

Empowering Children Foundation (Fundacja Dajemy Dzieciom Siłę, FDDS) is an NGO established in 1991 in Warsaw, Poland which aims to create a world free from any form of violence for all children. FDDS focuses on providing complex assistance to children who experienced domestic and sexual violence (regardless of who the perpetrator was) and their non abusive parents (carers) This assistance may take the forms of consultations with lawyers, pediatricians, psychiatrists, psychotherapists, social workers, all under one roof. This work is based on the model of Barnahus/Child Advocacy Centers.

We also address general issues affecting the well-being of children in Poland like access to mental health services (especially psychotherapists and psychiatrists), by running 116111 and we are working on ensuring stable public finances for this helpline as part of Polish obligation in the framework of our membership in the EU.

During our more than three-decade-long experience of working with children affected by crimes or mental breakdowns we have spotted the following areas that require further attention and should be addressed in the Universal Periodic Review of the Republic of Poland.

At this point, there is a need to highlight the Republic of Poland's obligation to ensure that the well-being of children is the State's priority in every part of its activity and every branch of power. The source of obligations mentioned above comes from the Convention of the Rights of the Child which now may be seen also as a customary international law due to the fact that it's the most widely signed and implemented international agreement.

It is necessary to draw attention to Article 3, Article 4, Article 19, and Article 34 of the Convention as a legal basis for the State's obligation to assure the child's interest is protected in any possible and adequate manner. We see these articles as requiring the State to put effort into preventing crimes and harm to children, as opposed to only implement punitive measures in its policies.

The issues we intend to emphasize in the UPR procedure go as follows:

1. The State does not support financially the children's helpline 116 111 which is a part of the State's obligation related to the Republic's accession to the European Union and is operated by the Empowering Children Foundation on the basis of the agreement between FDDS and the government. Other EU countries fund the helpline from 13%¹ up to 100% percent of the annual budget needed to ensure full operational functioning of the line (24h/7 days)². Polish helpline in the 5 past years twice have been facing threats to its' functioning³ due to lack of any public support.
2. The State is still very much focused on the punitive part of the justice system rather than crime prevention. It is more than desirable to introduce to the legal system effective solutions tested by other jurisdictions like children safeguarding practices in all settings and serious case reviews in the event of child death resulting from maltreatment. In Poland every year approximately 30 children lose their lives being victims to murder and manslaughter⁴. The majority of the deaths happen in families which were under the care of social services (which are - alongside other problems - underfunded and understaffed). This makes the cases preventable only if the State would put an effort to follow the roots of the systemic problem rather than focus only on punishing the direct perpetrators. FDDS has been appealing for such legal change since 2019⁵.
3. In Poland, a Justice Fund has been created, which is functioning under the supervision of the Ministry of Justice. There is an urgent need to reserve a

¹ Denmark funds children's helpline at 13%, Greece at 15%, Croatia at 28%, Finland at 50%, Portugal and Czechia at 60%,

² Luxembourg and Bulgaria fund their respective helplines at 100%

³ <https://fdcs.pl/apel-do-prezesa-rady-ministrow-by-rzad-wspolfinansowal-dzialanie-116-111.html>

⁴ <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/>

⁵ <https://oko.press/dzieci-katowane-wnioskow-brak/>

separate line of funding within the Justice Fund for victims' support centers specialized in providing help to children affected by crimes. Now there is only the same type of support for all victims - children and adult victims alike, in the same places, in so-called "Points providing Help to Victims". Support for children victims is seen as complementary to the help offered to other members of the family, not as a separate activity requiring different specialization. Child Advocacy Centers have no chance in this kind general funding call for proposals, as such projects are dismissed for alleged discrimination of adult victims. We also opt for introducing the model of Barnahus/Child Advocacy Centers into the legal system, which for the time being are a grass-root initiative of 3 NGOs.

It is worth highlighting the UN Committee on the Right of the Child has developed similar conclusions in the last Republic of Poland's Review and has recommended the State to introduce child safeguarding practices and Barnahus into the legal system as – respectively - prevention measure and standard of help for children - survivors of crimes.