**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: The Committee of Experts for Remediating Homelessness at the Commissioner for Human Rights. The committee consists of experts who deal with the phenomenon of homelessness and housing exclusion. They hold various positions: leaders of local and national NGOs, representatives of nationwide service provider federations and researchers who study the subject (including experts representing the Polish National Federation for Solving the Problem of Homelessness, Habitat for Humanity Poland, St. Brother Albert Aid Society, Sant'Egidio Community of Warsaw, Housing First Foundation in Poland). As a rule, representatives of local governments – who have the greatest legal competence in the area of solving the problem of homelessness and housing for people with the lowest incomes – do not participate in the Commission. Polish social policy is characterized by a “silo” approach: actions and policies for people experiencing homelessness (roofless and houseless), housing exclusion, with disabilities, victims of violence, women, people leaving foster care, refugees and foreigners, and the LGBTQ+ community are considered separately. The Committee’s expertise lies primarily in the area of homelessness and housing exclusion; in the other areas mentioned above it is limited to anecdotal observation.

Type of Entity\*

National Government or federal governmental ministry/agency

Inter-governmental organization or UN agency

Local or regional government, agency, representative or mayor

Association, tenant union or housing cooperative

NGO network, umbrella organization

Community-based NGO

Academia

Foundation

National human rights organization, ombudsperson

Real estate, urban planning or construction

Real estate investor or investment fund

Trade Union

Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

Public administration

Advocacy

Funding

Legal Assistance

Networking

Policy

Research

Technical Assistance

Training

N/A

Other:

3. City/Town: Click here to enter text.

4. State/Province: Click here to enter text.

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); Poland

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

Roma communities and representatives in Poland report discrimination in access to suitable social housing. Roma communities experience discrimination and significant prejudice.

* ECRI report on Poland (fifth monitoring cycle), adopted 20 March 2015, published 9 June 2015 [online:] <https://rm.coe.int/fifth-report-on-poland/16808b59a0>
* ECRI report on Poland (fourth monitoring cycle), published 15 June 2010 [online:] <https://rm.coe.int/fourth-report-on-poland/16808b599d>

According to available research on the housing situation of immigrants in Poland conducted by (i) a specialist NGO advocating for the rights of immigrants and refugees, the Association for Legal Intervention and (ii) a national thinktank, the Institute of Public Affairs, discrimination against this group regarding access to housing can be observed. The main obstacles are related to (i) a deficit of social housing (see point below regarding low-income citizens), (ii) provisions of local legal acts on access to social housing requiring administratively reported residency in the municipality as a condition for application for social housing (a requirement impossible or difficult to meet by immigrants) and (iii) stereotypes among private landlords.

According to local research by Habitat for Humanity Poland, an NGO advocating for better housing solutions for low-income families, private landlords are reluctant to rent apartments to migrants, especially those who come from countries to the east of Poland. This problem has been evidenced in a social rental agency housing program led by Habitat for Humanity Poland – immigrant families constitute 36% of all families in the program (a total of 53 families). 94% of these families came from former USSR countries (mainly Ukraine and Chechnya). 84% of immigrant families applied to the social rental agency due to problems they faced renting an apartment on their own. According to interviews with landlords and tenants conducted by the social rental agency, the landlords: (i) do not trust the immigrants, (ii) abuse their position, e.g. by not consenting to register their tenants’ residence in their properties (which adversely impacts the tenants’ situation on the labour market and causes them administrative difficulties). According to immigrant tenants, they feel lost in the bureaucratic procedures.

On the other hand, it should be noted that immigrant ghettos generally have not been observed in Poland and immigrants still do not constitute a significant percentage of people living in Poland.

Available research and reports:

* K. Wysieńska, N. Ryabińska, “Bezdomność uchodźców w Polsce – wyniki badania pilotażowego” [Homelessness of immigrants in Poland – pilot study findings], Instytut Spraw Publicznych [The Institute of Public Affairs], 2010 [online:] <https://www.isp.org.pl/pl/publikacje/bezdomnosc-uchodzcow-w-polsce-wyniki-badania-pilotazowego>
* K. Wencel, “Dyskryminacja cudzoziemców w dostępie do usług mieszkaniowych w Polsce. Między teorią a praktyką” [Discrimination of foreigners in access to housing services in Poland. Between theory and practice], Stowarzyszenie Interwencji Prawnej [Association for Legal Intervention], 2011 [online:] <https://www.interwencjaprawna.pl/wp-content/uploads/2020/06/ARE-511-dyskryminacja-mieszkaniowa.pdf>
* ECRI report on Poland (fourth monitoring cycle), published 15 June 2010 [online:] <https://rm.coe.int/fourth-report-on-poland/16808b599d>
* ECRI report on Poland (fifth monitoring cycle), adopted 20 March 2015, published 9 June 2015 [online:] <https://rm.coe.int/fifth-report-on-poland/16808b59a0>

**Children leaving foster care**

Children who, after reaching the age of maturity, leave institutionalized foster care centres (orphanages, reform schools, foster families) as well as children who, though formally under parental authority, actually “live on the street”. There are neither regulations that take into account the situation of this group, nor genuine support for them to quickly obtain appropriate shelter that is adapted to the given person’s circumstances, taking into account their young age, earning potential, willingness to study and need for support in gaining independence.

As to social housing – the rules for applying (including the groups accorded special preferences) are established at the local level, and there is no general government obligation to provide young adults with a social flat upon leaving a foster care institution. Although many municipalities have regulations giving priority or additional points in the recruitment process to young adults leaving foster care institutions, long waiting times for and the poor conditions of municipal (social) flats remain ongoing problems.

Moreover, there is no systemic solution providing each person leaving foster care with supported housing. Under law (e.g. the Act of 12 March 2004 on Social Aid [PL: ustawa o pomocy społecznej]) young people leaving such places may be offered supported housing. However, due to limited resources and the significant deficit of supported housing, usually no such offer is available. Thus, young adults in this situation face significant difficulties on the housing market and a significant risk of homelessness.

In Poland, the phenomenon of child homelessness is also identified, not only of young people leaving foster care facilities

Available research and reports:

* Report of the Supreme Chamber of Control, “Pomoc w usamodzielnianiu się pełnoletnich wychowanków pieczy zastępczej” [Assistance to adults leaving foster care in becoming independent], 189/2014/P/14/45/KPS, 22 December 2014 [online:] <https://www.nik.gov.pl/plik/id,7849,vp,9839.pdf> ]
* M. Czapnik-Jurak, “Warszawska diagnoza sytuacji mieszkaniowej młodzieży w wieku 17-25 lat zagrożonej lub dotkniętej bezdomnością – raport z badania” (Diagnosis of the housing situation of young people aged 17-25 experiencing or at risk of homelessness in Warsaw – research report), Warsaw 2019 [online:] <http://podrugie.pl/wp-content/uploads/2020/11/raport-poprawiony_2.pdf>

**Woman**

The Act on Social Assistance refers to “domestic violence” and “protection of motherhood and large families” as difficult life situations entitling women to social assistance. The support system has separate facilities for different categories of women experiencing homelessness: single mothers' homes, women's shelters and crisis intervention centres. In 2020, regulations were adopted that enable the immediate removal of perpetrators of violence from the dwelling during a police intervention.

Available research and reports:

* Mostowska, Dębska, (2020) “The Conspicuous Hidden Curriculum and Young Women's Daily Lives in Polish Crisis Accommodation”, <https://nlchp.org//wp-content/uploads/2018/10/Housing-Not-Handcuffs.pdf>

Persons with disabilities in Poland experience discrimination in access to housing, including social housing and supported housing. It takes the form of (1) offering people with disabilities social housing that does not meet accessibility criteria, (2) a significant deficit of supported housing designed for persons with disabilities (including mental disabilities), (3) an institutionalized support system for people with disabilities (and for other groups) that does not guarantee independent living.

As to social housing, it frequently fails to meet accessibility criteria. The failures include flats on higher floors in buildings without elevators, stairs in front of the building entrance, flats with excessively narrow doors and toilets that cannot be accessed.

Municipalities are legally obligated to enact regulations specifying the rules for leasing social flats. However, it’s only been since April 2019 that these rules have been required to include the conditions for flats offered to people with disabilities (taking into account real needs determined by type of disability). Supervisory administrative decisions have already invalidated some municipalities’ regulations due to their failure to include the mandated conditions related to accessibility (e.g. Supervisory Resolution of the Lublin Voivode of 5 February 2020, ref. file no. PN-II.4131.66.2020). Moreover, because this is a new regulation, a significant number of people with disabilities continue to live in flats that do not enable them to lead independent lives.

It also bears mentioning that in recent years (especially 2018 and 2019) other legal changes have been enacted to increase the architectural accessibility of residential buildings, though these regulations apply to new housing stock.

As to supported housing, firstly, although Poland has various housing support models, only one is legally regulated (so called “protected housing”). According to the Act of 12 March 2004 on Social Aid [PL: ustawa o pomocy społecznej], “protected housing” cannot serve people requiring full-time medical assistance provided by care units, thus it excludes a significant group of people with disabilities from access to it.

Secondly, the number of supported housing units (including “protected housing” and supported housing funded under EU projects) on the scale of the whole country falls far short of need (there are approx. 1,500 supported housing units in Poland). Moreover, these are mostly training housing units (providing support for a limited period of time) and are usually not accessible for people with disabilities. The Supreme Chamber of Control indicated in one of its audit reports that there are municipalities offering people with disabilities supported housing that is inaccessible (including lack of free access to the building or apartment and apartment layouts that prevent free movement).

* Report of the Supreme Chamber of Control [NIK], “Wykonywanie przez gminy zadań z zakresu gospodarki mieszkaniowej” [Performance of duties regarding housing by municipalities], 81/2018/P/18/005/KAP, 27 February 2019 [online:] <https://www.nik.gov.pl/plik/id,20338,vp,22961.pdf>

Low-income and very low-income households are entitled to housing support by the municipalities. Municipalities offer two types of lease agreements for municipal housing stock: 1) social lease agreements – flats may be of lower standard, agreements are concluded for limited period of time. It’s a solution for people in the worst financial condition and for those evicted from their flats; 2) lease agreements for municipal housing – offered for an unlimited time period, in “regular” municipal housing. In Poland, affordable housing (an almost non-existent sector) does not fall within social housing. Social housing is publicly subsidized.

There are currently 840,373 municipal flats in Poland (5.7% of the total housing stock in Poland). 12.0% of them (101,201 flats) are provided on the basis of social lease agreements. At the end of 2019, according to the National Office of Statistics, 150,579 households were waiting to rent a flat from the municipal housing stock (including 81,214 for social rent) – there were no available flats for those households. The waiting period for a flat can last several years, and in the worst cases more than 15 years.

In 2018, the average rent for a standard municipal flat was PLN 5.02 (EUR 1.10) / m2, and the average social rent was PLN 1.44 (0.22 EUR) / m2. Keep in mind that municipalities are authorised not only to set the rental rates for their housing stock, but also to set the criteria entitling people to apply to lease these dwellings, including income limits, housing conditions authorizing their improvement and priority rules in the queue for municipal housing.

Social housing: People with low incomes can apply to rent social housing units provided by the municipality in which the given person has registered permanent residence (understood as the centre of life). Pursuant to the Act of 21 June 2001 on the protection of the rights of tenants in municipal housing stock and the amendment to the Civil Code (Journal of Laws of 2020, item 611), low-standard premises – smaller units in worse technical condition – may be designated for social rent. In practice, these are often units with coal-fired heating and shared bathrooms (which may even be located outside the building), on high floors in buildings without elevators, located on the outskirts of the city, with poor public transportation to the city centre or larger nearby city. Social rental units may even be in “buildings” that consist of containers.

Municipal housing: like social lease agreements, lease agreements for municipal housing are a legally regulated type of lease between a municipality (community) and tenants who meet certain criteria. These units are often flats in old, low-standard, dilapidated buildings (though some of these flats are in good condition after modernization and/or insulation; there is also newly constructed municipal housing stock in many cities).



Photo 1 Municipal flat (toilet outside of the flat) Kolonia Orłów Drewniany, Izbica municipality, Poland. Source: Report of the Supreme Chamber of Control, <https://www.nik.gov.pl/plik/id,20338,vp,22961.pdf>

To sum up, due to the deficit of social (municipal) housing, and poor technical conditions of much of the existing municipal housing stock, low-income persons, including people living in poverty, experience housing discrimination.

Firstly, their access to social housing is impeded. Apart from bureaucratic procedures, criteria restricting the size of the eligible group are enacted in order to avoid excessively long waiting lists. As determined by the Supreme Chamber of Control in a report it released in 2020, “*Despite lease agreements concluded by the municipalities and the flats they provided as well as investments and repairs they made, the number of households waiting for municipal housing has increased in all the inspected municipalities* […] *Between 2016 and first half of 2019, the housing needs of low-income households remained unsatisfied*.”

Secondly, municipal housing stock is mainly in bad technical condition. For example, according to the local authorities in Poland’s capital, 18% of the municipal housing stock (flats) is in bad technical condition (category E), 16% is impermissible (i.e. barely adequate) condition (category D) and 43% is in acceptable condition (category C). More than 30% of municipal flats in Warsaw do not have access to a bathroom or toilet.

Thirdly, due to limited financial resources, municipal housing stock has not been thermally modernized and a significant portion of it is not connected to municipal heating (e.g. 27.7% of the municipal flats in Warsaw). This raises heating bills for these dwellings and contributes to increasing energy poverty.

Available research and reports:

* Report of the Supreme Chamber of Control, “Wykonywanie przez gminy zadań z zakresu gospodarki mieszkaniowej” [Performance of duties regarding housing by municipalities], 81/2018/P/18/005/KAP, 27 February 2019 [online:] <https://www.nik.gov.pl/plik/id,20338,vp,22961.pdf>
* Report of the Supreme Chamber of Control, “Działania administracji publicznej na rzecz zaspokajania potrzeb mieszkaniowych gospodarstw domowych o niskich dochodach” [Activities of the public administration to satisfy housing needs of low-income households], 16/2020/P/19/033/KIN, 7 May 2020 [online:] <https://www.nik.gov.pl/kontrole/wyniki-kontroli-nik/pobierz,kin~p_19_033_202002041025401580808340~01,typ,kk.pdf>
* National Office of Statistics, “Gospodarka mieszkaniowa i infrastruktura komunalna w 2019 r.” [Housing administration and municipal infrastructure in 2019], 16 November 2020, [online:] <https://stat.gov.pl/obszary-tematyczne/infrastruktura-komunalna-nieruchomosci/nieruchomosci-budynki-infrastruktura-komunalna/gospodarka-mieszkaniowa-i-infrastruktura-komunalna-w-2019-roku,13,14.html>
* “Multi-year program for management of municipal housing stock in the City of Warsaw for 2021-2025”, Appendix 1 – Diagnosis, April 2021 [online:] <https://bip.warszawa.pl/UMBIP/Handlers/GetBlob.aspx?id=1607781&fName=1459_uch_zal_1_do_WPGMZ_diagnoza_2.pdf>
* Muzioł-Węcławowicz, K. Nowak, “Raport o stanie polskich miast. Mieszkalnictwo społeczne” [Report on the state of Polish cities. Social and affordable housing], Warsaw 2018, [online:] <http://obserwatorium.miasta.pl/wp-content/uploads/2019/03/Mieszkalnictwo-spo%C5%82eczne_Raport-o-stanie-polskich-miast_Alina_Muziol_Kamil_Nowak_Obserwatorium_Polityki_Miejskiej.pdf>

People experiencing homelessness: the assistance offered for people in this situation mainly consists of shelter in some institutionalized form: overnight shelters, homeless shelters. These people are generally not offered support in single-person/family housing units, and the few who are offered such housing already must meet the various additional conditions (e.g. participation in an individual program for exiting homelessness, enrolment in therapy, finding a job).

Access to institutionalized forms of assistance (constituting a benefit under social assistance regulations) is difficult due to the way jurisdiction is recognized among local authorities issuing administrative decisions granting benefits. Jurisdiction is closely connected to the last place where applicants had a registered permanent residence. This fails to take into account the specific issues relating to homelessness, including high mobility and the tendency to move to large urban centres where it is easier to access various forms of genuine support (e.g. food or public baths).

Persons experiencing homelessness are subject to discrimination in access to housing. This is mainly caused by the organization and system of support for such people.

Firstly, the Polish definition of homelessness does not include housing exclusion situations as per the European Typology of Homelessness and Housing Exclusion ETHOS. Thus, for example, people living with family/friends, people living in substandard conditions or people living in overcrowded housing are not considered to be experiencing homelessness and housing exclusion. As a result, these people are excluded from systemic support. People experiencing homelessness who were offered a place in supported housing are also excluded from the official Polish definition of homelessness.

Secondly, the support system for people experiencing homelessness is highly institutionalized. It mainly consists of offering such people a place in a shelter for homeless people. According to data from the Ministry of Family and Social Support, more than 80% of people experiencing homelessness stay in various types of institutions.

Thirdly, there is no systemic offer of housing solutions for persons experiencing homelessness. Although there are projects offering supported and/or protective housing, usually these programs have strict regulations requiring e.g. a previous stay in a shelter or abstinence. Moreover, in order to qualify for such housing, people experiencing homeless are also often required to be enrolled in a Homelessness Recovery Plan or to start therapy.

Fourthly, due to legal regulations governing local social service competences, people experiencing homelessness are subject to discrimination. General regulations stipulate that the municipality of a person’s place of residence is locally competent to provide social support (article 101 (1) of the Act of 12 March 2004 on Social Aid [PL: ustawa o pomocy społecznej]). However, in regard to homeless people, this regulation stipulates that the municipality of the person’s last place of administratively registered residence is competent to provide assistance (Article 101 (2) of the Act). In practice this leads to the frequent phenomenon of people experiencing homelessness being forced to leave the city where they live (sometimes for many years) and return to a distant town to apply for support, as it was the municipality where their residence was last formally registered.

Fifthly, people experiencing homelessness are also being excluded from access to social housing or are not provided with support required in their situation. This problem is related to the generally low access to social housing resulting from the significant deficit of such housing. Additionally, although municipal regulations may provide people experiencing homelessness with priority in access to social housing, it is not a very common solution (only 15.8% of municipalities surveyed by the Polish National Federation for Solving the Problem of Homelessness had such provisions). And the efficacy of these regulations is questionable, as more than 70% of the municipalities that have such regulations do not have substantially reduced waiting periods (by at least 50%) for a municipal flat. Moreover, some groups are systemically excluded from eligibility under these regulations (e.g. people who were evicted, people whose last place of administratively registered residence was in a different municipality).

People who are homeless and experience mental health problems: the homeless population includes a subset of people who experience exclusion even from the services traditionally offered people experiencing homelessness. This is the group of people who have been homeless for long periods of time and have coexisting mental health problems. According to a national headcount survey of the homeless population (Ministry of Family and Social Policy, 2017, 2019), about 50% of this population counted in overnight shelters, shelters for the homeless, public spaces and non-conventional dwellings had experienced homelessness for over 5 years (overall population counted: 30k). Half of this group declared they had been homeless for more than 10 years. People residing in public spaces and non-conventional dwellings (about 30% of the counted population) are more likely to experience long-term homelessness and have less access to social services and benefits. Mental health was not a topic covered in the national headcount survey, but based on data on alcohol dependency as a cause of homelessness and analysis of the regulations governing access to traditional shelters (which require sobriety as a condition to stay overnight), people experiencing addictions are less likely to receive support and more likely to be roofless.



Photo 2 Home in an abandoned building. Source: Hernik for Housing First Poland Foundation.

Available research and reports:

* P. Korliński, P. Olech, J. Wilczek, “Ogólnopolska Federacja na rzecz Rozwiązywania Problemu Bezdomności” [Polish National Federation for Solving the Problem of Homelessness ], “Usługi mieszkaniowe w pomocy osobom bezdomnym” [Housing services in support system for homeless people], Zabrze 2020, [online:] <https://drive.google.com/file/d/11xEg3fWKZJ4GnnQbgXV17lkhoN1tI6u1/view>
* Draft National Program Against Poverty and Social Exclusion, Update 2021-2027 with a perspective until 2030, [online:] <https://www.gov.pl/attachment/2dc5a232-1347-4321-9e25-e241542c2db4>
* Ministry of Family and Social Policy (2019) “Sprawozdanie z realizacji działań na rzecz ludzi bezdomnych w województwach w roku 2018” oraz “Wyniki Ogólnopolskiego badania liczby osób bezdomnych 13/14 lutego 2019” [Report on Implementation of Activities for the Homeless in Voivodships and Results of the National Homeless Count (13/14 February 2019)]. (Warsaw: Ministry of Family and Social Policy).
* Wygnańska, J. (2016) “Chronically Homeless People in Poland: Target Group of the ‘Housing First – Evidence-Based Advocacy’ Project”, European Journal of Homelessness 10(2) pp.41-59.
* Wygnańska, J. (2020) “Potencjalni uczestnicy programów Najpierw Mieszanie w Warszawie. Diagnoza Wstępna.” [Potential participants of the Housing First Programs in Warsaw], Housing First Poland Foundation.

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

The Act on the protection of tenants rights stipulates that housing assistance must be provided by municipal governments to every person who meets two criteria: the person’s housing needs are unmet and the person is impoverished (has an income below a threshold determined by each municipality independently). Local ordinances set additional, non-statutory criteria excluding certain groups of residents from obtaining social housing (e.g. permanent registered residence in the municipality, no outstanding debt from the current flat).

The support system for people experiencing homelessness does not provide for housing support as the main solution. The Housing First method is only being piloted in a few municipalities in Poland. Generally, the permanent solution offered to people experiencing homelessness is a place in multi-person room in a shelter for homeless people.

Victims of family or domestic violence are not offered immediate housing support. They may apply for municipal (social) housing on general terms. While some municipalities give them priority or additional qualification points, waiting periods for social housing are long. The only rapid solution offered by the system is a place in an institution for three months.

Persons with disabilities experience discrimination in access to housing. Discrimination takes the form of (1) offering people with disabilities social housing that does not meet accessibility criteria, (2) a significant deficit of supported housing designed for persons with disabilities (including mental disabilities), (3) an institutionalized support system for people with disabilities (and other groups) that does not ensure these persons an independent life.

Municipal (social) housing stock in some cases may pose a risk to the health and even lives of tenants. According to the Supreme Chamber of Control, a majority (67%) of the inspected municipalities did not diligently fulfil their obligations under the Construction Law regarding the proper technical and aesthetic maintenance of buildings and premises in their housing stock. According to the Chamber, this can be attributed to the improper performance of building inspections as well as repairs and renovations recommended as a result of these inspections. There were instances of buildings that (i) lacked proper fire protection, (ii) had improper ventilation of smoke and exhaust fumes, (iii) had dampness, (iv) were technically inoperable and unsuitable for use, thereby posing an immediate danger to the health and life of their occupants. [Report of the Supreme Chamber of Control, “Wykonywanie przez gminy zadań z zakresu gospodarki mieszkaniowej” [Performance of duties regarding housing by municipalities], 81/2018/P/18/005/KAP, 27 February 2019 [online:] <https://www.nik.gov.pl/plik/id,20338,vp,22961.pdf>]. Furthermore, due to the inadequate energy efficiency of municipal dwellings, instances of mould and illnesses caused by excessively low temperatures were reported.

Discrimination in affordability is present on various levels in Poland:

1. People entitled to municipal (social) housing face discrimination due to abusive or excessively strict local regulations on access to this type of support (as explained above in reference to low-income and poor households, persons with disabilities, people experiencing energy poverty, homelessness etc.).

1. A missing middle group also is subject to discrimination. This is a group of people who do not meet the criteria for municipal (social) housing, yet cannot afford housing at market prices. There are no systemic, large-scale solutions for this group (which, according to some estimates, may constitute 40% of the Polish population). It leads to households living in severe overcrowding (the overcrowding rate for Poland was 39.2% in 2018 according to Eurostat; it is even higher for young adults aged 25-34 – 45.1% - in comparison to the EU average of 28.6%) and to housing expenses overburdening household budgets.

Despite the ongoing trend of building new housing stock by private developers, the increasing supply of housing has not translated into improvement in the housing situation of the missing middle. Over the past eight years, the share of housing that serves the needs of moderate- and low-income persons has averaged only 2.5% of new housing stock. [Ministry of Development, “Raport. Stan mieszkalnictwa w Polsce” [Report. State of housing in Poland], March 2020, [online:] <https://www.gov.pl/attachment/26de9999-ea40-42c0-9396-74d3e2684a14>]

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

Cases of legal discrimination in access to housing (a public good) are frequently enshrined in local laws, i.e. in the ordinances of municipalities specifying the rules for renting municipally owned premises. Under Polish law, each municipality is obliged to meet the housing needs of its residents. The *gmina* [commune; usually translated herein as “municipality”] is the basic unit of the country’s territorial division. Poland currently has 2,477 communes (including 302 urban communes, 652 urban-rural communes and 1,523 rural communes). Every commune/municipality should have a stock of public housing for the purpose of satisfying its residents’ housing needs. The law defines only the general criteria that must be met to apply for a municipal flat: unmet housing needs and low income. Each municipality determines, via local ordinance, the income threshold justifying provision of a municipal flat and the situations it considers to be “unmet housing needs”. Because there continues to be a deficit of municipal housing in relation to need, communes are trying to narrow the range of people eligible for such housing by adopting ordinances limiting residents’ rights to receive housing assistance.

Toward this end, municipalities add non-statutory criteria to their public housing ordinances that eliminate certain groups of people from the circle of those eligible for housing aid – i.e. the requirement to have one’s registered place of residence in the municipality, to have no outstanding rental debt, to not have legal title to any other premises or real property, regardless of the applicant’s current housing status or complete lack of income.

Sometimes people who do not have their permanent residence registered in a given municipality are discriminated against in that they cannot receive municipal housing assistance (discrimination against people without residence registration). Yet residence registration merely constitutes official confirmation of the fact that a specific person lives in a specific dwelling and is only for registration purposes. Its absence may not deprive a person who actually lives in the given municipality and meets the conditions for receiving housing assistance of eligibility for such aid.

People who have (or have had in the last few years) outstanding rental debt for the premises they occupy are also subject to discrimination. Municipalities do not want to provide housing assistance to people who have not paid all charges for their premises, fell into debt and, as a consequence, were evicted without the right to a social flat. Thus, they enact ordinances excluding people with rent indebtedness from the group of people eligible to receive housing assistance. Such provisions are repressive and discriminatory (discrimination against people with rental debt).

Some municipalities have set minimum income thresholds for eligibility to receive a municipal flat. By statute, a commune's decision-making body is authorized to determine the household income threshold that justifies eligibility to rent a municipal dwelling. Administrative courts have confirmed that municipalities may only set a maximum income threshold. People (families) whose income is higher than the maximum income, in their opinion, are capable of meeting their housing needs on their own. But a minimum income requirement – which, according to municipalities, serves to guarantee payment of rent – is impermissible, as it leads to the exclusion of the poorest people from housing assistance, including those who have no income (discrimination against people with low or no income). As a result, people who meet the basic statutory criteria for housing assistance do not receive it.

Another method used to limit a municipality’s housing obligations and sharply curtail the circle of potential public housing beneficiaries is to set the maximum income threshold at a very low level. In its ordinance setting forth the rules for renting municipal premises, the commune council should be guided by the needs and financial capabilities of the local community. The maximum income threshold should be set at a reasonable level, taking into account the community’s social and economic realities. Unfortunately, some municipalities have sought to avoid their obligation to meet the housing needs of their residents by setting an extremely low maximum income threshold, even below the minimum subsistence level.

Article 101 (2) of the Act of 12 March 2004 on Social Aid [PL: ustawa o pomocy społecznej] stipulates that the municipality where a person’s place of residence was last registered is competent to provide social support to people experiencing homelessness. In practice, this requirement has forced many such people to leave the city where they have been living (sometimes for many years) and travel to some distant part of the country to apply for support in the municipality where their place of residence was last formally registered. Moreover, some municipal regulations on social housing require formal registration of a person’s place of stay in that municipality in order to apply for a social flat.

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

1. According to the Act of 21 June 2001 on Tenants Protection, Municipal Housing Stock and Amendments to the Civil Code, municipalities are entitled to select the flats in their housing stock to be provided for the time of performance of a work contract (Article 20 (3) of the Act). Under this provision e.g. flats for teachers may be provided. 2. The Act on Cooperatives of 16 September 1982 stipulates that a cooperative is a voluntary association of an unlimited number of people, with a variable composition and a variable share fund, which, in the interest of its members, conducts joint economic activity. During the communist era and transformation period, housing cooperatives were a common form of housing organisation, providing members of cooperatives with flats. Numerous housing cooperatives remain from that era, managing existing housing stock and occasionally constructing new buildings.

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

Click here to enter text.

**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

We have observed (i) instances of gentrification associated with urban renewal, (ii) instances of ghettoization of people living in social housing, (iii) free-market processes leading to lower-income households being pushed to the peripheries of cities and beyond. Occasionally, municipalities have tabled plans to build “container estates” on the outskirts of cities, to which the most difficult social tenants would be relocated (people with eviction notices for ruining their flats, people experiencing severe addiction, people who have failed to pay rent for long periods). The few instances where such plans have been realized triggered negative assessments by entities dealing with social policy and social support, as reported by the media. Moreover, many municipalities have long pursued a policy of concentrating social tenants who were evicted due to anti-social behaviours and arrears in rent to separate buildings. New tenants who received social housing as a result of the process of exiting homelessness are often assigned flats in these buildings. This practice has resulted in particular residential buildings experiencing high levels of social problems. While some municipalities seek to distribute social tenants throughout their housing stocks, the aforementioned problem is ongoing and has proved difficult to solve, as it is still commonly believed that “trouble makers” should be concentrated in one place.

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

Click here to enter text.

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

Click here to enter text.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

The main driver appears to be the constant deficit of inexpensive rental units, including the dearth of municipal flats (the inadequate housing stock of municipalities, which are legally obligated to provide housing assistance to people in need). Existing municipal housing stocks consist of buildings that date from the communist era or earlier, often in poor technical condition, without modern infrastructure (water, electricity, sewage). Moreover, municipal construction is underfunded, due to budgetary shortfalls for building new residential housing as well as for modernizing and renovating existing housing. Subsidies for this purpose from the central government remain insufficient, despite successive new legislative initiatives addressing the problem.

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

Click here to enter text.

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

Click here to enter text.

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

Click here to enter text.

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

Click here to enter text.

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

Click here to enter text.

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

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22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

Click here to enter text.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

Click here to enter text.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

Click here to enter text.

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

Click here to enter text.

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

Discriminated groups’ low awareness of the law, lack of faith in the efficacy of legal defenses pursued, lack of access to specialised lawyers.

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

Click here to enter text.

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

Click here to enter text.

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

1. K. Wysieńska, N. Ryabińska, “Bezdomność uchodźców w Polsce – wyniki badania pilotażowego” [Homelessness of immigrants in Poland – pilot study results], Instytut Spraw Publicznych [The Institute of Public Affairs], 2010 [online:] <https://www.isp.org.pl/pl/publikacje/bezdomnosc-uchodzcow-w-polsce-wyniki-badania-pilotazowego>
2. K. Wencel, “Dyskryminacja cudzoziemców w dostępie do usług mieszkaniowych w Polsce. Między teorią a praktyką” [Discrimination of foreigners in access to housing services in Poland. Between theory and practice], Stowarzyszenie Interwencji Prawnej [Association for Legal Intervention], 2011 [online:] <https://www.interwencjaprawna.pl/wp-content/uploads/2020/06/ARE-511-dyskryminacja-mieszkaniowa.pdf>
3. ECRI report on Poland (fourth monitoring cycle), published 15 June 2010 [online:] <https://rm.coe.int/fourth-report-on-poland/16808b599d>
4. ECRI report on Poland (fifth monitoring cycle), adopted 20 March 2015, published 9 June 2015 [online:] <https://rm.coe.int/fifth-report-on-poland/16808b59a0>
5. P. Korliński, P. Olech, J. Wilczek, Ogólnopolska Federacja na rzecz Rozwiązywania Problemu Bezdomności [Polish National Federation for Solving the Problem of Homelessness ], “Usługi mieszkaniowe w pomocy osobom bezdomnym” [Housing services in support system for homeless people], Zabrze 2020, [online:] <https://drive.google.com/file/d/11xEg3fWKZJ4GnnQbgXV17lkhoN1tI6u1/view>
6. M. Czapnik-Jurak, “Warszawska diagnoza sytuacji mieszkaniowej młodzieży w wieku 17-25 lat zagrożonej lub dotkniętej bezdomnością – raport z badania” (Diagnosis of the housing situation of young people aged 17-25 experiencing or at a risk of homelessness in Warsaw – research report”), Warsaw 2019 [online:] <http://podrugie.pl/wp-content/uploads/2020/11/raport-poprawiony_2.pdf>
7. Report of the Supreme Chamber of Control, “Wykonywanie przez gminy zadań z zakresu gospodarki mieszkaniowej” [Performance of duties regarding housing by municipalities], 81/2018/P/18/005/KAP, 27 February 2019 [online:] <https://www.nik.gov.pl/plik/id,20338,vp,22961.pdf>
8. Report of the Supreme Chamber of Control, “Działania administracji publicznej na rzecz zaspokajania potrzeb mieszkaniowych gospodarstw domowych o niskich dochodach” [Activities of the public administration to satisfy the housing needs of low-income households], 16/2020/P/19/033/KIN, 7 May 2020 [online:] <https://www.nik.gov.pl/kontrole/wyniki-kontroli-nik/pobierz,kin~p_19_033_202002041025401580808340~01,typ,kk.pdf>
9. National Office of Statistics, “Gospodarka mieszkaniowa i infrastruktura komunalna w 2019 r.” [Housing administration and municipal infrastructure in 2019], 16 November 2020, [online:] <https://stat.gov.pl/obszary-tematyczne/infrastruktura-komunalna-nieruchomosci/nieruchomosci-budynki-infrastruktura-komunalna/gospodarka-mieszkaniowa-i-infrastruktura-komunalna-w-2019-roku,13,14.html>
   1. Muzioł-Węcławowicz, K. Nowak, “Raport o stanie polskich miast. Mieszkalnictwo społeczne” [Report on the state of Polish cities. Social and affordable housing], Warsaw 2018, [online:] <http://obserwatorium.miasta.pl/wp-content/uploads/2019/03/Mieszkalnictwo-spo%C5%82eczne_Raport-o-stanie-polskich-miast_Alina_Muziol_Kamil_Nowak_Obserwatorium_Polityki_Miejskiej.pdf>
10. Ministry of Development, “Raport. Stan mieszkalnictwa w Polsce” [Report. State of housing in Poland], March 2020, [online:] <https://www.gov.pl/attachment/26de9999-ea40-42c0-9396-74d3e2684a14>
11. Mostowska, Dębska, (2020) “The Conspicuous Hidden Curriculum and Young Women's Daily Lives in Polish Crisis Accommodation”, <https://nlchp.org//wp-content/uploads/2018/10/Housing-Not-Handcuffs.pdf>
12. Ministry of Family, Labour and Social Policy (2019) “Sprawozdanie z realizacji działań na rzecz ludzi bezdomnych w województwach w roku 2018 oraz wyniki Ogólnopolskiego badania liczby osób bezdomnych 13/14 lutego 2019” [Report on Implementation of Activities for the Homeless in Voivodships and Results of the National Homeless Headcount Survey (13/14 February 2019)]. (Warsaw).
13. Wygnańska, J. (2016) “Chronically Homeless People in Poland: Target Group of the ‘Housing First – Evidence Based Advocacy’ Project”, European Journal of Homelessness 10(2) pp.41-59.
14. Wygnańska, J. (2020) “Potencjalni uczestnicy programów Najpierw Mieszanie w Warszawie. Diagnoza Wstępna.” [Potential participants of Housing First Programs in Warsaw], Housing First Poland Foundation.
15. Report of the Supreme Chamber of Control, “Pomoc w usamodzielnianiu się pełnoletnich wychowanków pieczy zastępczej” [Assistance to adults leaving foster care in becoming independent], 189/2014/P/14/45/KPS, 22 December 2014 [online:] <https://www.nik.gov.pl/plik/id,7849,vp,9839.pdf>
16. Competence of bodies issuing rulings on social assistance benefits: Adam Ploszka, PhD “Właściwość miejscowa organu pomocy społecznej w sprawach osób bezdomnych (perspektywa konstytucyjna)” [Jurisdiction of social welfare bodies in matters of homeless people (a constitutional perspective)], *Państwo i Prawo* 5/2020

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

Discriminatory provisions of local law (municipal ordinances) concerning the provision of housing assistance from public resources have been the subject of complaints by the Commissioner for Human Rights to administrative courts, and these courts have annulled these decisions. For example: WSA (Voidvodship Administrative Court) ruling in Gdańsk of 2 December 2010, file ref. III SA / Gd 433/10 (administrative registration of place of residence), WSA ruling in Opole of 20 July 2004 file ref. II SA/Op 144/04 (administrative registration of place of residence), WSA ruling in Gliwice of 5 November 2014 file ref. IV SA/Gl 28/14 and NSA (Supreme Administrative Court) ruling of 19 May 2015 file ref. I OSK 255/15 (legal title to another premises), WSA ruling in Gdańsk of 23 October 2014, file ref. III SA/Gd 664/14 (absence of income and legal title to a premises), WSA ruling in Poznań of 25 April 2018 file ref. IV SA/Po 146/18 (legal title to a premises), WSA ruling in Warsaw of 14 February 2019 file ref. II SA/Wa 1840/18 (legal title to a premises), WSA ruling in Kielce of 16 June 2016 file ref II SA/Ke 414/16 (minimum income threshold).