the reconciliation of work with family life. Measures had also been taken to support real wages amid high inflation. The minimum wage was nearly half the average wage, thus ensuring a fair income for low-wage workers. Work to extend social security to persons working under atypical contracts was at an advanced stage.

9. Combating all forms of discrimination was a key government objective. Thus, a Minister for Equality had been appointed in 2023, a bill on civil partnerships was under development, the national action programme for equal treatment was being amended to cover all marginalized communities, and an amendment to the Criminal Code had been drafted to provide protection for victims of offences motivated by prejudice and hate speech based on age, gender, disability or sexual orientation.

10. Lastly, the Government was focused on achieving climate neutrality by 2050. To that end, it had updated the relevant policies and plans to strengthen energy security, encourage the development of renewable energy sources, implement nuclear energy, improve energy efficiency and ensure an affordable and socially acceptable climate and energy transition.

11. **Ms. Lee** (Country Task Force) said that she wished to know whether the Covenant was directly applicable by the courts; whether training in the Covenant and its justiciability was provided to judges, parliamentarians, lawyers, law enforcement personnel and other public officials; and whether the State party was considering acceding to the Optional Protocol to the Covenant and, if so, what its key considerations were.

12. It would be useful to know whether all the functions of the Commissioner for Human Rights were explicitly set out in law, and if not, whether there were plans to do so; whether the sufficiency of the human and financial resources allocated to the Commissioner had been assessed; and what steps had been taken to guarantee that the Commissioner was appointed through a transparent and credible process free from political interference.

13. Given that the members of the National Council of the Judiciary were elected by the Sejm, the lower house of the parliament, she was interested in hearing about the measures being taken to ensure the independence of the judiciary.

14. She was also interested in hearing about the measures being taken to prevent harassment, attacks and intimidation against human rights defenders, in particular those advocating women's rights, the rights of lesbian, gay, bisexual, transgender, intersex and queer persons, and migrants' rights, and to create a safe and enabling environment for the activities of human rights defenders and journalists.

15. Depending on how it was measured, income inequality in the State party appeared to be either diminishing or increasing; therefore, she would welcome information on the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent, before and after taxes and transfers. She would also welcome information on social expenditure as a share of gross domestic product between 2017 and 2024, including the extent to which the doubling of defence spending had adversely affected public spending on social security, housing, health and education. Information on the measures taken or envisaged to guarantee the independence and effectiveness of anti-corruption bodies would also be welcome.

16. She was curious to know whether the State party intended to amend the Equal Treatment Act to provide comprehensive protection against discrimination in all spheres of life, as previously recommended by the Committee, and what budget was allocated to the Minister for Equality. She was also curious to learn more about the Criminal Code amendment mentioned in the delegation's opening remarks, specifically its content, the time frame for its adoption and the involvement of civil society in its development.

17. The delegation was invited to describe the main challenges in ensuring equal enjoyment of rights by persons with disabilities that the State party had identified while developing the laws and strategies in the area of disability, as well as the key challenges in implementing the Programme for the integration of the Roma community in Poland (2014–2020) and the extent to which those challenges had been taken into account in the Programme for the Social and Civic Integration of the Roma in Poland (2021–2030).

18. The delegation was also invited to comment on reports that Roma refugees from Ukraine faced discrimination in the State party, notably with regard to housing, and that international organizations were denied access to the area near the border between Poland and Belarus, leaving asylum-seekers and migrants without access to basic services and medical care. What measures was the State party taking or planning to ensure that all persons in need had access to health care, food, basic goods and services and, where appropriate, to information on asylum procedures?

19. Lastly, she wished to know what specific measures were in place to prevent government officials from engaging in hate speech against lesbian, gay, bisexual, transgender, intersex and queer persons.

The meeting was suspended at 3.30 p.m. and resumed at 3.40 p.m.

20. **A representative of Poland** said that, under the Constitution, international instruments, including the Covenant, were directly applicable by the Polish courts and administrative authorities. There were a few cases each year in which the Covenant was invoked by the courts, including the Constitutional Court. Before taking a decision regarding ratification of the Optional Protocol, the Government wished to study the potential implications of being a party to the instrument and observe how the individual communication procedure functioned. The increased spending on defence had not resulted in lower social spending, quite the opposite. For example, the budget for 2025 would include a rise in allowances for widowed persons and the new Active Parent programme.

21. **A representative of Poland** said that the Office of the Commissioner for Human Rights enjoyed budgetary autonomy in the sense that it submitted a budget proposal for inclusion in the Government's budget bill; only the parliament had the power to make changes to the proposal. The proposal for 2025 included an increase of 11.8 per cent, which was considered to be sufficient to guarantee the proper functioning of the Office. The powers and obligations of the Commissioner were governed by the Act on the Commissioner for Human Rights and the Constitution, and amendments were being drafted to add the rights of persons with disabilities to the institution's remit.

22. There were no data on income inequality; the relevant statistics that were available had already been submitted to the Committee.

23. **A representative of Poland** said that the Constitution banned discrimination on all grounds and in all spheres of life. The Equal Treatment Act did not cover all prohibited grounds of discrimination because it simply implemented European Union directives; however, protection against discrimination was spread among various laws, including the Civil Code and the Criminal Code. The Government Plenipotentiary for Equal Treatment, the predecessor of the Minister for Equality, had been allocated a budget of 38,000 zlotys, and no extra funding had been allocated for the national action programme for equal treatment; all ministries were required to meet the obligations under the programme within existing resources. The Government no longer tolerated homophobic and transphobic statements by public officials, and the Criminal Code was being amended to ensure that such hate speech no longer occurred in public debate.

24. **A representative of Poland** said that restoring the rule of law was a priority for the Government. The Ministry of Justice had accepted and was willing to implement the recent judgments of the European Court of Human Rights and the Court of Justice of the European Union. In July 2024, Parliament had adopted the Act on the National Council of the Judiciary, which provided that judges would be elected to the Council by other judges in a universal secret ballot. In July 2024, the Act had been sent to the President for signature. In August 2024, the President had referred the law to the Constitutional Tribunal for preventive control before signing it. The Ministry was currently working on regulating the status of judges appointed between 2018 and 2023.

25. **A representative of Poland** said that the Council of Ministers was undertaking a review of legislation relating to hate speech. The Ministry of Justice collected and analysed data on all cases of hate speech targeted at activists, human rights defenders and journalists.

26. **A representative of Poland** said that, between 2021 and 2024, the National School for the Judiciary and Public Prosecution had organized training on the rights provided for in

the Covenant, among other international human rights instruments. Subjects covered in training sessions had included prevention and awareness-raising regarding mobbing and harassment; social security benefits assessments; conduct of proceedings involving persons under 18; violence against women, including sex crimes and domestic violence; the legal status of minors arriving from Ukraine and the situation of minors in immigration procedures; and working with victims of domestic violence and victims of sex crimes.

27. **A representative of Poland** said that the Programme for the Social and Civic Integration of the Roma in Poland (2021–2030) had been developed to improve participation of Roma in education, housing, employment and health services. The Programme contained measures to ensure the full participation of Roma children in primary education and increase their participation in post-primary education, and it also provided for the creation of a scholarship system for Roma students at all levels of the education system. Educational assistants for Roma had been added to the list of professions in Poland. An annual budget of around €2.5 million had been allocated to the implementation of the Programme and some 350 actions were implemented each year, approximately 30 per cent of which were carried out by Roma organizations. Other measures taken for the benefit of the Roma minority included preschool support, purchase and renovation of apartments, work programmes, training and the provision of legal aid.

28. Roma refugees from Ukraine were treated in the same way and received the same support as other Ukrainian refugees; they were not treated in the same way as the Polish Roma minority, as they were not Polish citizens. The Government was cooperating with the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR) to address the large number of Roma refugees arriving from Ukraine, and the situation was improving.

29. **A representative of Poland** said that the rights to health and life were protected by the Constitution, as was the right of third-country nationals to seek international protection and obtain asylum in Poland. Humanitarian considerations and the need to provide basic support were taken into account from the point at which third-country nationals were apprehended at the Polish border. Intervention teams within the Border Guard were tasked with conducting search and rescue operations for migrants at the border with Belarus. When third-country nationals were apprehended, Border Guard officials carried out a series of checks, including a health assessment. Medical care was provided where needed, and individuals were transported to hospital if deemed necessary by a doctor.

30. When third-country nationals were intercepted on suspicion of crossing the border illegally, Border Guard officials carried out activities to establish their legal status and asked them whether they intended to apply for international protection. Under the procedure followed in Poland, declarations by third-country nationals of their intention to apply for international protection would be transmitted by Border Guard officials to the head of the Office for Foreigners, the authority responsible for asylum procedures.

31. All third-country nationals identified at the border had access to health care, and life-saving medical care was provided where necessary, regardless of the legal or insurance status of the individual in question. Migrants staying in Poland illegally who had been placed in detention centres benefited from a full range of health-care services, including specialist care. All detainees underwent a medical examination on admission and had the right to be transferred to hospital if needed. Individuals who could not be placed in detention facilities for any reason, such as health issues, were provided with support including social, medical and psychological care.

32. A coordinator had been appointed to each Border Guard post in Podlaski Voivodeship (region) to assess the basic needs of third-country nationals intercepted by the unit. A humanitarian support network had been established to provide Border Guard officials working at the border with thermal blankets and refreshments, and the Government worked with the Polish Red Cross and Caritas Poland to provide third-country nationals with clothes, blankets and food, as well as resources required by young children.

33. **A representative of Poland** said that the main laws concerning accessibility in Poland were the Act on Ensuring Accessibility for Persons with Special Needs, the Act on Digital Accessibility of Public Entities' Websites and Mobile Applications, and the Polish

Accessibility Act. The goal of Accessibility Plus, the first comprehensive programme addressing accessibility in Poland, was to ensure that persons with special needs had access to goods, services and opportunities to enable them to participate in social and public life. It contained measures focused on adapting public spaces, architecture, transportation and products to meet the requirements of all citizens, and around 23 billion zlotys had been spent on its implementation since 2018. Improvements had been made to more than 250 hospitals as part of the Accessibility Plus for Health programme.

34. **Ms. Lee** said that she would appreciate information on specific measures taken to address the gender pay gap and the underrepresentation of women in high-income positions in the public and private sectors. She wished to know whether the State party had taken steps towards introducing due diligence obligations for companies to ensure human rights and environmental standards in supply chains. In addition, she would like to receive information on any legally binding and time-bound targets for reducing greenhouse gas emissions and increasing the use of renewable energy in order to achieve net-zero emissions by 2050. It would be interesting to hear about the adequacy of current adaptation measures to mitigate the impact of climate change on economic, social and cultural rights, particularly for people in vulnerable situations. Information on the budget earmarked for adaptation measures would also be welcome.

35. The Committee was given to understand that the Act on the National Freedom Institute – Centre for Civil Society Development, adopted in 2017, had centralized the distribution of public funds to civil society organizations. According to reports received from alternative sources, certain civil society organizations deemed by the State party to be politically unreliable had effectively been punished through decreased funding allocations, while funding to organizations deemed politically reliable had been increased. The delegation might wish to respond to those reports.

36. **Mr. Fiorio Vaesken** (Country Task Force) said that he would like to know whether there was a national or institutional mechanism in place that monitored, followed up and reported on the State party's implementation of recommendations of international human rights bodies. If so, he would appreciate information on its composition and mandate. Information on the methodology used to draft the periodic report would be welcome; in particular, he wished to know whether the different branches of government had been included in the drafting process, and whether it had been disseminated among civil society organizations.

37. The use of the term "illegal" to refer to migrants in an irregular situation was stigmatizing, dehumanizing and incompatible with the rights conferred on them by the State party. He would therefore like to know how irregular migrants were referred to in formal documents and legislation adopted by the State and whether there were plans to amend the terminology used in such documents.

38. **Ms. Saran** (Country Task Force) said that she was interested in hearing how the geopolitical situation in neighbouring countries, in particular Ukraine, had affected the provision of support to developing countries through the national development assistance programme. She wondered whether the State party had considered increasing its official development assistance to 0.7 per cent of gross national income, the target set by the United Nations.

39. **Mr. Hennebel** said that he wished to know whether lawyers were able to make explicit references to alleged violations of provisions of the Covenant before the domestic courts; if so, it would be useful to hear about the outcomes of cases where such allegations had been raised, as well as the punishments handed down. The delegation might wish to explain in greater detail why the State party was reluctant to ratify the Optional Protocol to the Covenant.

40. **Mr. Windfuhr** said that he would appreciate information on the impact that the provision of support measures for Ukrainian refugees had had on recent State budgets and the likely impact on future budgets. It would also be interesting to know how the State party planned to continue bearing such costs and for how long.

The meeting was suspended at 4.20 p.m. and resumed at 4.25 p.m.

41. **A representative of Poland** said that over 70 billion zlotys had been allocated to energy transformation measures in the National Recovery and Resilience Plan. The Ministry of Climate and Environment was supporting efforts to build a zero-emission energy system and a climate-neutral economy, with the aim of ensuring that renewable energy sources would account for over 50 per cent of electricity production in Poland by 2030. Consultations on a draft national energy and climate plan were being initiated. Measures envisaged to improve energy financing included increasing the flexibility of the national power system and promoting the thermal modernization tax credit. A dedicated plan would be developed to address social aspects of the energy transformation, including the need to support coal-producing regions. Some 2.5 per cent of gross domestic product would be allocated to research and innovation activities by 2030. The Ministry planned to improve energy security by providing support to the hydrogen economy, energy storage systems and the power market. To improve air quality, coal would be withdrawn from individual heating systems by 2040 and low-emission public transportation solutions would be developed. Other decarbonization measures envisaged included the development of a package of solutions for the wind energy and biogas sectors, the installation of photovoltaic panels, the introduction of nuclear energy, increased use of electric vehicles, the development of a strategy for carbon dioxide capture, afforestation and protection of forested areas. It was hoped that, by 2030, those measures would have reduced emissions by 50.4 per cent compared to levels reported in 1990, forests would have absorbed 42.1 million tons of carbon dioxide, and primary energy consumption would have fallen by 16.7 per cent compared to 2020.

42. **A representative of Poland** said that 8.36 billion zlotys had been allocated to measures in support of Ukrainian refugees in 2022. The Government had provided comprehensive support to refugees, including by issuing residence permits and ensuring access to education, health care and social assistance, as well as by facilitating family reunification, social integration and voluntary returns. Temporary protection measures for Ukrainians had been extended until March 2026, and national legislation had been amended to adapt to the changing situation and improve the support provided to beneficiaries. Receiving and supporting such a large number of refugees continued to pose financial challenges.

43. The first draft of a migration strategy for the period 2025–2030 would soon be ready and would contain measures on issues including legal migration and migration for education purposes. Controversial terminology used in earlier documents would be corrected in that document.

44. **A representative of Poland** said that all the guarantees provided for in international treaties were upheld in activities involving third-country nationals. Border Guard officials and police carrying out such activities received extensive training in human rights, and the Government engaged in cooperation with IOM, UNHCR and relevant non-governmental organizations on a daily basis.

45. **A representative of Poland** said that, as the implementation of recommendations made by international human rights bodies was the responsibility of the relevant ministries, there was no national mechanism for reporting and follow-up. Translations of such recommendations were published online, to ensure that they were accessible to the public. Non-governmental organizations were no longer directly consulted in the preparation of country reports, since the Government was solely responsible for the report and those organizations could submit their views and alternative reports directly to the Committee.

46. Complaints brought before the courts could invoke provisions of the Covenant; however, only a judge could decide whether they formed a sound basis for the final judgment. If the Constitutional Court concluded that national legislation was not compatible with the Covenant, it would cease to examine the proposed legislation. Provisions of the Covenant frequently served to support the reasoning adopted by the court in judicial decisions.

47. **A representative of Poland** said that the Polish Labour Code guaranteed the equal treatment of men and women in all aspects of employment, including remuneration. In 2022, the gender pay gap had stood at 3.7 per cent in the public sector and 13.9 per cent in the private sector.

48. **A representative of Poland** said that the Ministry of Justice was working to implement the directive of the European Parliament and the Council on improving the gender balance among directors of listed companies and related measures. The corresponding draft law was currently under intra-ministerial consultation.

49. **Ms. Saran** (Country Task Force) said that she would welcome further details of measures taken to address unemployment and underemployment, particularly among women and persons with disabilities, and of the impact of the national action programme for equal treatment regarding the gender pay gap and equal employment opportunities. She wondered how stateless persons were supported with obtaining residence permits, and how employment and vocational training were promoted for persons with disabilities. Could the State party provide information on the implementation of the Strategy for Persons with Disabilities 2021–2030?

50. It would be of interest to learn how the State party would address prejudice against persons who used drugs and provide them with social and employment support. She also wished to know what steps had been taken to regularize the status of workers in vulnerable situations, including refugees from third countries, so that they were able to enjoy just and favourable conditions of work.

51. She would be grateful if the State party could explain why it had not yet ratified the International Labour Organization (ILO) Occupational Safety and Health Convention, 1981 (No. 155) and the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the ILO Collective Bargaining Convention, 1981 (No. 154) and several conventions relating to gender issues, including the ILO Domestic Workers Convention, 2011 (No. 189). When did the State party intend to ratify those conventions?

52. She would welcome further details of steps taken to raise awareness of sexual harassment among employers and employees, and of measures taken to address deficiencies in enforcing labour law in the formal and informal sectors. She wondered how the State party ensured that additional functions assigned to labour inspectors did not interfere with their main duty to protect workers, and how it guaranteed that inspectors' cooperation with Border Guards did not compromise their impartiality. It would be interesting to know how the National Labour Inspectorate ensured that employers respected the statutory rights of regular and irregular migrant workers.

53. The Committee would welcome information on the measures taken to promote full, productive and freely chosen employment for individuals in long-term unemployment, including persons with disabilities and other disadvantaged groups, and on the measures taken to regulate and supervise employment agencies and to prevent the abuse of workers.

54. She would be curious to learn about the impact of policies developed to promote vocational guidance, education, training and lifelong learning, and the results of efforts to assist disadvantaged persons with accessing adapted vocational education and training services. She wondered what steps had been taken to protect migrant workers from abusive practices and to ensure their access to justice and remedies.

55. She would be grateful for further details of the measures taken to address violations of trade union rights. She would also like to know how many people were without social security protection and how the State party ensured that the pension system was financially viable.

The meeting was suspended at 4.55 p.m. and resumed at 5 p.m.

56. **A representative of Poland** said that the labour market was in a strong position and that funding for labour inspections would be increased in order to protect vulnerable groups. The main challenge was to create space for inactive persons and persons from vulnerable groups to join the labour market, and to ensure that all workers had the opportunity to learn essential digital skills.

57. **A representative of Poland** said that the inclusion of persons with disabilities in society and in employment were key priorities of the Strategy for Persons with Disabilities 2021–2030. The State fund for the rehabilitation of persons with disabilities offered employment support and subsidized the salaries of persons with disabilities in the open and

sheltered labour market. Further subsidies were available to facilitate the purchase of workplace equipment and contribute to transportation costs.

58. **A representative of Poland** said that there were more women than men employed in the justice system. For example, women represented around 53 per cent of employees in judicial positions and almost 80 per cent of employees in administrative positions in the public prosecutor's office.

59. **A representative of Poland** said that Polish law permitted stateless persons to obtain a residence permit without a passport and provided for citizenship to be granted to children born in Poland whose parents were unknown, who did not have citizenship of another country or whose citizenship was undetermined.

60. Employers and migrant workers involved in illegal labour were liable to face criminal penalties. Employers who demanded financial compensation from a foreign worker in exchange for a work permit could also be criminally sanctioned. Each situation was considered on a case-by-case basis, and migrant workers' best interests were always taken into account.

61. **A representative of Poland** said that Border Guards could not oblige foreign workers in breach of regulations to leave the country if the employer was at fault. Employers were legally required to provide foreign workers with a written contract translated into a language that the worker could understand.

62. **A representative of Poland** said that the State party wished to carry out further analyses of ILO Conventions No. 155 and No. 187 before making a decision on their ratification by the end of 2024 or early in 2025. It did not intend to ratify ILO Convention No. 154 owing to its incompatibility with the limited opportunities for concluding collective agreements in the civil service in Polish legislation. Neither would it ratify ILO Convention No. 189, given that domestic work was not regulated under the Labour Code.

63. Workers who had their trade union rights violated could lodge a complaint with the National Labour Inspectorate or, in the most serious cases, with the public prosecutor's office. Complaints were examined and filed with the courts if further action was required. One or two convictions were made per year for violations of trade union rights.

64. **A representative of Poland** said that sexual harassment and gender-based discrimination were prohibited under the Labour Code. The report of the National Labour Inspectorate indicated that only 6 per cent of the 2,400 complaints filed in 2023 were considered justified. A total of 61,000 labour inspections were carried out in 2023, with irregularities found in 25 per cent of cases.

65. **A representative of Poland** said that sexual harassment was prohibited, not only under the Labour Code but also under the Equal Treatment Act, meaning that persons working under a civil law contract also enjoyed protection. Under the Labour Code, moreover, employers were required to take positive action to prevent all forms of discrimination, including sexual harassment, for example, by providing training and setting up complaints mechanisms. In order to address the problem of underreporting, the burden of proof in cases of sexual harassment had been shifted, placing the onus on alleged perpetrators to show that an act of harassment had not taken place. The national action programme for equal treatment included provision for a mechanism to monitor and close the gender pay gap, and Poland was fully committed to implementing the recently adopted European Union Directive 2023/970 on the principle of equal pay for equal work or work of equal value.

66. **A representative of Poland** said that the stable labour market in Poland meant that the Social Insurance Institution was in a solid financial position, with a combined ratio in the first quarter of 2024 of 86 per cent. The Act on the Social Insurance System envisaged equal social insurance coverage for all persons involved in remunerative activity, irrespective of their nationality or origin.

67. **Ms. Saran** said that she wished to know what steps were being taken to address the Committee's concerns regarding certain social security entitlements. Notably, the minimum level of unemployment benefit was manifestly inadequate, being less than 40 per cent of median equivalized income, and access to social services for foreign nationals was subject to

excessively long residency requirements. Moreover, a 2016 law reducing pension and disability entitlements for persons who had served in the security services of the Polish People's Republic had left those persons in a position that was inconsistent with human rights protection standards and had deprived many of them of effective access to the courts.

68. **Mr. Windfuhr** said that he would be interested to hear about any initiatives that the State was taking to ensure favourable conditions for the more than 2 million Polish migrant workers in other European States, particularly those employed in precarious circumstances in the construction, transport or care sectors. Specifically, he wondered what steps could be taken by the State itself and what steps required action at the European level.

69. **Ms. Lee** said that she wished to know what progress had been made towards the criminalization of forced labour. She would also be interested to know what measures were taken to protect workers holding civil law contracts, who constituted a significant part of the labour market but appeared to enjoy fewer safeguards than other workers. The delegation should explain to the Committee why journalists and civil society organizations had only limited access to border areas. She had not received a reply to her questions about whether companies were required to exercise due diligence with respect to human rights in their supply chains, and whether the State party had set time-bound and legally binding targets to reduce greenhouse gas emissions in order to achieve net zero by 2050. Lastly, she hoped to receive a reply to her question about the 2017 law regulating the National Freedom Institute – Centre for Civil Society Development.

70. **Mr. Abdel-Moneim** said that he wished to know how the State party addressed any conflicts between its obligations under the Covenant and its obligations under European Union directives or rulings of the European Court of Human Rights.

71. **A representative of Poland** said that members of the security services had their own highly advantageous pension system. The decision to reduce the entitlements of persons who had served under the Polish People's Republic had since been deemed by the parliament to be unconstitutional, and former security personnel who had been affected by the decision could accordingly appeal to the courts, which in most cases restored their original entitlements. The Ministry of the Interior and Administration was in the process of drafting a bill to remedy the situation definitively.

72. **A representative of Poland** said that Polish citizens working abroad were provided with information and support, and government representatives made periodic visits to areas with large concentrations of Polish migrants. A website had been in existence since 2008 providing legal and practical guidance for migrants wishing to return to Poland. Other initiatives on behalf of Polish migrant workers were supported by the European Social Fund Plus and by the Polish Labour Fund.

73. **A representative of Poland** said that, as part of the country's national recovery plan, efforts had been made to limit the segmentation of the labour market, also by ensuring that all civil law contracts included compulsory social insurance.

74. **A representative of Poland** said it was important to note that the vast majority of workers on the labour market held contracts regulated by the Labour Code and that civil law contracts were far less prevalent than had once been the case.

75. **A representative of Poland** said that, beginning in mid-2021, increased migratory pressure along the frontier with Belarus had led to the imposition of movement and residency restrictions in the border area. Eventually, on 13 June 2024, a buffer zone had been created along 60 kilometres of the Polish-Belarusian frontier, in the Podlaski area of Poland. Journalists and civil society organizations could nonetheless apply for authorization to enter the zone, and a total of 158 access permits had been issued, which allowed the holders to enter the border area and to approach within 50 metres of the border line itself.

76. **A representative of Poland** said that revised European Union Directive 2024/1712 on preventing and combating trafficking in human beings had come into force in Poland in July 2024.

77. **A representative of Poland** said that, under the Constitution, ratified international treaties stood very high in the hierarchy of legal sources and could be applied directly by the

courts and the administrative authorities. Thus, both the Covenant and European Union laws and directives had equal ranking in the domestic legal system, and any conflict between them would have to be considered on a case-by-case basis.

78. **Mr. Emuze** (Country Task Force) said that he looked forward to hearing about the effectiveness of recent legislative amendments under which law enforcement personnel could order persons to leave a jointly occupied dwelling if their behaviour was such as to threaten the life or health of their domestic partner. In the light of the introduction of tougher rules to protect domestic violence victims, including the replacement of the legal definition “family violence” with the broader term “domestic violence”, he would be interested to hear about any steps taken to adopt European Union Directive 2024/1385 on combating violence against women and domestic violence. He also hoped the delegation could illustrate any plans that the State party had to address the reportedly insufficient protection and compensation for victims of psychological violence.

79. The Committee would be interested to hear about any efforts the Government had made to provide affordable housing and promote homeownership, particularly in the light of soaring house prices which were rising more than in any other European country. The delegation should also describe any measures taken to assess the number of homeless persons in the regions and to provide them with assistance. What steps had been taken to combat poverty, including among women, older persons, single parents and refugees? He would be interested to hear about any plans to address disparities in living standards, among regions and between urban and rural areas. The Committee would like to hear about how, in the face of climate change, Poland planned to protect its status as an exporter of agricultural products.

80. The delegation should tell the Committee about any prevention and treatment strategies to tackle cardiovascular disease, in which Poland had one of the highest mortality rates in Europe. He wished to know if persons who provided abortion pills or doctors performing terminations in the early weeks of pregnancy or due to fetal anomalies would incur the criminal penalty envisaged for “assisting in an abortion”. Could women obtain an abortion in cases other than rape or incest, or if the pregnancy posed a risk to their life? He would appreciate comments from the delegation on worrying information that the Committee had received regarding obstacles that hindered women from obtaining an abortion, such as complicated procedural requirements and a lack of guidelines to medical staff regarding what constituted a threat to the mother’s life.

81. Lastly, he wished to know if, in the context of its application of the World Health Organization Mental Health Gap Action Programme, the State party had increased the budget allocation for mental health services, improved access to such services, increased the number of psychiatrists and sought to eliminate the stigma surrounding mental disease.

The meeting rose at 6 p.m.