COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

POLAND

Replies received by the Secretariat on 24 July 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term "screening" is used in this questionnaire, this should be understood as "verification of criminal convictions for sexual offences against children".

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. State Party in respect of which the questionnaire is submitted
Poland

b. Entities and bodies which have been involved in responding to this questionnaire
Ministry of Justice
Ministry of Family, Labour and Social Policy
Ministry of National Education
Ministry of Sport and Tourism
Border Guard Service

Legal basis for the answers provided:

- Act of 24 May 2000 on the National Criminal Register (Journal of Laws 2024, item 276)
- Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors (Journal of Laws 2016, item 862)
- Act of 25 June 2010 on sport
- Act of 9 June 2011 on family support and the foster care system (Journal of Laws of 2025, item 49, as subsequently amended),

Other Acts mentioned in the response

Persons concerned by screening requirements

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	Yes	Yes	Yes	Yes	Before taking up employment, it is necessary to

					provide a certificate of no criminal convictions, issued no earlier than 3 months before the start of work or the provision of services. In accordance with Article 39 of the Act of 4 February 2011 on the care of children under the age of 3 (Journal of Laws of 2025, item 798), the above requirements also apply to childminders.
Education – Primary	Yes	Yes	Yes	Yes	teachers, psychologists, educationalists, special needs teachers, speech and language therapists, career advisers, educational therapists and other non-teaching staff, including teaching assistants – authorised to supervise minors, lead classes or workshops, or have contact with minors (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and

					the protection of minors)
Education – Secondary Secondary schools	Yes	Yes	Yes	Yes	teachers, psychologists, educationalists, special needs teachers, speech and language therapists, career advisers, educational therapists and other non-teaching staff, including teaching assistants – authorised to supervise minors, lead classes or workshops, or have contact with minors (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Education – Tertiary	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Education – Extracurricular (e.g. language schools)	Yes	Yes	Yes	Yes	teachers, psychologists, educationalists, special needs teachers, speech and language therapists, career advisers, educational therapists and

					other non-teaching staff, including teaching assistants – who are authorised to look after minors (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Childcare (e.g. kindergartens, crèches, childminders	Yes	Yes	Yes	Yes	Before taking up employment, it is necessary to provide a certificate of no criminal convictions, issued no earlier than 3 months before the start of work or the provision of services. All persons employed to carry out work or provide services in a crèche or children's club, including, amongst others, the director, carer, volunteer and nurse, must not be listed in the restricted-access database of the Register of Sex Offenders, nor may they have been convicted by a final judgement

					of any other intentional offence. (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	Yes	I. Family support 1. Family support worker, 2. all staff working with children at a day care centre (educator, social worker, psychologist, therapist, childminder, volunteers) II. Family foster care 3. non-professional and professional foster families, and those running a family-based children's home (related foster families are checked against the database of the Register of Sex Offenders, with restricted access) 4. Persons employed at a family-based children's home to assist with childcare and household tasks

					5. Support families III. Institutional foster care 6. Director of a care and educational facility 7. Care worker employed at a care and educational facility 8. Educator 9. Psychologist 10. Therapist 11. Child carer 12. Social worker 13. Support from volunteers
Detention (Detention centres/district educational centres, reform schools and shelters for minors, Youth Educational Centres (MOW)	Yes	Yes	Yes	Yes	Form tutors, prison guards, administrative staff, psychologists, teachers, educationalists, therapists, Prison Service officers and staff (exclusively in relation to prisons and remand centres) teachers, psychologists, educationalists, special needs teachers, speech and language therapists, career advisers, educational therapists and other non-teaching staff, including teaching assistants –

					authorised to supervise minors, lead classes or workshops, or have contact with minors (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Migration facilities (e.g. reception centres)	Yes	Yes			Co-ordinators, youth workers, social workers (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Sport	Yes	Yes	Yes	Yes	Sports coaches, sports instructors, physical recreation instructors, sports activity leaders for children and young people, camp counsellors (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Culture and leisure activities	Yes	Yes			Sports coaches, sports instructors, physical recreation instructors,

					sports activity leaders for children and young people, camp counsellors, Instructors at community centres, tour guides (Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Entertainment sector	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Faith and religion	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Healthcare (including psychological and psychiatric services)	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Social protection services	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Law enforcement	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the

					risks of sexual offences and the protection of minors)
Judicial	Yes	Yes	Yes	Yes	
Civil society organisations	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Victim services (including Barnahus, domestic violence services)	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)
Any other sectors (please specify)	Yes	Yes	Yes	Yes	(Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors)

Here you can insert additional details or specify any exceptions.

Polish law does not provide for any exceptions. The specific obligations in this regard are set out in Article 21 of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors. In accordance with Article 21(1) of the Act on the Protection of Minors against entering into an employment relationship with a person, or against allowing a person to engage in other activities related to upbringing, education, leisure, medical treatment, the provision of, spiritual development, the practice of sport or the pursuit of other interests by minors, or the care of minors, the employer or other organiser of such activities, and the person with whom an employment relationship is to be established or who is to be authorised to carry out such activities, are subject to specific obligations. The employer or other organiser shall ascertain whether the person with whom an employment relationship is to be established or who is to be authorised to carry out such activities is listed in the Register with restricted access or in the Register of persons in respect of whom the State Commission for the Prevention of Sexual Exploitation of Minors under the Age of 15 has issued a decision on entry in the Register. Conversely, a person with whom an employment relationship is to be established or who is to be authorised to carry out such activities is obliged to provide information regarding their criminal record.

To sum up every employer, organiser or manager of a facility (e.g. a school, hospital, sports club or camp) has a legal obligation to verify a candidate before allowing them to engage in activities relating to the care, education, treatment or leisure of children.

Pre-employment verification involves checking whether the person in question is listed in two databases:

1.the Register of Sex Offenders (RSPTS) – in both the restricted-access and public sections.

2.the Register of persons entered by the State Commission for the Prevention of Sexual Exploitation of Minors under the age of 15.

With regard to penal institutions, the role and remit of the Prison Service relate exclusively to prisons and remand centres.

The vetting of third parties (representatives of social organisations and persons of good standing) who assist in the enforcement of sentences and enter penal institutions (Article 38(1) of the Penal Code) is governed by the provisions of the Regulation of the Prime Minister of 28 December 2016. The director of a given prison, within the scope of their powers, is authorised to verify such persons and may request explanations and supporting documentation confirming that the person in question, amongst other things, has not been convicted of an intentional offence, has not been deprived of their parental or guardianship rights, and is aged 24 or over (in exceptional cases, 21 years of age).

Article 41 of the Act on Sport: This provision stipulates that organised activities in sports covered by competitions organised by Polish sports federations may only be conducted by a coach or sports instructor who, amongst other things, has not been convicted by a final judgement of an intentional offence against life and health, sexual freedom and public decency, or of offences against children. In grassroots sport (outside the official competitions of the Polish Sports Federation), verification is based directly on the general provisions of the 'Kamilka Act'.

Deregulation of professions: The profession of physical recreation instructor was deregulated in 2010, and that of sports instructor and coach in 2013. The state does not issue licences or state certificates. Responsibility for the selection and vetting of staff rests with the employer (the club or sports association).

2. **In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:**

    a. **define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification**

Level of contact. The Act does not define a minimum duration or a 'contact threshold'. The obligation applies where the nature of the work involves contact with children (regardless of whether this contact is one-off or regular).

Within the Prison Service, there is no separate, sector-specific threshold for contact with children established exclusively for prison facilities. The assessment of the verification obligation is carried out on the basis of actual duties, rather than the job title itself. Within the Prison Service, this is of particular significance in the case of educational, preventative or prophylactic activities aimed at young people, as well as in situations where children are actually present on the premises of the institution – in particular in connection with the operation of mother-and-child homes attached to prisons, where, in accordance with Article 87 of the Penal Code, women may serve their prison sentences together with their child until the child reaches the age of 3.

    b. **distinguish between direct, indirect or online contact with children?**

Verification is required whenever a person is authorised to carry out activities involving minors. There are no hourly thresholds – even a one-off contact (e.g. at a one-day tournament) triggers the obligation to carry out a check. Polish regulations treat the verification obligation uniformly, without distinguishing between direct, indirect or online contact.

If yes, please provide details.

No level or threshold of contact with children is specified, nor is any distinction made between types of contact with children for the purposes of checking the above-mentioned persons against the relevant registers. The obligation to check whether a person has been convicted of sexual offences against children, in order to be eligible for the posts listed in question 1, is set out in the Act of 9 June 2011 on family support and the foster care system (Journal of Laws of 2025, item 49, as amended). These individuals must possess specific qualifications, but they must also be persons who

a) have not been convicted by a final judgement of an intentional criminal offence or an intentional fiscal offence;

The above provision does not apply in the following cases (Article 42(2) of this Act):

I related foster families – in full

ii unrelated foster families, professional foster carers and those running family-based children's homes, insofar as it relates to conviction for an intentional fiscal offence

b) are not listed in the restricted-access database of the Register of Sex Offenders.

3. **Is the absence of criminal convictions for sexual offences against children required to become:**
   a. **an adoptive parent**
   b. **a foster parent**
   c. **a child's legal guardian (including for unaccompanied children)?**

Yes, having no convictions for sexual offences against children is an absolute requirement. In accordance with the Family and Guardianship Code and the Act on Family Support and the Foster Care System, candidates for adoptive parents, foster parents and legal guardians undergo a full background check against the National Criminal Register (KRK) and the Register of Sex Offenders (RSPTS).

Please provide details.

FOSTER FAMILY
In accordance with Article 42 of the Act on Family Support and the Foster Care System, the role of a foster family and the running of a family-based children's home may be entrusted to persons who, amongst other things:

a) have not been convicted by a final judgement of an intentional offence;
b) are not listed in the restricted-access database of the Register of Sex Offenders.

ADOPTIVE FAMILY
An adoption centre, carrying out tasks related to the conduct of adoption procedures, processes information concerning candidates for the adoption of a child, including, amongst other things:

a) information on the absence of a criminal record from the National Criminal Register;
b) not being listed in the restricted-access database of the Register of Sex Offenders.

LEGAL GUARDIAN
The provisions of the Act on Supporting Families and the Foster Care System do not specify this requirement in relation to legal guardians. Pursuant to Article 172(7)(3) of the Act of 9 June 2011 on family support and the foster care system (Journal of Laws of 2025, item 49, as subsequently amended), a prospective adoptive parent must submit a certificate of no criminal convictions from the National Criminal Register.

In accordance with Article 42(1)(8) of the Act, the role of a foster family and the running of a family-based children's home may be entrusted to persons who do not appear in the restricted-access database of the Register of Sex Offenders. Furthermore, pursuant to Article 42(2) of the aforementioned Act, the role of a non-professional or professional foster family and the running of a family-based children's home may be entrusted to persons who have not been convicted by a final judgement of an intentional offence. In accordance with Article 97 of the aforementioned Act, the director of a care and educational facility of the socialisation, intervention or specialist-therapeutic type, and the director of a family-type care and educational facility, may be a person who has not been convicted by a final conviction for an intentional criminal offence or an intentional fiscal offence and is not listed in the database of the Register of Sex Offenders with restricted access.

4. **Is the absence of criminal convictions for sexual offences against children required for the household members of:**

   a. **persons carrying out professional activity in their home who are in contact with children**

Yes. If, for example, a private children's club, a home-based nursery, private tuition or voluntary work is being run from the home, the organiser is obliged to carry out a background check on that person.

   b. **persons carrying out volunteering activity in their home who are in contact with children**

Yes. If, for example, a private children's club, a home-based nursery, private tuition or voluntary work is being run from the home, the organiser is obliged to carry out a background check on that person.

   c. **persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?**

Yes. The assessment procedure for adoptive and foster families includes, amongst other things, a home visit and a mandatory certificate from the National Criminal Records Office.

Please provide details.

Pursuant to Article 172(7)(3) of the Act of 9 June 2011 on family support and the foster care system (Journal of Laws of 2025, item 49, as subsequently amended), a prospective adoptive parent must submit a certificate of no criminal convictions from the National Criminal Register. In accordance with Article 42(1)(8) of the aforementioned Act, the role of a foster family and the running of a family-based children's home may be entrusted to persons who do not appear in the restricted-access database of the Register of Sex Offenders. Furthermore, pursuant to Article 42(2) of the aforementioned Act, the role of a non-professional or professional foster family and the running of a family-based children's home may be entrusted to persons who have not been convicted by a final judgement of an intentional offence. In accordance with Article 97 of the aforementioned Act, the director of a care and educational facility of the socialisation, intervention or specialist-therapeutic type, and the director of a family-type care and educational facility, may be a person who has not been convicted by a final conviction for an intentional criminal offence or an intentional fiscal offence and is not listed in the database of the Register of Sex Offenders with restricted access.

5. **Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:**

   a. **children applying for professional or volunteer positions**

Underage employees/volunteers: Yes. If a person under the age of 18 (e.g. a 16-year-old scout) is to act as a youth leader or volunteer working with younger children, they are also subject to vetting.

b. adults in respect of criminal convictions received before the age of 18?

Offences committed before the age of 18. Yes. A check against the Register (RSPTS) also covers individuals who committed offences as minors aged 15 or over, provided the court has ordered that they be entered in the register.

Please provide details.

Pursuant to Article 21(3) of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors (Journal of Laws 2016, item 862), the person being vetted is required to provide the employer or other organiser of the activity with a certificate from the National Criminal Register relating to offences specified in Chapters XIX and XXV of the Criminal Code (hereinafter: CC), Article 189a of the CC, Article 207 of the CC and the Act of 29 July 2005 on combating drug addiction, or prohibited acts corresponding to these offences as defined in the provisions of foreign law.

In accordance with Article 10 § 2 of the CC, criminal liability for committing certain offences under Chapters XIX and XXV of the Criminal Code may be incurred by a person who committed the offence after reaching the age of 15. However, in accordance with Article 10 § 2a of the Criminal Code, a minor who has reached the age of 14 but has not yet reached the age of 15 may be held criminally liable for committing an offence against life under Article 148 § 2 or § 3 of the Criminal Code. For this reason, a person subject to verification under Article 21(1) of the Act on the Protection of Minors, who has reached the age of 14, is obliged to provide their employer or other organiser with information from the National Criminal Register.

A person who has reached the age of 13 is not criminally liable for committing a criminal offence but is liable for committing a punishable act. The definition of a punishable act is set out in Article 1(2)(2) of the Act of 9 June 2022 on the support and rehabilitation of minors (i.e. Journal of Laws of 2024, items 978, 1228). Based on these provisions, it seems reasonable to conclude that a person under the age of 13 is not obliged to provide data from the National Criminal Register referred to in Article 21(3) of the Act on the Protection of Minors.

Although minors do not commit offences under current criminal law (or so-called punishable acts), the courts of the Republic of Poland, when issuing judgements, make such entries. Data on minors is entered into a register with restricted access, which may be accessed by law enforcement agencies, courts and institutions working with children (e.g. schools). An entry concerning a minor may be made pursuant to Article 6(1)(4) of the Act on the Register of Sex Offenders (RSPTS). Minors are not automatically removed from the register upon reaching the age of majority.

The Act of 13 May 2016 on countering the threats posed by sexual offences and the protection of minors (Journal of Laws of 2026, items 110, 187 and 421)

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

In Poland, the PESEL number is a permanent and unique identifier for citizens. Any changes to personal details (first name, surname) made at registry offices are automatically synchronised with the National Criminal Register (KRK) based on the PESEL number. Changing one's surname does not allow one to conceal one's criminal history.

7. **Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?**

Before allowing a person to work or volunteer on a project, the project organiser (organisation or company) has a legal obligation to check them against the aforementioned register and to obtain a certificate from the National Criminal Register. Public bodies (as contracting authorities or grant-awarding bodies) are required to include provisions in contracts for the performance of public tasks obliging the contractor to comply with these requirements, including the implementation of the so-called Standards for the Protection of Minors. Allowing a person who does not meet these requirements to work is a criminal offence and is punishable by imprisonment, restriction of liberty or a fine. It may also result in the immediate termination of the project contract for reasons attributable to the contractor and the obligation to repay public funds. Any person applying for employment or wishing to act as a volunteer in such a project is required to submit the relevant certificates.
The rules governing the authorisation of staff and volunteers to have contact with children in the context of the Act on Family Support and the Foster Care System are set out in the provisions of that Act, as indicated above. This information is taken into account during the vetting process.

Please provide details.

In Poland, access to public funds and the implementation of tasks or projects involving children are strictly conditional upon a criminal record check being carried out on project organisers and volunteers. Recipients of public grants are required, under their grant agreements, to declare that all those carrying out the tasks have been checked for a criminal record. This requirement stems directly from the provisions of the Act on Counteracting the Threats of Sex Offences and the Protection of Minors. In accordance with Article 21 of the Act, no cooperation may be established with employees or volunteers carrying out tasks related to the upbringing, education, leisure or care of children if they are listed in the Register of Sex Offenders or have been convicted of an offence against sexual freedom.

In the case of projects, agreements, contracts or initiatives carried out by organisational units of the Prison Service, in which a contractor, implementer, volunteer or other person is to carry out activities involving minors, the general national provisions concerning the vetting of persons authorised to work with minors shall apply.

<u>Information included in screening</u>

8. **Does the criminal record check include criminal convictions for:**
   a. **sexual abuse of a child (Article 18 of the Lanzarote Convention)**
   b. **sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)**
   c. **acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)**
   d. **offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)**
   e. **corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)**
   f. **solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)**

g. **aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)**

h. **any other convictions (please specify)?**

A check against the Register of Sex Offenders (with restricted access) and the National Criminal Register (KRK) covers all the offences listed in the question:

Re: a to g: Yes, the Polish Criminal Code fully criminalises these acts (including Articles 200, 200a, 202, 203 and 204 of the Criminal Code), and these convictions are recorded in the RSPTS and the KRK.

h. other convictions: The verification also covers other offences against sexual freedom and public decency, offences against the life and health of a minor, and offences under the Act on Counteracting Drug Addiction.

The vetting of individuals applying for roles or carrying out duties related to family support and foster care covers both the National Criminal Register (KRK) and the Register of Sex Offenders (RSPTS). The procedure verifies that the individual has no criminal record for any of the offences listed in the enquiry.

Every person holding a role in foster care (and adult members of their household) undergoes a background check in relation to:

a, b, c, d, e, f, g. The check against the Register of Sex Offenders covers all acts of a sexual nature, including child sexual abuse (the so-called Lanzarote Convention), the possession and distribution of child pornography, grooming, and attempts to commit or aiding and abetting such offences. Such a conviction automatically disqualifies the candidate.

h. other criminal convictions: In accordance with the Act on Family Support and the Foster Care System (including Article 42), candidates for foster parents and persons employed in care and educational institutions must not have been convicted by a final judgement of any intentional offences. Checks against the National Criminal Register (KRK) cover the full history of convictions (e.g. offences against life and health, property, sexual freedom or human trafficking).

Please provide details.

Convictions for offences covered by the Lanzarote Convention must be recorded in the Polish National Criminal Register. Every final conviction for offences against sexual freedom and public decency to the detriment of minors (as set out in Chapter XXV of the Criminal Code) is entered directly into the National Criminal Register database. In accordance with EU information exchange systems and procedures arising from agreements concluded with third countries, information on convictions handed down outside the territory of the Republic of Poland is transmitted and recorded in the Polish register if they concern a citizen of the Republic of Poland. In order to implement the provisions of the Lanzarote Convention, penalties have also been made more severe and restrictions have been introduced on the performance of work or activities related to education, upbringing or childcare for persons who have been finally convicted of such offences (recorded in a register with restricted access).

Act of 24 May 2000 on the National Criminal Register (Journal of Laws 2024, item 276).

9. **Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:**

    a. **relevant administrative or disciplinary sanctions**

    b. **other information available to the authorities (e.g. judicial decisions in civil proceedings)?**

Re: a, b: Yes. In the case of **teachers,** there is a Central Register of Disciplinary Decisions (maintained by the Ministry of National Education), which records information on suspensions or expulsions from the profession. The headteacher of a school or rehabilitation centre is obliged to check a candidate against this register before recruitment.

With regard to recruitment to **the Prison Service** (for both officers and civilian staff), the vetting of candidates is regulated sector-specifically under the Prison Service Act and goes far beyond convictions for sexual offences against children. Candidates are subject to mandatory checks of their criminal records for any intentional offence or intentional fiscal offence. An obstacle to employment or admission to the service is not only a final conviction, but also a final conditional discontinuation of criminal proceedings for such an offence, as well as the mere fact that criminal proceedings for an intentional offence are pending against the person in question. Furthermore, the candidate must provide assurance of the proper performance of duties and the maintenance of confidentiality (in accordance with the regulations on the protection of classified information). This verification serves the broadly understood purpose of ensuring the security and safeguarding the authority of the organisation.

The vetting of applicants for posts and roles within the **foster care system** is limited to convictions for criminal offences. It covers only criminal records and information on final judgements, whilst the matters listed (administrative sanctions or civil judgements) are, to a limited extent, the direct subject of the vetting – details below.
In accordance with the Act on Family Support and the Foster Care System, the vetting covers the following aspects:

a. The requirement to have no criminal record for intentional offences (and intentional fiscal offences) – see below for exceptions. Point 2: **candidates for non-professional or professional foster families,** those running family-based children's homes, and staff of foster care institutions must submit a certificate from the National Criminal Register confirming that they have not been convicted by a final judgement of an intentional offence.

b. Check against the Register of Sex Offenders: all persons authorised to work or perform duties relating to the care of children are checked against the Register of Sex Offenders via a restricted-access database. The purpose of this check is to exclude individuals listed in the register in connection with sexual offences (regardless of whether these offences directly involve children or adults).

c. No court rulings in civil proceedings concerning the restriction or deprivation of parental authority: In the case of, for example, prospective foster parents, staff of foster care organisations and volunteers, the Act expressly requires that they must not have been deprived of parental authority and that such authority must not have been restricted or suspended.

However, the official verification does not cover:

a. relevant administrative or disciplinary sanctions (unless these are directly linked to a final court judgement resulting in an entry in the National Register of Criminal Convictions).

b. other information available to the authorities (e.g. court rulings in civil proceedings, apart from the specific requirement regarding parental authority mentioned above).

Polish sports federations (PZS) maintain their own disciplinary registers. A person who has been subject to disciplinary action for violent behaviour may be barred from working within the structures of the relevant federation. From the end of 2025, the Ministry of Sport and Tourism will introduce a systemic preventive mechanism as part of the Integrated Qualifications System (ZSK). A package of learning outcomes entitled 'Countering violence and discrimination in sport' must be included in all newly introduced sports qualifications (for coaches and instructors). Candidates must pass an exam or validation assessment in this area.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

a. are they life-long?

As a general rule, an entry in the Register of Sex Offenders with restricted access is valid indefinitely for the most serious paedophile offences.

Yes, in accordance with Article 41 § 1a of the Criminal Code, the court shall impose a ban on holding any or specific positions, or on practising any or specific professions or activities relating to the upbringing, education, treatment or care of minors, either for a fixed period or for life, in the event that the offender is convicted:

1) to a term of imprisonment for an intentional offence against the life or health of a minor;

2) for an offence against sexual freedom or public decency to the detriment of a minor.

Pursuant to Article 41a § 3 of the Criminal Code, the court may impose a lifetime prohibition on the offender from being present in specified environments or places, from contacting specified persons, from approaching specified persons, or from leaving a specified place of residence without the court's consent, in the event of the offender's re-conviction under the conditions set out in § 2, that is, in the event of a further conviction to a custodial sentence without a conditional suspension of its execution for an offence against sexual freedom or public decency (including where a minor is the victim). A prohibition or order may be combined with an obligation to report to the police or another designated authority at specified intervals, and a prohibition on approaching specific persons may also be monitored via an electronic tagging system.

b. if they are not life-long, please specify the time-limits applicable

In the case of less serious offences, the restrictions remain in place until the conviction is expunged from the National Criminal Register.

In accordance with Article 43(1) of the Criminal Code, unless otherwise provided by law, the prohibitions listed in Article 39(2)–(2b), namely:

- a prohibition on carrying out activities relating to the upbringing, treatment, education or care of minors,

- a prohibition on being present in specified environments or places, contacting specified persons, approaching specified persons or leaving a specified place of residence without the court's consent, shall be imposed for a period of between one and 15 years.

Pursuant to Article 43 § 1 of the Criminal Code, an order to temporarily vacate the premises occupied jointly with the victim is imposed for a period of between one and ten years.

Pursuant to Article 43 § 1a of the Criminal Code, the obligation referred to in Article 41a § 1, second sentence, and § 2, second sentence—that is, the obligation, combined with a specific prohibition or order, to report to the police or another designated authority at specified intervals-is imposed for a period of between 3 and 12 months.

Furthermore, it should be noted that, in accordance with Article 43 of the Criminal Code:

§ 2. The deprivation of public rights, prohibitions and orders shall take effect from the date on which the judgment becomes final.

§ 2a. The period for which prohibitions have been imposed shall not run whilst a custodial sentence is being served, even if that sentence was imposed for another offence.

c. are they applied only to activities in the public sector?

The restrictions apply to both the public sector and the private sector/NGOs.

A criminal sanction imposed by a court in the form of a ban on holding certain posts, practising certain professions or carrying out certain activities may include a ban on holding any post, practising any profession or carrying out any activity related to the upbringing, education, treatment or care of minors, i.e. in both the public and private sectors – for example, a ban on practising the profession of a teacher. This is because Article 41 § 1a of the Criminal Code provides that the court shall impose a prohibition on holding any or specific positions, practising any or specific professions, or carrying out any or specific activities related to the upbringing, education, treatment or care of minors, either for a fixed period or for life, in the event of a conviction:

1) a custodial sentence for an intentional offence against the life or health of a minor;
2) an offence against sexual freedom or public decency to the detriment of a minor.

Please provide details.

Relevant provisions:
Article 39. [List of penal measures]
Penal measures include:
2) a prohibition on holding a specific post, practising a specific profession or carrying out a specific business activity;
2a) prohibition on carrying out activities relating to the upbringing, treatment, education or care of minors;
2b) a prohibition on being present in specified environments or places, contacting specified persons, approaching specified persons or leaving a specified place of residence without the court’s consent;
2e) an order to temporarily vacate the premises occupied jointly with the victim;

Article 41. [Prohibitions relating to the pursuit of gainful employment]
§ 1. The court may impose a ban on holding a specific post or practising a specific profession if, in committing the offence, the offender abused their position or the profession they were practising, or if it has been established that their continued holding of that post or practising of that profession poses a threat to significant legally protected interests.
§ 1a. The court shall impose a prohibition on holding any or specific posts, practising any or specific professions, or engaging in any activities relating to the upbringing, education, medical treatment or care of minors, either for a fixed period or for life, in the event of a conviction:

1) to a term of imprisonment for an intentional offence against the life or health of a minor;
2) for an offence against sexual freedom or public decency to the detriment of a minor.

§ 1b. The court shall impose the lifetime prohibition referred to in § 1a and 1aa in the event of the offender's re-conviction under the conditions set out in those provisions.

§ 2. The court may impose a prohibition on carrying on a specific business activity in the event of a conviction for an offence committed in connection with the conduct of such activity, if the continued conduct of that activity poses a threat to significant legally protected interests.

Article 41a. [Optional or mandatory prohibition on contact]

§ 1. The court may impose a prohibition on being present in specified environments or places, on contacting specified persons, on approaching specified persons or on leaving a specified place of residence without the court's consent, as well as an order to temporarily vacate the premises occupied jointly with the victim, in the event of a conviction for an offence against sexual freedom or public decency to the detriment of a minor or another offence against personal liberty, and in the event of a conviction for an intentional violent offence, including in particular violence against a close relative. A prohibition or order may be combined with an obligation to report to the police or another designated authority at specified intervals, and a prohibition on approaching specific persons may also be monitored via an electronic tagging system.

§ 1a. At the request of the victim, the court shall impose a prohibition on being present in specified environments or places, on contacting specified persons, on approaching specified persons, or on leaving a specified place of residence without the court's consent, as well as an order to temporarily vacate the premises occupied jointly with the victim, in the event of a conviction for an offence against sexual freedom or public decency. The prohibition or order may be combined with an obligation to report to the police or another designated authority at specified intervals, and the prohibition on approaching the victim may also be monitored via an electronic tagging system.

§ 2. The court may impose a prohibition on being in specific environments or places, from contacting specific persons, from approaching specific persons or from leaving a specific place of residence without the court's consent, as well as an order to temporarily vacate the premises occupied jointly with the victim, in the event of a conviction to a custodial sentence without a conditional suspension of its execution for an offence against sexual freedom or public decency. A prohibition or order may be combined with an obligation to report to the police or another designated authority at specified intervals, and a prohibition on approaching specific persons may also be monitored via an electronic tagging system.

§ 3. The court may impose a lifetime prohibition on the offender remaining in specified environments or places, contacting specified persons, approaching specified persons, or leaving a specified place of residence without the court's consent, in the event of the offender's re-conviction under the conditions set out in § 2.

§ 3a. Where an order is made requiring the offender to temporarily leave the premises occupied jointly with the victim for offences specified in Chapters XXV and XXVI, the court shall impose, for the same period, a prohibition on approaching the victim.

§ 4. When imposing a restraining order against specific persons, the court shall specify the distance from the protected persons which the convicted person is obliged to maintain.

§ 5. When imposing an order to temporarily vacate the premises occupied jointly with the victim, the court shall specify the period within which it is to be complied with.

§ 6. The prohibition on contacting a specific person covers any action related to an attempt to establish contact with the protected person, including those undertaken by the convicted person through a third party or using an information and communications network.

Art. 43. [Duration of penal measures]

§ 1. Unless otherwise provided for by law, the deprivation of public rights and the prohibitions and orders referred to in Article 39(2d) and (2e) shall be imposed for a period of between one and ten years; the prohibitions referred to in Article 39(2) to (2b) and (3) shall be imposed for

a period of between one and fifteen years; and the prohibition referred to in Article 39(2c) shall be imposed for a period of between 2 and 6 years.
§ 1a. The obligation referred to in the second sentence of Article 41a(1) and the second sentence of Article 41a(2) shall be imposed for a period of between 3 and 12 months.
§ 2. The deprivation of public rights, prohibitions and orders shall take effect from the date on which the judgment becomes final.
§ 2a. The period for which prohibitions have been imposed shall not run whilst a sentence of imprisonment is being served, even if that sentence was imposed for a different offence.
§ 2b. The period for which the deprivation of public rights has been imposed for a given offence shall not run whilst the offender is serving a custodial sentence for that offence.
§ 3. (repealed).

Furthermore, irrespective of any orders prohibiting the care of children, a final conviction for any intentional offence in itself constitutes an absolute and permanent barrier to recruitment or employment within the prison service. In the case of serving officers, such a conviction results in immediate disciplinary consequences and dismissal.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

In accordance with Article 106 of the Criminal Code, once a conviction has been expunged, it is deemed to have never existed; the entry concerning the conviction is removed from the register of convicted persons. There is no legal basis for providing information on convictions that have been expunged. However, it should be noted that there is a proviso under Article 106a of the Criminal Code, according to which a conviction to a term of imprisonment without a conditional suspension of its execution for an offence against sexual freedom and public decency is not subject to expungement if the victim was a minor under the age of 15.

Please provide details.

Once a conviction has been expunged in accordance with Polish law, the person is considered to have no criminal record. This is the consequence of the expungement of a conviction as provided for in the Criminal Code. The record of the conviction is removed from the National Criminal Register (KRK), so an employer who obtains information from the KRK will not see this conviction. This is linked to the concept of rehabilitation and social reintegration, although it does not stem directly from a single provision of the Constitution concerning the ‘right to reintegration’. It is more accurate to say that expunging a conviction serves to rehabilitate the convicted person and enables them to return to normal life in society. The exception concerning the most serious sexual offences against minors is, in principle, correct. The Polish Criminal Code provides that, in the case of certain of the most serious offences against sexual freedom and public decency committed against a minor under the age of 15, where a life sentence has been imposed, the conviction is not expunged.

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

The procedure is set out in a single main piece of legislation: the Act of 13 May 2016 on combating the risks of sexual offences and the protection of minors (Journal of Laws of 2026, item 110, consolidated text). Sector-specific regulations (e.g. the Teachers' Charter) refer to this Act.

The procedure for checking criminal records is set out as well in a number of legislative acts (e.g. (in the Act of 9 June 2011 on family support and the foster care system, article 41 of the Sports Act). These provisions are usually contained in laws governing the practice of a particular profession, the performance of a particular role, or the holding of a particular post.

With regard to the Prison Service, the vetting of applicants for employment or service within the organisation is sector-specific and is strictly regulated by the Prison Service Act. This Act imposes stricter criteria than the general provisions, defining absolute requirements for a completely clean criminal record in respect of intentional offences and the requirement to provide full assurance of the proper performance of the public duties entrusted to them

Vetting of candidates for court-appointed probation officers (professional and voluntary)

a) professional probation officers – Article 5(1a) and (2) of the Act of 27 July 2001 on Probation Officers (Journal of Laws of 2026, item 200, consolidated text), hereinafter: the Probation Officers Act

b) volunteer court-appointed probation officers – Article 84(1) of the Court-Appointed Probation Officers Act

- in the Act of 9 June 2011 on family support and the foster care system;
- article 41 of the Sports Act

Please provide details.

13. If screening is required, who is required to act?

a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities

b. the candidate must provide proof of absence of convictions

c. another scenario. Please specify

The regulations governing the practice of a particular profession, the performance of a particular role or the holding of a particular post specify the person or body responsible for carrying out the verification.

In accordance with Article 21(1) of the Act on the Protection of Minors against entering into an employment relationship with a person, or against allowing a person to engage in other activities related to upbringing, education, leisure, medical treatment, the provision of, spiritual development, the practice of sport or the pursuit of other interests by minors, or the care of minors, the employer or other organiser of such activities, and the person with whom an employment relationship is to be established or who is to be authorised to carry out such activities, are subject to specific obligations. The employer or other organiser shall ascertain whether the person with whom an employment relationship is to be established or who is to be authorised to carry out such activities is listed in the Register with restricted access or in the Register of persons in respect of whom the State Commission for the Prevention of Sexual Exploitation of Minors under the Age of 15 has issued a decision ordering their entry in the Register. Conversely, a person with whom an employment relationship is to be established or who is to be authorised to carry out such activities is obliged to provide information regarding their criminal record.

Please provide details.

The employer or organiser has a statutory duty to check the candidate's details themselves in the Register of Sex Offenders (access via the internet; a trusted profile or electronic signature is required). In addition, the employer (including the director of a regional educational centre, a reformatory or a shelter for minors) requires the candidate to provide information from the National Criminal Register (KRK).

The responsibilities relating to the vetting of candidates for service or employment lie with the **Prison Service** organisational unit conducting the recruitment process, in accordance with internal HR procedures. The candidate has a statutory obligation to provide the required documents and declarations, and the recruitment body carries out a formal and substantive assessment of these to determine whether they meet the statutory criteria.

A candidate for the post of **professional probation officer** must not have been convicted, with a final judgement, of an intentional offence prosecuted by the public prosecutor or an intentional fiscal offence (they must submit a certificate from the National Criminal Register) and must be of impeccable character (Article 5(1)(1a) and (2) of the Probation Act).

A candidate for the post **of voluntary probation officer** must meet the same conditions as a professional probation officer (Article 84(1)(1) and (3) of the Probation Act).

Every candidate for employment at a probation centre must provide a certificate from the National Criminal Register.

The verification is carried out by the president of the district court in whose jurisdiction the probation service operates as the 'organiser of educational and rehabilitation activities', in accordance with the provisions of Article 21(1) and (2) of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors (Journal of Laws of 2026, item 110, consolidated text).

Pursuant to Article 42(2), Article 97, Article 98 of the Act on Family Support and the Foster Care System**, applicants for non-professional or professional foster families, operators of family-based children's homes and employees of foster care institutions** are required to submit a certificate from the National Criminal Register confirming that they have not been convicted by a final judgement of an intentional offence. Pursuant to Article 7b(2) of the Act, information regarding whether a person is listed in the restricted-access database of the Register of Sex Offenders is verified and confirmed in respect of:

1) Persons forming support families and volunteers at day-care centres – the commune head or the head of a commune organisational unit authorised by him – for the purpose of verifying the requirements relating to persons forming support families and volunteers at day-care centres;

2) Applicants for the role of foster family or to run a family-based children's home, persons forming foster families, persons running family-based children's homes, persons forming support families, and volunteers in a foster family or family-based children's home – the organiser of family-based foster care – to verify the requirements for candidates wishing to become foster families or run a family-based children's home, persons forming foster families,

persons running family-based children's homes, persons forming support families, and volunteers in a foster family or family-based children's home.

3) Prospective adoptive parents – adoption centre – to verify the requirements for prospective adoptive parents;

4) Managers, directors or other staff employed by a family support and foster care organisation, a foster family or a family-based children's home – the employer – for the purpose of verifying the requirements relating to managers, directors or other staff employed by a family support and foster care organisation, a foster family or a family-based children's home;

5) Persons providing services within an organisational unit supporting families and the foster care system, a foster family or a family-based children's home – the client – for the purpose of verifying the requirements relating to persons providing services within an organisational unit supporting families and the foster care system, a foster family or a family-based children's home;

6) Persons undertaking to support the educational activities referred to in Article 96, and volunteers at a care and educational facility, a regional care and therapeutic facility or a pre-adoption intervention centre – the director of the care and care and educational facility, the regional care and therapeutic facility or the pre-adoption intervention centre – for the purpose of verifying the requirements relating to persons undertaking to support the educational activities referred to in Article 96, and volunteers at a care and educational facility, a regional care and therapeutic facility or a pre-adoption intervention centre.

14. If screening is required, who bears the costs of screening procedures?

The question of who bears the costs of a criminal record check, or whether such costs are waived, is determined by the regulations governing the practice of a particular profession, the performance of a particular role, or the holding of a particular post.

No fees are charged to either the employer or the job applicant for obtaining information from the Register of Sex Offenders. However, if an additional certificate from the National Criminal Register is required, this entails the payment of an administrative fee of 20.00 zł (for applications submitted electronically) or 30.00 zł (for applications submitted on paper). If the application is submitted by an authorised representative, a stamp duty of 17.00 zł is also required for the power of attorney (payable to the account of the relevant city or local authority). Usually, the cost of obtaining the certificate is borne by the job applicant, although the employer may decide to cover this expense from their own funds. If the job applicant has previously resided in other countries, the employer may require the submission of information from that country's criminal records or a declaration of no criminal convictions. The cost of obtaining such documents from foreign registers and any certified translation thereof is usually borne by the job applicant.

Checks on applicants for the posts or roles as provided for in Article 7b of the Act on **Family Support and the Foster Care System** against the Register of Sex Offenders are completely free of charge. Consequently, applicants do not incur any financial costs. Obtaining a certificate or information from the National Register of Sex Offenders does not require the payment of any stamp duty or administrative fees.

Obtaining a certificate from the National Criminal Register confirming that the applicant has not been convicted by a final judgement of an intentional offence requires candidates for non-professional or professional foster families, those running family-based children's homes, and employees of foster care institutions to pay fees.

Within **the Prison Service**, the reimbursement of costs for recruitment documents is governed by the internal procedures of the specific recruitment process. Similar, tailored procedural rules apply to candidates for the role of probation officers (both professional and voluntary) and to those applying for employment at probation centres.

Please provide details.

Act of 24 May 2000 on the National Criminal Register (Journal of Laws 2024, item 276)
Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors (Journal of Laws 2016, item 862)

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

Inspections are carried out by: the National Labour Inspectorate (PIP), supervisory bodies (e.g. education authorities in schools, provincial offices in care institutions) and the police. Every organisation working with children must hold documentation confirming that its staff have been vetted. Supervision of staff is internal: compliance with recruitment procedures and the authorisation of access to minors within prisons and rehabilitation centres is subject to internal control and official supervision. In the case of cooperation with external entities (e.g. NGOs, contractors), the requirement for staff vetting is mandatorily ensured at the stage of drafting contracts, agreements and issuing authorisations to enter the premises of the facility.

Pursuant to the provisions of the Act of 9 June 2022 on the support and rehabilitation of minors (i.e. Journal of Laws of 2026, item 163), the Minister of Justice exercises supreme supervision over the activities of probation centres (Article 172(2)) and supreme supervisory and educational oversight over district educational centres, reformatories and shelters for minors (Article 340(1)).

Checks on applicants for the posts or roles as provided for in Article 7b of the Act on Family Support and the Foster Care System against the Register of Sex Offenders are completely free of charge. Consequently, applicants do not incur any financial costs. Obtaining a certificate or information from the National Register of Sex Offenders does not require the payment of any stamp duty or administrative fees. Obtaining a certificate from the National Criminal Register confirming that the applicant has not been convicted by a final judgement of an intentional offence requires candidates for non-professional or professional foster families, those running family-based children’s homes, and employees of foster care institutions to pay fees.

Pursuant to Article 186(3)(a) and (b) of the Act of 9 June 2011 on family support and the foster care system (Journal of Laws of 2025, item 49), the provincial governor’s responsibilities include overseeing the implementation of tasks relating to family support, foster care, the transition to independent living of adult former care children, and adoption, as carried out by local government bodies and organisational units responsible for family support and the foster care system, as well as ensuring that the staff of these organisational units meet the required qualifications.

Please provide details.

In accordance with Article 22x of the Act of 13 May 2016 on combating the risks of sexual offences and the protection of minors:

1. The commune head, mayor, city mayor, county administrator and provincial marshal shall exercise supervision over the performance of the duties referred to in Articles 21 and 22b, within the scope of the subject-matter and territorial jurisdiction of those authorities.

2. The authorities referred to in paragraph 1 may authorise staff of the marshal's offices, county offices, city offices or municipal offices under their supervision, or municipal police officers, to carry out supervisory functions.

3. The body authorised to monitor the performance of the duties referred to in Articles 21 and 22b, within the scope of its subject-matter and territorial jurisdiction, is the body responsible for an educational institution referred to in Article 2(1)–(8) of the Act of 14 December 2016 - Education Law, or the body exercising pedagogical supervision over such an institution, or the body managing or supervising another establishment or the conduct of activities related to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, participation in sport or the pursuit of other interests by minors, or to their care.

An analysis of Article 22x of the Act on the Prevention of Corruption leads to the fundamental conclusion that there are multiple bodies authorised to carry out inspections.
These bodies can be divided into two groups:

1) the authorities of a local government body,

2) the authorities supervising institutions or the conduct of a given activity - These entities may be divided into the following groups:

- the body responsible for an educational institution referred to in Article 2(1)–(8) of the Education Act, within the scope of its subject-matter and territorial jurisdiction;
- the body exercising pedagogical supervision over such an institution;
- a body managing or supervising another institution or the conduct of activities relating to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, participation in sport or the pursuit of other interests by minors, or to their care.

It is the inspector's duty to draw up a report on the inspection activities, a copy of which is to be delivered to the manager of the inspected entity or the inspected individual, together with the post-inspection recommendations.

If the report states that the inspected entity has breached the regulations, or that there is reasonable suspicion that such a breach may have occurred, recommendations shall be issued to the inspected entity.

Irrespective of whether post-inspection recommendations are issued, the inspecting body shall immediately notify the police or the public prosecutor. It is for the inspecting body to decide which law enforcement authority to notify. In the event of an urgent need to take action to protect a minor, it seems reasonable to notify the police, given their ability to take action more swiftly.

16. **If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?**

Pursuant to Article 21(1)–(3) of the Act of 13 May 2016 on countering the risks of sexual offences and the protection of minors (consolidated text: Journal of Laws of 2026, item 110), employers and organisers are under an absolute obligation to verify the background of persons authorised to work with children. Failure to comply with this procedure or the employment of a person listed in the register constitutes an offence. Pursuant to Articles 23 and 23a of the aforementioned Act, this offence is punishable by imprisonment, restriction of liberty or a fine of not less than 1,000 PLN. Irrespective of the generally applicable criminal sanctions, within the uniformed services, allowing breaches in this regard gives rise to serious professional, disciplinary and employment consequences for the officer or employee responsible, commensurate with the severity of the offence.

Failure to comply with the obligation to verify applicants for roles and activities involving the care of children, as set out in Article 7b of the Act on Family Support and the Foster Care System, will result in the following consequences:

a. Prohibition from working with children: A person who has not been verified in the Register of Sex Offenders (restricted access) may not hold a position in foster care or carry out care-related duties. Allowing such a person to work constitutes a breach of the law.

b. Fines for care providers: in accordance with Section 198 of the Act on Family Support and the Foster Care System, ‘Any person who fails to comply with the post-inspection recommendations referred to in Section 197d(1) of the Act on Family Support and the Foster Care System shall be liable to a fine of between 1,000 and 15,000 PLN’.

c. Withdrawal of authorisation/termination of contract: Failure to comply with the terms of the contract (including the employment of unvetted individuals) may result in the termination of the contract with the foster family, care home or other institution and the immediate removal of the children.

d. Criminal and disciplinary liability: Managers of care homes and officials who allow persons to work without the required vetting may face criminal liability (e.g. under Article 231 of the Criminal Code – failure to fulfil official duties to the detriment of the public or private interest) as well as disciplinary liability.

Please provide details.

In accordance with Article 23 of the Act of 13 May 2016 on combating the risks of sexual offences and the protection of minors:

1. Any person who, being obliged, by virtue of their inclusion in the Register, to report their actual address of residence or any change thereto to the relevant organisational unit of the Police or to the relevant person in charge of a remand centre, a prison, a psychiatric institution, a youth correctional centre, a regional educational centre, a medical facility as referred to in Article 8 of the Act of 9 June 2022 on the support and rehabilitation of minors, or a reformatory, fails to fulfil this obligation, shall be liable to a penalty of detention, restriction of liberty or a fine of not less than 1,000 PLN.

2. Any person who allows a person to work or carry out any other activity relating to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, participation in sport or the pursuit of other interests by minors, or to their care, without having obtained the information referred to in Article 21(2), shall be liable to a penalty of imprisonment, restriction of liberty or a fine of not less than 1,000 zł.

3. Any person who, prior to entering into an employment relationship or being authorised to carry out activities relating to the upbringing, education, leisure, medical treatment, provision

of psychological counselling, spiritual development, participation in sport or the pursuit of other interests by minors, or to the care of minors, fails to fulfil the obligation to submit the information or declaration referred to in Article 21(3–7, shall be liable to a penalty of imprisonment, restriction of liberty or a fine of not less than 1,000 PLN.

Article 23a [Unlawful authorisation to work]
Any person who permits a person to work or to engage in any other activity relating to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, participation in sport or the pursuit of other interests by minors, or to the care of minors, whilst knowing that that person's details are entered in the Register, or knowing that they have been finally convicted of an offence specified in Chapters XIX and XXV of the Criminal Code, an offence specified in Articles 189a and 207 of the Criminal Code, or in the Act of 29 July 2005 on Combating Drug Addiction, shall be liable to a penalty of detention, restriction of liberty or a fine of not less than 1,000 PLN.

17. Is regular screening, beyond the initial recruitment process, required, for:

- **a. professionals in contact with children**
- **b. volunteers in contact with children**
- **c. foster parents and legal guardians?**

The regulations impose an obligation to carry out a background check before allowing a person to take up employment or undertake an activity. The Act does not specify a fixed period for repeating the checks (e.g. annually); however, in practice, organisations introduce the so-called Standards for the Protection of Minors, which recommend periodic updating of declarations or re-checking with the National Criminal Records Register (e.g. before each camp season).

A re-check of a new certificate obtained from the National Criminal Register is required if an employee moves to a position that requires vetting but was not previously subject to it, or following a break in employment. Furthermore, if a certificate obtained from the National Criminal Register was provided prior to employment and several months have since passed, it is at the employer's discretion whether to request an updated document. The requirement for verification against the Register of Sex Offenders (RSPTS) is an ongoing one for new recruits, but the law does not mandate periodic checks against the register for existing staff. It is worth bearing in mind, however, that all guidelines and inspections – including those from the Regional Board of Education – place great emphasis on ensuring that verification documentation from the time of recruitment is complete and kept in the employee's personnel file.

If regular screening is required, please specify its frequency and provide other details.

In accordance with Article 22b of the Act on countering the risks of sexual offences and the protection of minors aforementioned, every organisation working with children (including units within the family support and foster care system) must have implemented the Standards for the Protection of Minors. These standards set out internal procedures (e.g. staff submitting declarations once a year or repeating checks against the register at fixed intervals) to maintain the highest level of child safety.

Facilities and organisational units within the family support and foster care system are subject to external inspections (e.g. by the village head, mayor, city mayor, district administrator, provincial marshal, provincial governor, the National Labour Inspectorate, the National Health Fund), which periodically check whether the obligation to carry out ongoing and retrospective vetting of all staff and volunteers is scrupulously implemented in practice.

In the Prison Service, the requirements regarding a clean criminal record and the provision of a guarantee are not limited to the recruitment stage alone – they must be met throughout the entire duration of the service or employment relationship. The mere fact that a superior becomes aware of the commencement of criminal proceedings for an intentional offence or of a conviction (even if not yet final or conditionally suspended) triggers the immediate initiation of disciplinary procedures, suspension or dismissal from service or employment in accordance with the Act on the Prison Service and the Labour Law.

In accordance with the guidelines on the protection of minors, sports clubs and Polish sports federations are introducing mechanisms for periodic verification (e.g. the resubmission of declarations or certificates from the National Criminal Register every year or every two years) to ensure that a coach has not been convicted during their period of employment.

A draft bill amending the Act on the Protection of Minors is currently being considered by the Ministry of Justice. With a view to ensuring effective protection against sexual offences and recognising that data from the national criminal register may change, the draft provides for a mechanism enabling employers and other organisers to systematically repeat the procedure for obtaining information from the registers. Under the draft, an employer or other organiser will obtain information on criminal convictions at regular intervals of every two years.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

Law enforcement authorities (the police, the public prosecutor's office) may, and in certain situations arising from the legislation on preventing the risks of sexual offences are even obliged to, inform an employer or a voluntary organisation about ongoing proceedings or preventive measures taken against a person working with children.

If a suspect is remanded in custody, the court has a legal duty to notify the employer of this without delay.

The prosecutor may issue an order suspending the suspect from practising a specific profession or holding a specific post if there is a reasonable fear that they will reoffend in the same manner. In such a situation, the authority is obliged to notify the employer, which results in an immediate ban on the employee being allowed to work.

Disclosure of information regarding a suspicion of having committed a sexual offence often results in the loss of the trust necessary to practise a profession involving the education, upbringing or care of children, which may constitute grounds for terminating the employment contract (including through disciplinary proceedings in the event of a serious breach of employment duties).

Please provide details.

Where criminal proceedings have been brought against an employee or volunteer for a sexual offence against a child, the prosecutor or court shall immediately notify the employer or school. Pursuant to Article 85t of the **Teachers**' Charter and the general provisions of labour law, such an employee shall be immediately suspended from their duties until the proceedings have been concluded.

With regard to **the Prison Service** as an employer, the regulations are categorical: it is a statutory requirement that officers and staff must not be subject to ongoing criminal proceedings for an intentional offence or an intentional fiscal offence. Becoming aware of such proceedings triggers procedures under service regulations or labour law, preventing the individual from continuing to perform their duties within the organisation in the usual manner.

Prosecution Service or the police may inform the employer that charges have been brought against **a coach**. As a result, the person in question will be immediately suspended from working with children until the matter has been clarified.

<u>Cross-border screening</u>

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

a. professionals

b. volunteers

c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

Yes, a foreign background check is an absolute statutory obligation in respect of all three categories of persons listed (a, b, c). This follows directly from Article 21(4)–(8) of the Act on Counteracting the Threats of Sex Offences and the Protection of Minors (these provisions were tightened and expanded under the so-called 'Kamilka Act').

a. Professional staff: Yes.

b. Volunteers: Yes.

c. Prospective adoptive parents, foster parents and carers: Yes.

Please provide details.

Any candidate (whether a Polish citizen or a foreign national) who has resided in countries other than the Republic of Poland during the last 20 years is required to submit the following to their employer or the organising body:

1. A criminal record extract from the country of their nationality and all countries in which they resided during that period, obtained for the purposes of professional or voluntary work involving contact with children.

2. A declaration under penalty of criminal liability (Article 233 § 1 of the Criminal Code), stating that in those countries they have not been convicted of sexual offences against children or other prohibited acts, and that no order prohibiting them from working with children has been issued against them (to be submitted if the country in question does not maintain a criminal record or does not issue such certificates).

The Act of 9 June 2011 on family support and the foster care system, in conjunction with the provisions of the Act on combating the threat of sexual offences, imposes verification obligations on foster care providers and employers.

Employees and volunteers providing services to children in family support or foster care facilities, as well as persons applying for the status of adoptive parent, foster parent or legal guardian of a child who hold a nationality other than Polish, are also required to submit relevant information from the relevant criminal record of their country of nationality. The Act also imposes an obligation to submit an additional declaration regarding the country or countries in which the person has resided over the last 20 years, other than Poland and the country of citizenship, as well as information from the relevant criminal records of those countries.

However, if the country in question does not maintain a criminal record or does not issue the information described above, the person is required to submit a relevant declaration stating that they have not been convicted by a final judgement of offences prohibited under the provisions of the Act, and that no prohibition has been imposed on them regarding holding positions or practising professions within the scope of the activities mentioned above.

The above-mentioned documents should be attached by the employer (or other organiser) to the employee's personnel file or to the documentation of the person authorised to carry out such activities.

20. Is there a mechanism to:

a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings[1] (please specify)

Yes.

As an EU Member State, Poland uses the ECRIS (European Criminal Records Information System). Apart from criminal proceedings, the National Criminal Records Office may submit an enquiry to another EU Member State at the request of an authorised body (e.g. to verify employment), provided that the law of the requested Member State permits this.

b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

Yes.

Under the ECRIS system, if a central authority in another EU Member State requests information from the Polish Criminal Records Office (KRK) regarding a Polish citizen for purposes other than criminal proceedings (e.g. recruitment for work involving children), the KRK provides such information within the limits permitted by Polish law.

Please provide details.

The exchange of information from the criminal records of European Union Member States takes place in accordance with the provisions of Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation of the exchange of information extracted from criminal records between Member States and the content of such information (OJ EU L 2009, No 93,

[1] For purposes of recruitment, volunteering, adoption, foster care or guardianship.

p. 23, as amended), using the European Criminal Records Information System (ECRIS). This means that, in accordance with the rules set out in the above-mentioned Framework Decision, EU Member States exchange criminal record data with one another. It is possible to provide and obtain information from the criminal records of another EU Member State for purposes other than criminal proceedings, including for the purposes of carrying out professional or voluntary activities involving contact with children.

The exchange of information on criminal convictions with countries outside the European Union is governed by the provisions of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 (Journal of Laws of 1999, No. 76, item 854, as amended) or bilateral international agreements. As a general rule, these concern the transfer of information on criminal convictions for the purposes of criminal proceedings. Bilateral international agreements concluded with third countries set out the rules for the exchange of data on convictions in a manner very similar to that of the Convention referred to above.

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Yes, such an obligation exists in relations with EU Member States under Council Framework Decision 2009/315/JHA and national legislation on the National Criminal Records Register (KRK). If a competent authority in another EU country submits a request via the ECRIS system to check the background of a person applying to work with children, the Polish Criminal Records Register is obliged to provide information on convictions for sexual offences against children, provided that the consent of the data subject has been obtained (if the law of the requesting country requires such consent).

With regard to the Member States of the European Union and the United Kingdom (in accordance with the provisions of the Agreement on Trade and Cooperation between the European Union and the European Atomic Energy Community, on the one hand, and the United Kingdom of Great Britain and Northern Ireland, on the other (OJ EU L 149, 30 April 2021, p. 10)), the obligation to provide the State of nationality with information on the conviction of its national stems from the provisions of Council Framework Decision 2009/315/JHA.

Furthermore, additional rules on the transmission of information on convictions, including in relation to sexual offences against children, also stem from the provisions of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual exploitation of children and child pornography. This Directive provides, amongst other things, for the obligation to ensure the effective exchange of information between the competent the authorities of the Member States, including for the purpose of preventing reoffending and vetting persons who are to have contact with children.

Please provide details.

This exchange is based on specific rules. The ECRIS system (in the European Union): The exchange of data on convictions between European Union Member States takes place electronically via the ECRIS system. In accordance with EU regulations, when a European Union citizen has been convicted in the Republic of Poland, the National Criminal Register automatically notifies their country of origin. The courts and the police have the legal authority to exchange information with judicial and law enforcement authorities in other countries, including for evidential purposes or in the context of the application of coercive measures. In turn, the ECRIS-TCN (Third-Country Nationals) system also includes ECRIS-TCN, which facilitates the exchange of information on convictions concerning nationals of non-EU countries.

Act of 24 May 2000 on the National Criminal Register (Journal of Laws 2024, item 276)

Additional details and reflections

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Standards for the Protection of Minors: From 2024, all educational, care, arts, religious and medical institutions in Poland will be legally obliged to implement the 'Standards for the Protection of Minors'. These standards include strict procedures for the safe recruitment of staff, going beyond the RSPTS itself (e.g. verification of references from previous employers).

Two-stage national vetting: Vetting in Poland always consists of two independent steps:

1. A check by the employer against the Register of Sex Offenders (RSPTS) – a register with restricted access (immediate, electronic and free of charge).
2. Submission by the candidate of a standard certificate from the National Criminal Register (KRK).

Please provide details.

From the perspective of **the Prison Service,** the staff vetting system must be much broader in scope than simply protecting minors from sexual offences. This stems from the specific nature of the organisation responsible for enforcing custodial sentences, ensuring the security of prison facilities, protecting the public and carrying out rehabilitation programmes. The staff assessment system should comprehensively examine an individual's good character and general absence of a criminal record.

In accordance with Article 22b of the Act of 16 May 2016 on countering the risks of sexual offences and the protection of minors, every organisation working with children (including units within the family support and foster care system) must have Child Protection Standards in place. These standards set out internal procedures (e.g. staff submitting declarations once a year or undergoing regular checks against the register at specified intervals) to maintain the highest level of child safety.

23. **What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?**

1. Barriers to verifying non-EU nationals

- obtaining certificates from third countries (affected by conflicts, diplomatic crises or with a low level of digitalisation) poses a significant practical problem. The need to rely solely on candidates' own statements creates a risk of abuse;
- In the case of third-country nationals, there are no effective mechanisms for obtaining information on criminal records via criminal records registers. This means that individuals must obtain certificates themselves from the competent authorities of third countries, i.e. the countries of which they are nationals, or the countries in which they have resided, which can be difficult, time-consuming or impracticable. In practice, this may also lead to the use of self-declarations as a substitute for certificates, which reduces the level of certainty in the verification process.

2. Financial burdens associated with translations

Foreign criminal record documents must be translated by a sworn translator. These costs place a heavy strain on budgets, particularly for volunteers and small non-governmental organisations (NGOs).

3. Inadequacy of the National Criminal Register (KRK) infrastructure

The massive influx of applications triggered by the new legal obligation results in periodic overloading of the IT system and physical information points, which delays the issuing of certificates.

4. Interpretation issues within the prison system

The main challenge in prisons is to distinguish precisely between incidental contact with minors (e.g. during family visits) and the ongoing performance of educational, care, medical or psychological duties. Preventative programmes for young people, projects carried out with external partners and specific areas, such as mother-and-child homes attached to prisons, require particular oversight.

5. The need to carry out checks against more than one register

Given the need to check against a broader range of offences than merely sexual offences (including those functionally linked to the safety of children) – roughly corresponding to the offences set out in Directive 2011/93/EU of the European Parliament and of the Council 2011/93/EU of 13 December 2011 on combating the sexual exploitation of children and child pornography – in practice, checks are carried out not only against the Register of Sex Offenders, but also against the National (e.g. in relation to offences against life and health, etc.). This results in additional administrative burdens, lengthened procedures, and a lack of understanding on the part of those being vetted, who often question the necessity of conducting parallel checks across two registers.

6. Inconsistencies in national and sector-specific regulations

The regulations governing access to work with children (e.g. in the education, care, sport or youth work sectors) are not fully consistent. They differ in terms of:

- the scope of offences subject to vetting,
- the period covered by the vetting,
- data sources and the procedures for obtaining them.

The lack of uniform standards means that individuals must undergo verification procedures multiple times for different roles or sectors.

7. Administrative costs and procedural burden
Inconsistent regulations and the requirement for multiple verifications (including in two registers)
lead to additional costs and delays in the completion of procedures.

8. The main challenge in sport following deregulation is the fragmentation of responsibility amongst small, local sports clubs (which often rely on volunteers), for which bureaucratic procedures and the costs of obtaining certificates represent an administrative burden. Another challenge is the waiting time for criminal record checks from abroad when recruiting coaches from outside the EU.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

1. The Border Guard has drawn up internal procedures which have been implemented and apply at the administrative detention centre designed to accommodate only foreign minors, i.e. the Guarded Centre for Foreign Nationals in Lesznowola. The procedures in question, set out in the document entitled ‘Standards for the Protection of Children at the Guarded Centre for Foreign Nationals in Lesznowola’, constitute a set of rules and procedures designed to ensure that unaccompanied foreign minors are protected from harm. Consequently, this document sets out the principles for preventing and counteracting harm to children in places of administrative detention by specifying intervention procedures in the event that child abuse is identified, including abuse by other family members, by peers or by centre staff.
2. The Ministry of Sport and Tourism cites the Integrated Qualifications System (ZSK) as an example of good practice. The introduction, from the end of 2025, of compulsory examinations for prospective coaches on recognising the signs of violence and responding to it (‘Countering violence and discrimination in sport’) builds genuine soft skills among staff, going beyond the mere formal checking of criminal records;
3. A draft amendment to the Act on Family Support and the Foster Care System (UD354) is currently being considered by the Ministry of Family, Labour and Social Policy, has been published on the website of the Government Legislation Centre. The public consultation ended on 15 May 2026. The Ministry of Family, Labour and Social Policy is currently analysing the comments received as part of the public consultation. The draft amendment focuses on changes relating, amongst other things, to improving child safety. The draft amendment to the Act on Family Support and the Foster Care System sets out new procedures for vetting professionals, volunteers and other individuals who come into contact with children;
4. **Digitalisation and immediate checks:** The Ministry of Justice’s ICT system provides employers with free, round-the-clock online access to the RSPTS. Using a Trusted Profile or a qualified digital signature allows a candidate to be vetted in just a few minutes, which effectively prevents anyone listed in the register from being allowed to work with children.
5. **Universal obligation with no exceptions:** Extending checks to every form of contact with minors – including technical staff and volunteers on one-off trips – eliminates legal loopholes. This prevents offenders from circumventing procedures in the private, voluntary and commercial sectors.
6. **An integrated vetting model (Good practice):** The most effective protection model goes beyond standard sex offence registers. It is based on simultaneously checking for the absence of convictions for intentional offences, suspended sentences and ongoing proceedings. Furthermore, success is ensured by combining recruitment procedures with

security clearance checks (guarantee of confidentiality) and ongoing professional supervision during employment.

7. Adoption of the National Plan to Combat Crimes Against Sexual Freedom and Morality Affecting Minors for 2023–2026. Council of Ministers Resolution No. 204 of 17 October 2023 on the adoption of the National Plan to Combat Crimes Against Sexual Freedom and Morality Affecting Minors for 2023–2026.