



CRBB2.0

Data collection

Poland

The indicators, presented hereunder, are a selection of the indicators developed by Unicef and UNODC along with the indicators developed by the UN Global Study on children deprived of liberty. The selection was based on the following criteria:

- Relevancy to CRBB2.0 project
- Availability of the data

We would like to identify data and indicators that give a glance on the situation of children deprived of liberty in each partner country. This data collection will be used to present the situation in each country.

1) What is the minimum age of criminal responsibility in your country?

If the minimum age of criminal responsibility varies within your country, please provide details.

The Criminal Code establishes the minimum age of criminal responsibility at the age of 17. Persons who commits an offence before their 17 birthday are generally recognized as not able to incur criminal liability. However, in case of severe crimes (such as murder, group rape, and unlawful deprivation of liberty) the minimum age of criminal responsibility is established at the age of 15. In such cases the family courts decides whether a child might be tried as an adult, basing on the effectiveness of previously used educational and correctional measures, circumstances of the case, degree of suspect's development and its personal conditions.

2) Are there separate juvenile justice processes and/or facilities for children in conflict with the law?

Please describe juvenile justice arrangements at all levels of the criminal justice system (police, courts, corrections).

Children in conflict with law might be held in 3 types of detention units: correctional facilities, shelter for juveniles, youth education unit.



Children who commit a punishable act and is older than 13 years but younger than 17 might be placed in correctional facility. However, it may happen only if it is justified by high degree of juvenile's demoralization or the circumstances and nature of its crime, especially when other educational measures have proved to be ineffective or do not promise resocialisation of the juvenile. The juveniles might be held in correctional facility to the age of 21, unless they are released on parole.

Shelter for juveniles is a detention unit designed for children who are pre – trial detained and are awaiting trial. It might be used only in case there is a real risk that the juvenile will be placed in correctional facility.

The youth education centre is designed both for children that has committed a punishable act and for those whose behaviour was recognized as anti – social. Children might be held there only to the age of 18, unless they are released earlier on parole.

Children who were tried as adults may be held in prisons and remand centres.

- 3) **From what age are children subject to detention in the juvenile justice system?
From what age are they subject to detention in the adult criminal justice system?**

Only children who are older than 13 years old might be placed in correctional facility. On the other hand there is no minim age for detention children in Youth Education Centres.

- 4) **Please provide the number of children deprived of liberty on 1 January 2017 in the criminal justice system:**
A) in pre-trial (remand) detention
B) in prison or other detention facilities after a conviction and sentence (or their equivalent in domestic law)

Please provide data disaggregated by age and nationality (citizens/non-citizens) where possible.

According to the Minister of Justice as of 31 December 2016 in penitentiary units there was no children who was less than 17 years old.

On the other hand at the same day there was 163 prisoners aged 17 – 18 years, including 104 pre – trial detainees. 5 of them were woman.

There is no data on nationality of the children kept in penitentiary units.



Table 1: Children deprived of liberty in the criminal justice system

No data available

- 5) **Please provide the total number of children aged 0-17 deprived of liberty in the context of criminal justice in each of the last 10 years when data are available.**

Table 3

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Male											
Female											
Total											5121

- 6) **What sentencing options (including non-custodial measures) are available for children convicted of a criminal offense provided for by law, policy or practice?**

The range of educational measures available to family courts have to be considered as broad. Family judges may oblige the juveniles to certain behaviour, reprimand them, apply supervision and place the children in Youth Educational Centre. However, no provision of Act on Juvenile Justice guarantee that such measures will be used as last resort. Within the scope of its jurisdiction, the family court may apply medical measures to the juvenile, including placing them in a social care home and a psychiatric institution.

Juvenile who is older than 13 years old and commits a crime may face the same educational measures as a child who gives signs of antisocial behaviour. It may be also placed in correctional facility.

However, it may happen only if it is justified by high degree of juvenile's demoralization or the circumstances and nature of its crime, especially when other educational measures have proved to be ineffective or do not promise resocialisation of the juvenile. The juveniles might be held in correctional facility to the age of 21, unless they are released on parole.

Children who are tried as an adult might be imprisoned, fined or have their liberty restricted (it is connected with the obligation to work for social purposes). They might be also supervised by electronic surveillance system.

- 7) **What is the longest period of custodial detention (imprisonment or other form of detention) to which a child can be sentenced?**

25 years of imprisonment.

¹ This the only data that can be considered as comprehensive. We were not provided with the number of children held in youth education centres in previous years. It is the biggest group of children deprived of liberty in context of criminal justice. Moreover, the data does not reflect children at the age of 17 who are held in prisons. The prison statistics are counting prisoners aged 17 years with those who are already 18.





8) What is the percentage of children in detention not wholly separated from adults?

Children held in prisons are not separated from adults. As I am not able to indicate the number of children aged 17 years who are held in prisons, I am not also possible to indicate the percent of children who are not separated.

**9) What is the percentage of children released from detention receiving aftercare?
Please provide data disaggregated by type and nature of aftercare when possible.**

According to the data from Minister of Family Labour and Social Police in 2017:

- 277 former residents of correctional facilities, youth educational centres and shelters for juveniles were provided with material aid for reintegration (a one – off allowance up to EUR 1500, depending on the length of deprivation of liberty)
- 1235 former residents of correctional facilities, youth educational centres and shelters for juveniles were provided with monthly educational allowance (EUR 125 per month)
- 46 former residents of correctional facilities, youth educational centres and shelters for juveniles were provided with material aid for housing (a one – off allowance up to EUR 1200)
- 39 former residents of correctional facilities, youth educational centres and shelters for juveniles were provided with assistance in obtaining job.
- 731 former residents of correctional facilities, youth educational centres and shelters for juveniles were provided with assistance of social worker.

There is no data indicating how many juveniles have left in 2017 detention units, therefore I am not able to provide you with the percentage.

10) Is there any data and/or analysis regarding recidivism of children who have been deprived of liberty?

There is no official data on recidivism of children who have been deprived of liberty. According to some of correctional facilities directors 50% of boys leaving the institution and 30% of girls are re-offending.

