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

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: **Habitat for Humanity Poland**

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

[x]  **Community-based NGO**

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[x]  **Other: Global non-profit housing organizations**

2. Categorization of your Work

Please select one or more responses, as appropriate.

[ ] Public administration

[x] **Advocacy**

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[x] **Policy**

[ ] Research

[ ] Technical Assistance

[ ] Training

[ ] N/A

[x] **Other: housing**

3. City/Town: **Warsaw**

4. State/Province: **Mazovian Voivodship**

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:**

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

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

**Migrants, foreigners, refugees:**

**Discrimination of immigrants in access to housing a may be observed. The main obstacles are related to (i) 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 (requirement impossible or difficult to meet by immigrants) and (iii) stereotypes among the private landlords.**

**According to data collected by Habitat for Humanity Poland on basis of a housing program (social rental agency) run by the organization, the private landlords are reluctant to rent apartments to migrants, especially coming from outside Eastern boarders of Poland. In the social rental agency by Habitat for Humanity Poland immigrant families constitute 36% of all families in the program (amounting to 53 families). 94% of those immigrant families came from former USSR countries (mainly Ukraine and Chechnya). 84% of immigrant families applied to the social rental agency because of problems with renting apartment on their own. According to interviews with landlords and tenants that the social rental agency conducts, the landlords: (i) do not trust the immigrants, (ii) abuse their position, e.g. by not consenting that the tenants register their residence in the apartment (what reflects on the tenants situation on labor market or provides administrative difficulties). According to the immigrant tenant, they are feeling lost in the bureaucratic procedures.**

**On the other hand, it should be noted, that generally in Poland we do not observe ghettos for immigrants and immigrants still do not constitute a significant percentage of people living in Poland. Additionally, it is worth mentioning that there are differences in attitude towards immigrant from EU countries and non-EU countries (especially from eastern countries).**

**Available research and reports:**

1. **K. Wysieńska, N. Ryabińska, Bezdomność uchodźców w Polsce – wyniki badania pilotażowego [Homelessness of immigrants in Poland – results of pilot research], Instytut Spraw Publicznych [The Institute of Public Affairs], 2010 [online:]** [**https://www.isp.org.pl/pl/publikacje/bezdomnosc-uchodzcow-w-polsce-wyniki-badania-pilotazowego**](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**](https://www.interwencjaprawna.pl/wp-content/uploads/2020/06/ARE-511-dyskryminacja-mieszkaniowa.pdf)
3. **ECRI report on Poland (fourth monitoring cycle), Published on 15 June 2010 [online:]** [**https://rm.coe.int/fourth-report-on-poland/16808b599d**](https://rm.coe.int/fourth-report-on-poland/16808b599d)
4. **ECRI report on Poland (fifth monitoring cycle), Adopted on 20 March 2015, Published on 9 June 2015 [online:]** [**https://rm.coe.int/fifth-report-on-poland/16808b59a0**](https://rm.coe.int/fifth-report-on-poland/16808b59a0)

**Children:**

**Young adults leaving foster care institutions and other institutions do not have an offer of affordable or social housing. As to social housing – the rules for application (including groups allowed to special preferences) are established on local level, and there is no general obligation to provide young adults with a social flat as soon as they leave institution. Although many municipalities has regulations giving priority or additional points in recruitment process to young adults leaving foster cares institutions, there is ongoing issue with a long waiting time for a municipal (social) flat and usually bad condition of the flat.**

**Additionally there is no systemic solution providing each person leaving foster care and/or institution with a supported housing. According to legal regulations (e.g. the Act of 12 March 2004 on Social Aid [PL: *ustawa o pomocy społecznej*]) young people leaving such places may be offered with a supported housing. Due to limited resources and significant deficit of supported housing, usually there is no such offer available.**

**Therefore young adults face significant difficulties on housing market and significant risk of homelessness.**

**Available research and reports:**

1. **M. Czapnik-Jurak, Warszawska diagnoza sytuacji mieszkaniowej młodzieży w wieku 17-25 lat zagrożonej lub dotkniętej bezdomnością – raport z badania (Diagnosis of 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?fbclid=IwAR2E8YFx2smoT2Ar6eSfDcI3GWSAd3N5mJvE8V8763f66osqLbPTrxuYnBQ**](http://podrugie.pl/wp-content/uploads/2020/11/raport-poprawiony_2.pdf?fbclid=IwAR2E8YFx2smoT2Ar6eSfDcI3GWSAd3N5mJvE8V8763f66osqLbPTrxuYnBQ)
2. **Report of the Supreme Chamber of Control, Pomoc w usamodzielnianiu się pełnoletnich wychowanków pieczy zastępczej [Assistance to adult persons 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**](https://www.nik.gov.pl/plik/id%2C7849%2Cvp%2C9839.pdf)

**Persons with disabilities**

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

**As to social housing, very often it does not meet the accessibility criteria. Those include flats on higher floors in the buildings without elevators, stairs in front of the entrance to the buildings, flats with too narrow doors, inaccessible toilets.**

**Municipalities have legal obligation to pass local regulations describing rules for leasing social flats. However, only since April 2019 it is required to include in those rules conditions that flats offered to people with disabilities must meet (taking into account real needs determined by the type of disability). There are already examples of administrative decisions of supervisory authorities invalidating municipalities’ regulations due to lack of obligatory conditions related to accessibility (e.g. Supervisory Resolution of the Lublin Voivode of 5 February 2020, case file no. PN-II.4131.66.2020). Additionally, as this is a new regulation still significant number of people with disabilities lives in flats that do not allow for independent life.**

**It should be also underlined that in last years (especially 2018 and 2019) there were other legal changes introduced to increase architectural accessibility of residential buildings, however those concern new housing stock.**

**As to supported housing, it should be firstly indicated that in Poland there are various models of supported housing, but 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*] this ‘protected housing’ cannot serve people requiring full time medical assistance provided by care units, thus excluding a significant group of people with disabilities from access thereto.**

**Secondly, the number of supported housing units (including ‘protected housing’ and supported housing financed under EU projects) in the scale of the whole country are highly limited in comparison to the needs (there is approx. 1,500 supported housing units in Poland). Moreover those are mostly training housing units (providing support for definite period of time) and usually are not accessible for people with disabilities. The Supreme Chamber of Control indicated in a post-control report that there are municipalities offering to people with disabilities inaccessible supported housing (including lack of free access to the building or apartment and inability to move freely in the apartment).**

1. **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**](https://www.nik.gov.pl/plik/id%2C20338%2Cvp%2C22961.pdf)

**Low income persons, including people living in poverty**

**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 is a solution for people in the worst financial condition and for people who were evicted from their flats; 2) lease agreements for municipal housing – offered for unlimited time period, „regular” municipal housing.**

**In Poland affordable housing (being 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 this stock (101,201 flats) is provided on the basis of social lease agreements.**

**At the end of 2019 according to the National Statistics Office 150.579 households were waiting to rent a flat from the municipalities’ resources (including 81.214 for social rent) – there are no available flats for those households. Period of waiting for a flat may last even few years, and in some cases even more than 15 years.**

**In 2018, the average rent for standard municipal flats was PLN 5.02 (EUR 1.1) / m2, and for social rent - PLN 1.44 (0.22 EUR) / m2. It is worth remembering that municipalities not only have the right to set the rental rates for their resources, but also to indicate criteria that entitle to apply for the lease of premises from the municipal housing stock, including income limits, housing conditions authorizing their improvement and priority rules in the queue for municipal housing.**

**Social lease agreements – are concluded by municipalities with the households having the lowest income and/or household being evicted. According to law flats rent under this type of agreement may be of lowers standard. In practice those flats do not have toilets (sometimes toilet is outside of the building), are located on high floors without elevators, are very small.**

**It should be underlined that there are instances of social housing units being located outside of cities, in very old, dilapidated buildings being a form of ghettos.**

****

**Photo 1 Social flat, city of Rybnik, Poland. Source: Report of the Supreme Chamber of Control,** [**https://www.nik.gov.pl/plik/id,20338,vp,22961.pdf**](https://www.nik.gov.pl/plik/id%2C20338%2Cvp%2C22961.pdf)

**Municipal housing: like social lease agreements, lease agreements for municipal housing are also legally regulated type of lease between a municipality (community) and a tenant meeting criteria. Those are often flats in old, low-standard, depleted buildings (a part of these flats are in good condition, after modernization and / or thermal modernization. There are also newly built municipal resources in many cities.).**



**Photo 2 Municipal flat (toilet outside of the flat) Kolonia Orłów Drewniany, municipality Izbica, Poland. Source: Report of the Supreme Chamber of Control,** [**https://www.nik.gov.pl/plik/id,20338,vp,22961.pdf**](https://www.nik.gov.pl/plik/id%2C20338%2Cvp%2C22961.pdf)

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

**Firstly, their access to social housing is difficult. Apart from bureaucratic procedures, strict criteria narrowing down eligible group are in place in order to avoid too long waiting lists. As determined by the Supreme Chamber of Control in 2020 ‘*Despite lease agreements concluded by the municipalities and delivering flats as well as investments and repairs, in all controlled municipalities, the number of household waiting for municipal housing has increased*. […] *Between 2016 and I half of 2019 housing needs of low-income households remained unsatisfied*.’**

**Secondly, municipal housing stock is mainly in bad technical condition. For example, in the capital of Poland (Warsaw) according to the local authorities, 18% of the municipal housing stock (flats) is in bad technical condition (category E), 16% is in permitting condition (category D) and 43% is in acceptable condition (category C). More than 30% of municipal flats in Warsaw does not have access to bathroom and toilet. Thirdly, due to limited financial resources, municipal housing stock is not thermally-upgraded and on numerous occasions it lacks access to district heating (e.g. in Warsaw it concerns 27.7% of municipal flats). This raises bills for keeping houses warm and contributes to increasing energy poverty.**

**Available research and reports:**

1. **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**](https://www.nik.gov.pl/plik/id%2C20338%2Cvp%2C22961.pdf)
2. **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**](https://www.nik.gov.pl/kontrole/wyniki-kontroli-nik/pobierz%2Ckin~p_19_033_202002041025401580808340~01%2Ctyp%2Ckk.pdf)
3. **National Statistics Office, 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**](https://stat.gov.pl/obszary-tematyczne/infrastruktura-komunalna-nieruchomosci/nieruchomosci-budynki-infrastruktura-komunalna/gospodarka-mieszkaniowa-i-infrastruktura-komunalna-w-2019-roku%2C13%2C14.html)
4. **Multiannual 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**](https://bip.warszawa.pl/UMBIP/Handlers/GetBlob.aspx?id=1607781&fName=1459_uch_zal_1_do_WPGMZ_diagnoza_2.pdf)
5. **A. 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**](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)

**Residents of informal settlements; persons experiencing homelessness**

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

**Firstly, Polish definition of homelessness does not include situations of housing exclusion as per European Typology of Homelessness and Housing Exclusion ETHOS. Therefore for example people living with their families/friends, people living in substandard conditions or people living in overcrowding are not considered as experiencing homelessness and housing exclusion, thus being excluded from systemic support. It also affects people experiencing homelessness who were offered a place in supported housing.**

**Secondly, the system of support for people experiencing homelessness is highly institutionalized. The main form of support is offer of a place in a shelter for homeless people. According to data of the Ministry of Family and Social Support, more than 80% of people experiencing homelessness stays in various types of institutions.**

**Thirdly, there is no systemic offer of housing solutions for persons experiencing homelessness. Although there are projects offering supported housing and/or protected housing, usually it comes with strict regulations requiring e.g. previous stay in a shelter or abstinence. Additionally on many occasions persons are required to have a Homeless Recovery Plan in place or to start therapy.**

**Fourthly, due to legal regulation of local competences in provision of social services, people experiencing homelessness are subject to discrimination. General regulation of this matter stipulates that municipality of the place of residence of a person 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, as regards homeless people this regulation provides that locally competent is the municipality of the last place of administratively registered residence (Article 101 (2) of the Act). In practice it leads to numerous examples of people experiencing homelessness being forced to leave a city where they stay (sometimes for many years) and go to distant part of countries to apply for support in the municipally where they used to be 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. It is related to generally low access to social housing caused by significant deficits in this area. Additionally, although municipal regulations may provide people experiencing homelessness with priority in access to social housing, it is not popular solution (only 15.8% of municipalities researched by the Polish National Federation for Solving the Problem of Homelessness had such provisions). Effectiveness of those regulations is questionable as in more than 70% of municipalities having regulations in this respect it does not result in shortening the waiting period for municipal flat by more than a half. Additionally, some groups are systemically excluded from following such regulations (e.g. people who were evicted or people having last place of administratively registered residence in different municipality).**

**Available research and reports:**

1. **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**](https://drive.google.com/file/d/11xEg3fWKZJ4GnnQbgXV17lkhoN1tI6u1/view)
2. **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**](https://www.gov.pl/attachment/2dc5a232-1347-4321-9e25-e241542c2db4)

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.

**Discrimination in accessibility**

1. **Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing:**

**There are two requirements to apply for municipal (social) housing according to the Act of 21 June 2001 on Tenants Protection, Housing Stock of Municipalities and Change of the Civil Code: (i) unmet housing need and (2) being in difficult financial condition. Municipalities are entitled to provide more specific regulations on access to social housing on local level (in form of local regulations). This is often used to implement discriminatory provisions, e.g. (i) requirement of the last formally registered place of residence in this municipality, (ii) requirement of living in the municipality for certain time (e.g. 3 or 5 years), (iii) lack of debt for housing costs, (iv) lack of legal title to any real estate, (v) requirement of minimal income or (vi) low threshold for maximum income. All of those requirements may lead to discrimination – for example requirement of living in the municipality for certain time may discriminate immigrants, requirement of the last formally registered place of residence in this municipality may discriminate people experiencing homelessness.**

1. **Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence:**

**The system of support for people experiencing homelessness does not provide for housing support as the main solution. Housing First method is only being piloted in some municipalities in Poland. Generally 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 rules. Although in some municipalities they have priority or additional qualification points, waiting periods for social housing are long. Rapid solution offered by the system is possibility to stay at institution for 3 months.**

1. **Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes:**

**Persons with disabilities experience discrimination in access to housing. It regards (1) offering people with disabilities social housing that does not meet accessibility criteria, (2) significant deficit of supported housing designed for persons with disabilities (including mental disabilities), (3) institutionalized system of support for people with disabilities (and for other groups) that do not guarantee independent life.**

**Discrimination in habitability**

**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:**

**Municipal (social) housing stock in some cases may pose a risk to health and lives of the tenants. According to the Supreme Chamber of Control majority (67%) of the inspected municipalities did not fulfil diligently obligations under the Construction Law regarding maintenance in proper technical and aesthetic condition of buildings and premises of the housing stock. According to the Chamber the reason for this were unduly performed obligations related to carrying out inspections of the technical condition of buildings and carrying out repairs and renovations recommended as a result of these inspections. There were instances of buildings (i) without proper fire protection, (ii) improper removal of smoke and exhaust fumes, (iii) the presence of moisture, (iv) technically inoperable and not suitable for use, which poses an immediate danger to life and the human health of its 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**](https://www.nik.gov.pl/plik/id%2C20338%2Cvp%2C22961.pdf)**]**

**Additionally, due to problems with energy efficiency of municipal housing stock instances of mold and illnesses caused by too low temperatures are reported.**

**Discrimination in affordability**

**Discrimination in affordability is present on various levels in Poland:**

1. **People entitled to municipal (social) housing are facing discrimination due to abusive or too strict local regulations on access to this type of support (as explained above with reference to low-income and poor households, persons with disabilities, people experiencing energy poverty, people experiencing homelessness, etc.).**
2. **The missing middle group also is subject to discrimination. This is a group of people who do not meet the criteria for municipal (social) housing but also cannot afford housing on the market price. There are no systemic, large scale solutions for this group (which according to estimates may correspond to 40% of Polish population). It leads to households living in severe overcrowding (overcrowding rate for Poland amounted to 39.2% in 2018 according to Eurostat. It is even higher for young adults aged 25-34 – 45.1% in comparison to EU average of 28.6%) and to overburden with housing costs.**

**Although ongoing trend of building new housing stock (by private developers), housing supply does not translate into improvement of situation of the missing middle. Over the past eight years, the share of housing that would serve the needs of moderate- and low-income persons has averaged only 2.5% of the new housing stock.**

**[The 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**](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?

1. **Article 101 (2) of the Act of 12 March 2004 on Social Aid [PL: *ustawa o pomocy społecznej*] provides that for homeless people locally competent to provide social support is the municipality of the last place of administratively registered residence. In practice it leads to numerous examples of people experiencing homelessness being forced to leave a city where they stay (sometimes for many years) and go to distant part of countries to apply for support in the municipally where they used to be formally registered. Additionally some municipal regulations on social housing require formal registration of place of stay in that municipality in order to apply for social flat.**
2. **Article 21 of the Act of 21 June 2001 on Tenants Protection, Housing Stock of Municipalities and Change of the Civil Code provides for municipalities’ obligation to implement regulation on access to social housing on local level. Often regulations passed on basis of this provision include discriminatory rules imposing additional criteria for access to municipal (social) housing.**

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, Housing Stock of Municipalities and Change of the Civil Code municipalities are entitled to select apartments in the housing stock that will 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 of 16 September 1982 on Cooperatives stipulates that cooperative is a voluntary association of an unlimited number of people, with a variable composition and a variable share fund, who, in the interest of their members, conducts joint economic activity. During communism and transformation period the form of housing cooperatives was popular, providing members of cooperatives with flats. There are still numerous housing cooperatives operating existing 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 do observe (i) instances of gentrification associated with processes of revitalization of cities, (ii) instances of ghettoization of people living in social housing, (iii) free market processes leading to pushing lower-income households to suburban areas.**

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 factor may be associated with decades of lack of coherent housing policy. During the transformation period in Poland housing was left without significant public support and policies supporting people in meeting their housing needs what led to high deficit of social and affordable housing. Governmental programs supporting housing were mainly targeted at middle class (offering e.g. financial subsidies for paying bank interest on mortgages) and the municipal (social) housing stock was under-invested.**

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?

Click here to enter text.

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?

Click here to enter text.

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 – results of pilot research], Instytut Spraw Publicznych [The Institute of Public Affairs], 2010 [online:]** [**https://www.isp.org.pl/pl/publikacje/bezdomnosc-uchodzcow-w-polsce-wyniki-badania-pilotazowego**](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**](https://www.interwencjaprawna.pl/wp-content/uploads/2020/06/ARE-511-dyskryminacja-mieszkaniowa.pdf)
3. **ECRI report on Poland (fourth monitoring cycle), Published on 15 June 2010 [online:]** [**https://rm.coe.int/fourth-report-on-poland/16808b599d**](https://rm.coe.int/fourth-report-on-poland/16808b599d)
4. **ECRI report on Poland (fifth monitoring cycle), Adopted on 20 March 2015, Published on 9 June 2015 [online:]** [**https://rm.coe.int/fifth-report-on-poland/16808b59a0**](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**](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 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**](http://podrugie.pl/wp-content/uploads/2020/11/raport-poprawiony_2.pdf)
7. **Report of the Supreme Chamber of Control, Pomoc w usamodzielnianiu się pełnoletnich wychowanków pieczy zastępczej [Assistance to adult persons 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**](https://www.nik.gov.pl/plik/id%2C7849%2Cvp%2C9839.pdf)
8. **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**](https://www.nik.gov.pl/plik/id%2C20338%2Cvp%2C22961.pdf)
9. **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**](https://www.nik.gov.pl/kontrole/wyniki-kontroli-nik/pobierz%2Ckin~p_19_033_202002041025401580808340~01%2Ctyp%2Ckk.pdf)
10. **National Statistics Office, 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**](https://stat.gov.pl/obszary-tematyczne/infrastruktura-komunalna-nieruchomosci/nieruchomosci-budynki-infrastruktura-komunalna/gospodarka-mieszkaniowa-i-infrastruktura-komunalna-w-2019-roku%2C13%2C14.html)
11. **A. 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**](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)
12. **The 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**](https://www.gov.pl/attachment/26de9999-ea40-42c0-9396-74d3e2684a14)

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?

Click here to enter text.