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August, 19, 2024

Human Rights Committee

Subject: List of issues prior to Poland's eight periodic report

Introduction

This submission outlines the principal concerns of Helsinki Foundation for Human Rights (HFHR)¹ in anticipation of the Human Rights Committee adoption of the List of Issues Prior to Reporting ("LOIPR") on Poland which will be held during the 142nd session.

Since the last reporting cycle, many systemic issues threatening human rights protection in Poland persist.

Regarding **the rule of law crisis and threats to judicial independence**, new challenges have emerged, primarily concerning the restoration of the rule of law without causing its further violations. These challenges are particularly focused on the status of judges appointed with the involvement of the politically influenced National Council of the Judiciary since 2017 and the status of rulings issued by the Constitutional Tribunal in improperly constituted benches.

Since 2021, a growing **humanitarian crisis at the Polish-Belarusian** border has led to significant human rights violations, including the inhumane treatment of migrants and exposure to life-threatening conditions.

Additionally, the **full-scale Russian invasion of Ukraine on February 24, 2022**, triggered a mass influx of refugees into Poland. Some of these refugees have been victims and survivors of serious crimes under international law and continue to suffer the consequences. The worsening human rights situation in Eastern Europe, Central Asia, and the Caucasus has increased risks for human rights defenders, many of whom have sought refuge in Poland.

Furthermore, the protection of **LGBT+ rights and access to abortion in Poland** has deteriorated since 2016.

Finally, several previously noted concerns regarding **freedom of expression** remain unresolved. These issues are now compounded by new trends, such as the use of

¹ Helsinki Foundation for Human Rights (HFHR) is a non-governmental organisation established in 1989 and based in Warsaw, Poland. The HFHR is one of the largest and most experienced non-governmental organisations operating in the field of human rights in Eastern and Central Europe. Since 2007, the HFHR has a consultative status with the United Nations Economic and Social Council (ECOSOC). The HFHR's objective is the protection and promotion of human rights. The submission was prepared by HFHR experts: Ana Farifonova, Maciej Kalisz, Ewa Ostaszewska-Żuk, Konrad Siemaszko, Małgorzata Szuleka, Elena Wasylew and Marcin Wolny.

Strategic Lawsuits Against Public Participation (SLAPPs) to target independent media, academics, and civil society activists.

This submission highlights HFHR's observations in six key areas:

1. Access to justice
2. Equal treatment
3. Prevention of torture, inhumane and degrading treatment
4. Rights of migrants
5. Freedom of speech and media freedom
6. Protection of human rights defenders

1. ISSUES RELATED TO ACCESS TO JUSTICE (ARTICLES 2.2-2.3)

1.1. **[International law]** Poland has made limited progress in enhancing human rights protection through international legal measures since the last reporting cycle. Although Poland ratified the Istanbul Convention in 2015, it has not been fully integrated into the Polish legal system. Poland has yet to ratify several key international agreements, including:

- The Optional Protocol to the Covenant on Economic, Social and Cultural Rights,
- The Additional Protocol to the Convention on the Rights of Persons with Disabilities,
- The Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- The International Convention for the Protection of All Persons from Enforced Disappearance, and
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

At the regional level, Poland has also not ratified important instruments such as:

- The European Social Charter (Revised)
- The Additional Protocol to the European Social Charter, which allows for collective complaints regarding unsatisfactory application, and
- Protocol No. 12 to the European Convention on Human Rights, which provides a general prohibition of discrimination.

Question for the government:

What actions does the government plan to undertake to ratify and implement the above-mentioned legal acts?

1.2. **[Rule of law crisis and threats to independence of judiciary]** The rule of law crisis in Poland, which persisted from 2015 to 2023, manifested in several ways: (i) legislative changes that undermined the independence of courts and judges, (ii) policy shifts that enabled the former ruling majority to extend

political control over various elements of the judiciary, and (iii) a disregard for binding court decisions.

- 1.3. **[The Constitutional Tribunal]** In November 2015, the Parliament chose five judges of the Constitutional Tribunal, although legally it could only elect two (that was further confirmed in the judgement of the Constitutional Tribunal). The remaining three persons were elected to posts which were already occupied by legally elected judges from whom the President did not take oath. In May 2021, the European Court of Human Rights (ECtHR) confirmed that these persons had been unlawfully elected (case of *Xero Flor w Polsce sp. z o.o. v. Poland*). According to the research of HFHR until mid-2023 the Constitutional Tribunal issued 85 judgements in wrongfully composed benches.²

In 2024, Parliament adopted two acts aimed at restoring the independence of the Constitutional Tribunal (though these laws have not yet come into force). While the overall direction of the changes should be assessed positively, the HFHR's primary concerns relate to the provisions that declare all judgments issued by improperly composed benches as null and void. Some of the Tribunal's decisions have been controversial, appearing politically motivated; however, there are still certain decisions that do not raise significant concerns from a substantive perspective. In the HFHR's view, such regulations raise concerns regarding constitutional standards and legal certainty.

- 1.4. **[National Council of Judiciary]** In December 2017, the Sejm passed an amendment to the law on the National Council of the Judiciary (NCJ). NCJ is a constitutional body whose task is to guard the independence of courts and judges. The most important competence of the NCJ is to nominate candidates for appointment to judicial positions. Until 2017, 15 judicial members of the Council were elected by their peers. After the 2017 changes NCJ's members are elected by the Sejm (lower chamber of the Parliament). This change allowed the legislative power to take control over the selection of 21 out of 25 members of the council, subordinating the NCJ to the interests of the legislative branch of power.

The changes in the NCJ met with the response from the Court of Justice of the European Union (CJEU), Polish Supreme Court and European Court of Human Rights. The CJEU indicated that the judicial panels of the Supreme Court formed with the participation of judges appointed by the NCJ raise concerns regarding their independence and impartiality. The CJEU pointed out *inter alia* the creation of NCJ by shortening the term of its predecessor, the selection of its 15 members by the Sejm instead of judges, as well as concerns regarding the proper appointment of some of NCJ's members. The European Court of Human Rights addressed the issue of judges appointed with the participation of the "new" NCJ by applying the test developed in the case of *Astradsson v. Iceland*. In its judgments in *Reczkowicz v. Poland*, *Dolińska-Ficek and Ozimek v. Poland*, and *Advance Pharma v. Poland*, it found violations of Article 6 of the Convention by having the applicants' cases heard by the Supreme Court shaped with the participation of judges appointed by the NCJ in its composition

² Helsinki Foundation for Human Rights, [Judgments delivered by irregular judicial formations of the Polish Constitutional Court](#)

formed after 2017. This, according to the ECHR, led to a violation of Article 6 of the Convention.

Regardless the legal doubts concerning the new NCJ independence and legality, the Council started nominating candidates for appointment to judicial positions. According to a report by the HFHR³, from 2018 to August 2023, the President of Poland appointed, at the request of the NCJ, 2204 judges in all types of courts (common, administrative, and military) at all levels (from district courts to the Supreme Court and the Supreme Administrative Court).

Currently, there is an ongoing debate in Poland concerning the status of judges appointed with the involvement of the NCJ. Proposals from judges' associations include the idea of redoing all competitions for positions filled with the participation of the NCJ, coupled with the statutory reassignment of individuals who lost such competitions to their previously held judicial positions (or statutory removal from office if the individual did not previously hold a judicial position). In both scenarios, the draft law proposed by judicial organizations does not allow for the possibility of appealing to a court against either the reassignment of a judge to another judicial position or their removal from office.

Simultaneously, HFHR has presented a proposal that emphasizes the need for an individualized assessment of judicial appointments, based on evaluation criteria developed in current case law from common courts and the Supreme Court. In its statement, HFHR highlights the importance of adopting solutions that align with the standards set out in the Polish Constitution, the European Court of Human Rights (ECHR) case law, and international soft law instruments.⁴

In July 2024, the Minister of Justice requested an opinion from the Venice Commission on the models proposed by the judicial associations and the HFHR regarding the issue of judicial appointments involving the NCJ.

1.5. [Disciplinary proceedings against judges] In 2018, new provisions came into force, which significantly extended the influence of the Minister of Justice over the judicial disciplinary system. The Minister has been given, among others, the power to appoint a “central” Disciplinary Officer for Judges of Common Courts (*Rzecznik Dyscyplinarny Sędziów Sądów Powszechnych*) and his two Deputies.

Another significant change introduced in 2018 was the creation of a Disciplinary Chamber in the Supreme Court, which was to hear appeals against first-instance court decisions (and, in certain cases, to rule as a first-instance court itself). On 15 July 2021, a CJEU judgment was handed down emphasising that rulings in disciplinary proceedings brought against judges should be

³ Helsinki Foundation for Human Rights, [Powołania sędziów w latach 2018-2023 na wniosek tzw. "nowej" Krajowej Rady Sądownictwa](#)

⁴ Helsinki Foundation for Human Rights, [Sędzia czy nie-sędzia? Sposób uregulowania statusu osób powołanych na stanowiska sędziowskie przy udziale tzw. nowej KRS](#)

subject to review by a body which itself meets the requirements inherent in effective judicial protection, including the requirement of independence. The CJEU found that the circumstances surrounding the appointment of the new composition of the National Council of the Judiciary could raise legitimate questions about the independence of the NCJ and its role in the nomination process that led to the appointment of the members of the Disciplinary Chamber. By failing to guarantee the independence and impartiality of the Disciplinary Chamber and thereby undermining the independence of those judges, Poland had failed to fulfil its obligations under the EU Treaties.⁵ In July 2022, the Disciplinary Chamber was dissolved and replaced by the Chamber of Professional Responsibility.

In February 2020, an amendment (the so-called Muzzle Law) came into force which expanded the list of disciplinary offences to include three more types of conduct. The newly introduced types of disciplinary offences involve, among others, questioning of the validity of another judge's appointment or public activities incompatible with the principle of independence of the courts and judges.

Since the introduction of changes in the judicial disciplinary system, there had been a significant increase in the number of politically motivated disciplinary proceedings, in particular, those launched against judges actively engaged in public debate. Certain disciplinary proceedings have been initiated in relation to the content of rulings made by judges, their public statements, their presence at certain public events or their membership in professional associations.⁶

Given the allegations raised against the previous disciplinary commissioners, appointed in 2018, regarding their lack of independence, in February 2024 the Minister of Justice of the new government announced the appointment of so-called ad hoc disciplinary commissioners (i.e. for specific disciplinary cases of common court judges).⁷ In accordance with the law, the appointment of ad hoc disciplinary commissioners excluded existing 'central' disciplinary commissioners from taking any action in these cases.

Questions for the government:

How does the government plan to address the issue of judgments issued by the Constitutional Tribunal when benches were improperly composed?

How does the government intend to regulate the status of individuals appointed with the involvement of the NCJ after 2017? Will this approach comply with the standards set forth in international law and the Constitution of the Republic of Poland?

⁵ CJEU, case no. C-791/19, 15 July 2021.

⁶ Helsinki Foundation for Human Rights, [Disciplinary proceedings against judges of common courts in Poland. A 2022 monitoring report](#), February 2023.

⁷ Poland, Minister of Justice, [Minister Sprawiedliwości wyznaczył tzw. rzeczników ad hoc – sędziego Kasickiego i sędziego Szymańskiego](#), 23 February 2024.

How does the Polish government plan to address the status of judgments issued by judges appointed with the involvement of the NCJ since 2017?

How does the Polish government plan to reform the system of disciplinary responsibility of judges?

1.6. [Access to justice and redress for victims of gross human rights violations]

Poland is hosting nearly one million refugees from Ukraine. Some were subjected to serious violations of international humanitarian law (IHL) and gross violations of international human rights law (IHRL).⁸ Many are unable to seek justice and redress in Ukraine, because of severe trauma, ongoing hostilities and other factors obstructing their safe and voluntary return. In 2022, the Polish prosecutor's office initiated criminal proceedings concerning the Russian Federation's war of aggression against Ukraine and war crimes committed during the war. By 2024, over 2000 victims and witnesses were interviewed. These numbers are likely a fraction of the overall number of all victims and survivors based in Poland. It is worth noting that, to ensure effective communication with witnesses and survivors, the prosecutor's office coordinates outreach activities with civil society organizations engaged in documentation of violations of international law committed in Ukraine.

Meanwhile, Poland's investigation is limited to supporting investigations carried out in Ukraine, at the International Criminal Court, and in European states. The gaps in national policy and legislation limit the scope of the investigation carried out in Poland and prevent victims and survivors from seeking justice before Polish courts. These gaps, among others are related to:

- definitions of international crimes in the Criminal Code, including, among others, the lack of definition of torture as a separate and specific crime as defined in the Statute of the International Criminal Court (ICC) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), and as communicated in previous Concluding Observations of the Committee (CCPR/C/POL/CO/7); inadequate definition of rape, which does not take into account all the violations listed in Article 7 of the Statute of the ICC and is not aligned with relevant international treaties signed and ratified by Poland, including the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence; and lack of criminalization of enforced disappearances to ensure consistency with the Article 7 of the Statute of the ICC;
- lack of policy and guidance enabling the justice system to exercise universal jurisdiction and other forms of extraterritorial jurisdiction;
- and insufficient capacity and resources of the prosecutor's office and law enforcement agencies, including lack of a dedicated team responsible for investigations of international crimes; development of a

⁸ Helsinki Foundation for Human Rights, [In Search of Justice. The rights of victims and survivors of serious violations of international law committed during the full-scale aggression of the Russian Federation against Ukraine](#), June 2024; [Opora in Poland](#). Polish civil society groups collectively documented accounts of around 3000 people.

strategy on prosecution of international crimes in Poland, supported by allocation of human and financial resources.

Furthermore, Poland has no mechanism to identify most vulnerable persons subjected to gross violations of international human rights law and serious violations of international humanitarian law and set up a common referral mechanism to ensure their protection and rehabilitation, including (but not limited to) victims of torture, survivors of sexual violence and families of the missing persons. Rehabilitation services are crucial for restoring, as far as possible their physical, mental and social ability, as well as their full inclusion and participation in society.

It must be noted that the problem affects equally Polish citizens, who were subjected to international crimes, including torture.

Questions for the government:

Please describe the measures taken or envisaged to ensure that the prosecutor's office and law enforcement agencies have capacity to investigate serious international crimes, including an agreed operational framework; and allocated financial and human resources.

Please indicate steps taken to ensure that the legislation is in line with international standards, including with regards to definitions of core international crimes, and crimes such as torture, rape and enforced disappearances?

Please explain what policies are in place to enable victims and survivors of gross human rights violations, including torture to access redress, including rehabilitation services as defined in UNCAT, Article 14, including medical and psychological care?

2. ISSUES RELATED TO EQUAL TREATMENT (Articles 3 and 26)

2.1. **[Legal and policy framework for equal treatment]** Article 32 of the Constitution of the Republic of Poland states that all persons are equal before the law and have the right to equal treatment by public authorities. Additionally, the Act of 3 December 2010 on the implementation of certain EU regulations regarding equal treatment (hereinafter the Equal Treatment Act) provides regulations aimed at effective protection from discrimination. The Equal Treatment Act prohibits discrimination on the grounds of gender, race, ethnicity, age, or sexual orientation in areas such as work, health care, education, and access to services. However, the Act's varying definitions of discrimination result in different levels of protection for vulnerable groups, particularly those facing discrimination based on sexual orientation, age, and disability.⁹ The Act does not provide a mechanism to ensure equality for these groups in access to education, health care, and services.

⁹ Błaszczak A., *Efektywność środków ochrony przed dyskryminacją w Polsce*, PPP 2015, nr 6

Additional provisions regarding protection from discrimination are found in the Labour Code (regulating the prohibition of discrimination in employment and work areas), the Criminal Code, and the Code of Minor Offences. In 2019, the Constitutional Tribunal ruled that Article 138 of the Code of Minor Offences, which provided for a fine in cases where someone obligated to provide a service refused to do so, was unconstitutional. This ruling was in relation to a case involving an LGBT+ organization whose promotional materials were refused by a printing company. The declaration of Article 138 as unconstitutional has effectively weakened the protection system against discrimination in access to services.

The institutional framework for equal treatment in Poland consists of several key institutions. In December 2023, the Prime Minister established the Ministry for Equality, tasked with implementing the government's equality policy, among other objectives. Additionally, the Ombudsman's Office serves as the national equality body responsible for integrating the principle of equal treatment into Polish legislation. The Ombudsman's duties include conducting analyses, monitoring, and promoting equal treatment for individuals. The system also includes the Government Plenipotentiary for Persons with Disabilities, specialized commissions in the Sejm, and dedicated units within the Ministry of Foreign Affairs.

One of the most significant shortcomings of Poland's equal treatment system is the lack of effective internal coordination between institutions. The National Action Program for Equal Treatment, adopted in 2022, faced criticism for its limited recognition of discrimination issues, insufficient consultations (with the Ombudsman notably excluded from the process), and the lack of collaboration among institutions responsible for equality matters.¹⁰

The National Action Program for Equal Treatment for 2022-2030 identifies new priorities: awareness building, data collection and research, and coordination. While the program outlines support for groups at risk of discrimination in the labor market based on age, disability, race, nationality, ethnic origin, religion, belief, sexual orientation, and family status, it does not include specific tasks to address issues faced by LGBT+ individuals. In contrast, specific tasks are planned for women, persons with caring responsibilities, and persons with disabilities.¹¹ Moreover, the program clearly overlooks problems with equal access to services for LGBT+ persons.

Questions for the government:

Does the government plan to update the National Equality Program for years 2022-2030 in order to improve the cooperation between the equality institutions?

Does the government intend to amend the Equal Treatment Act to strengthen protection against discrimination for the most vulnerable groups, including LGBT+ individuals

¹⁰ Poland, Ombudsman Office, [Marcin Wiacek wskazuje rządowi, co trzeba uczynić na rzecz równego traktowania. Odpowiedź Pełnomocnik Rządu ds. Równego Traktowania](#)

¹¹ Poland, Council of Ministers, [Resolution No. 113 of the Council of Ministers of 24 May 2022](#),

and persons with disabilities, across all areas, such as access to services and the healthcare system?

2.2. **[Combating hate crimes]** According to media reports, in 2023, the police recorded only 768 hate crimes, a decrease from the 905 cases recorded the previous year.¹² However, significant doubts remain about whether these figures accurately reflect the true scale of the problem. The Ombudsman's office has pointed out that these crimes are not treated with the seriousness they deserve by Polish authorities. According to the Ombudsman's report, only 5% of hate crimes are reported to law enforcement.¹³

The Polish legal framework does not currently provide protection against hate crimes motivated by homophobia or transphobia. As a result, certain criminal acts, such as bodily harm or insults, are not prosecuted ex officio, even when they occur due to the victim's non-heteronormative identity. According to media reports, the government plans to amend the Criminal Code to broaden protection against homophobic hate crimes. However, the draft legislation has not yet been published.¹⁴

Question for the government:

How does the Polish government intend to counter hate crimes? What measures does it plan to improve the detection of these crimes?

2.3. **[LGBT+ persons' rights]** Over the past years, Poland has not introduced any legislation to improve the situation of LGBT+ persons. For instance, there have been no attempts to regulate marriage equality or any form of legalization of same-sex relationships.

In 2022, Poland ranked last for the third consecutive year regarding the socio-legal situation of LGBT+ persons among European Union Member States, according to the ILGA-Europe annual report for 2021.¹⁵ Amnesty International's report, which documents systemic violence against those advocating for the LGBT+ community, indicates that from 2017 to 2021, systemic oppression reached disturbing levels, adversely affecting the entire NGO sector in Poland. This oppression has frequently paralyzed civic action, forcing activists to withdraw from their efforts or even leave the country after years of defending their rights in court and enduring smear campaigns.¹⁶

In years 2016-2023, the public media were used to create smear campaigns against LGBT+ community. On 21 June 2022, the District Court in Warsaw ruled that by publishing "The Invasion", a documentary defaming the LGBT+ community in Poland, the Polish Television (TVP) had violated the personal

¹² Rp.pl, [Spadła liczba grózb i przestępstw z „nienawiści”? Tylko zgłaszanych](#)

¹³ Ombudsman Office, [Jedynie 5% przestępstw motywowanych nienawiścią jest zgłaszanych na policje - badania RPO i ODIHR/OBWE](#)

¹⁴ Rp.pl, [Ochrona przed przestępstwami z nienawiści w rządowej zamrażarce?](#)

¹⁵ ILGA-Europe, „Rainbow Europe Map and Index”, 22 May 2022,

¹⁶ Amnesty International, [Byliśmy traktowani jak przestępcy. Od atmosfery wrogości po nękanie osób broniących praw LGBTI](#), Warsaw 2022.

rights of a number of plaintiffs. The court awarded PLN 35,000 in damages to social organisations working on behalf of LGBT+ people in Poland, in addition to damages to be paid directly to the plaintiffs.¹⁷

According to Article 18 of the Constitution of the Republic of Poland, marriage understood as a union between a woman and a man is under the protection and care of the Republic of Poland. Despite its explicit wording, this provision has been cited for years to justify the lack of legal recognition of same-sex partnerships in Poland. Currently, Polish law does not foresee any form of legal recognition for such unions. On 12 December 2023, the European Court of Human Rights issued a judgment in the case of *Przybyszewska and Others v. Poland*, finding that Poland violated the Convention by failing to fulfil its positive obligation under Article 8 ECHR to provide the applicants with a specific legal framework recognizing and protecting their same-sex relationships.¹⁸

A separate issue concerns Poland's non-recognition of children born into same-sex partnerships registered in other EU member states. On 2 December 2019, the Supreme Administrative Court ruled against the transcription of a foreign birth certificate listing same-sex parents.¹⁹ According to the court, such transcription would violate fundamental principles of the Polish legal order. At the same time, the court noted that the interpretation of civil status law should not condition a Polish citizen's ability to obtain an identity document or personal identification number (PESEL) on the impermissible transcription of a foreign birth certificate listing same-sex parents.

Following this ruling, the Commissioner for Human Rights highlighted that the court's resolution did not change the practice of Polish consuls, who continue to require Polish birth certificates to issue passports. As a result, minor Polish citizens born abroad in same-sex partnerships are unable to obtain Polish documents, significantly affecting their ability to exercise rights related to Polish citizenship.

In February 2024, the Supreme Administrative Court revisited the issue of birth certificate transcription, dismissing the complaint of Polish citizens against the refusal to transcribe a birth certificate listing same-sex parents.²⁰ The court stated that Polish law did not recognize the institution of parenthood by same-sex couples, did not accept the possibility of a child originating from two same-sex individuals, and did not recognize the exercise of parental authority over a child by two same-sex individuals. The court emphasized that in every situation a child may have at most two parents of different sexes (a mother and a father) at any given time. According to the court, the Polish legal order specifically associates the term “parent” with mother or father, not classifying it as a separate category.

¹⁷ Poland, Regional Court in Warsaw (*Sąd Okręgowy w Warszawie*), case no. I C 1143/21, 21 June 2022. See also: KPH, [Aktywiści i aktywistki wygrywają z TVP ws. „Inwazji”](#), 22 June 2022.

¹⁸ European Court of Human Rights, *Przybyszewska and Others v. Poland*, application no. 11454/17.

¹⁹ Supreme Administrative Court, case no. OPS 1/19.

²⁰ Supreme Administrative Court, case no. II OSK 1303/21

The above interpretation contradicts the essence of Article 18 of the Constitution and Article 10 ECHR which obliges the state to protect and assist families, particularly in their formation and during the period when families are responsible for the care and upbringing of children.

Questions for the government:

What steps does the Polish government plan to take to enhance protection for the LGBT+ community against hate crimes and political harassment?

Does the Polish government intend to introduce same-sex marriage into the Polish legal system?

How does the Polish government plan to ensure that the rights of children with same-sex parents are recognized, particularly in official documents reflecting the factual information about their parents?

3. ISSUES RELATED TO PREVENTING TORTURE, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT (ARTICLES 7 and 9)

3.1. [Police brutality] During its 2019 visit to Poland, the European Committee for the Prevention of Torture warned that without prompt action, the risk of ill-treatment in police custody could increase. Recent years have seen a rise in police interventions resulting in fatalities.²¹ According to data from the Commissioner for Human Rights, there were 111 deaths following police interventions between 2018 and 2023, some linked to improper use of force, inexperience, and inadequate procedures.²²

The most serious incident occurred at the Wrocław Sobering-Up Station in 2021, where a 25-year-old Ukrainian citizen, brought in for being drunk, was strangled, beaten, and pepper-sprayed by police and staff. He died from suffocation. The District Court in Wrocław convicted seven individuals of involuntary manslaughter; two police officers received the maximum five-year prison sentence.²³

Monitoring torture cases in Poland is challenging due to the absence of a specific torture offense in the Penal Code, complicating the identification of such cases (see point 1.6). Additionally, procedural safeguards are lacking, including the theoretical nature of a suspect's right to contact a defense attorney before interrogation and the absence of a requirement to record interrogations with audio-video equipment.

Questions for the government:

²¹ Council of Europe, [Council of Europe anti-torture Committee publishes report on the ad hoc visit to Poland](#)

²² Wyborcza.pl, [111 osób zmarło po interwencjach policjantów. "Policja stała się zagrożeniem"](#)

²³ Wyborcza.pl, [Jest wyrok w sprawie śmierci Dmytra Nikiforenki we wrocławskiej izbie wytrzeźwień. Sąd: "To były tortury"](#)

How does the Polish government plan to reduce the number of cases of abuse of direct coercive measures by the Police and other state services?

Does the Polish government plan to establish a separate crime of torture in the Penal Code?

What procedural guarantees does Poland intend to introduce to reduce the risk of torture, inhuman, and degrading treatment of detainees by the Police?

How does the Polish government plan to ensure that victims of the Police brutality have access to redress and rehabilitation services?

3.2. **[Application of the pre-trial detention]** The use of pre-trial detention in Poland remains problematic. Between 2015 and 2024, the number of pre-trial detainees doubled to nearly 8,500, and the duration of such detentions has increased²⁴.

The Helsinki Foundation for Human Rights (HFHR) reports that prosecutorial motions for pre-trial detention are highly successful (around 90%), while appeals against such detention are rarely successful, with rates of 3.59% in district courts and 0.1% in circuit courts as of 2021. The HFHR criticizes the criteria for pre-trial detention, noting that it often relies solely on the severity of potential penalties without assessing the likelihood of such penalties being imposed. Additionally, Article 258 § 1 of the Code of Criminal Procedure, which allows detention based on the risk of flight or hiding, disproportionately affects foreigners and the homeless.²⁵

The HFHR calls for greater use of alternative measures to pre-trial detention, recommending the expansion of non-custodial options and the introduction of house arrest to address flight risks.

Question for the government:

How does the government plan to reduce the number of individuals held in pre-trial detention?

3.3. **[The National Centre for the Prevention of Dissocial Behaviour in Gostynin]** The National Centre, regulated by the Act on Proceedings Against Persons with Mental Disorders Posing a Threat to Life, Health, or Sexual Freedom of Others, houses individuals deemed by court rulings to pose significant threats. Initially intended for those who had their death sentences commuted, the Centre now faces overcrowding, with 91 individuals occupying 60 available places as of 2021. Although the situation improved slightly in 2022 with the opening of the Czernik branch, there are still significant issues. As of October 2023, the Gostynin Centre housed 74 patients, while 25 were in

²⁴ Poland, Służba Więzienna, [Statystyki](#)

²⁵ Helsinki Foundation for Human Rights, [Stosowanie tymczasowego aresztowania w sprawach gospodarczych](#)

Czersk. The law does not define minimum living space per detainee or address overcrowding.

Recent CPT reports highlight excessive security measures at the Centre, including the shackling of patients during medical treatments and extensive CCTV surveillance, even in private areas like toilets and showers. Additionally, there is inadequate protection of patients' privacy and insufficient regulation of their rights and duties, governed only by internal Centre rules rather than legal standards. This has led to rights violations, such as denying patients leave for a close relative's funeral. Concerns also include the admission of individuals who should not be housed there due to their mental health conditions.

Question for the government:

What actions does the Polish government plan to take to address overcrowding at the National Centre for the Prevention of Dissocial Behaviour and to ensure that patients' basic rights and freedoms are upheld?

3.4. **[Access to an abortion]** On October 22, 2020, the Polish Constitutional Tribunal ruled that abortion based on severe or fatal fetal impairment is unconstitutional. Prior to this, abortions were permitted under three conditions: severe fetal impairment, pregnancy from a crime, and threats to the mother's life. By 2020, 98% of abortions were performed under the first condition.

The 2020 ruling has led to women being forced to carry pregnancies with severe impairments, which contradicts human rights standards. In 2023, the European Court of Human Rights found that Poland's abortion restrictions had a severe psychological impact on a complainant, ruling a violation of Article 8 of the European Convention on Human Rights²⁶.

The Polish law also allows doctors to refuse medical services based on personal beliefs (the conscience clause), and a 2015 Constitutional Tribunal ruling deemed mandatory referrals unconstitutional. This has exacerbated access issues. In May 2024, new regulations were introduced requiring hospitals to perform legal abortions despite doctors' conscience objections.

Additionally, providing abortion assistance is criminalized under Polish law, punishable by up to 3 years in prison. In March 2023, Justyna Wydrzyńska, an activist with the Abortion Dream Team, was sentenced to 8 months' liberty restriction for aiding in an abortion by sending pills. This was the first such conviction not involving a medical professional. The case is under appeal.

In response to political pressure, a bill was introduced in June 2024 proposing:

- Abolition of criminal liability for aiding and abetting abortions,
- No criminal liability for abortions up to 12 weeks,

²⁶ ECHR, M.L. v Poland (application no. 40119/21)

- No criminal liability for medical professionals performing abortions after 12 weeks under certain conditions.

However, this bill was narrowly rejected by the Sejm on July 12, 2024, with 215 in favor and 218 against.

Question for the government:

What measures does the government plan to improve the protection of women's reproductive rights and access to abortion?

4. ISSUES RELATED TO RIGHTS OF MIGRANTS (ARTICLES 2.2, 7, 9 and 13)

4.1. [Pushback policy] Since 2015, there have been reports of the Polish Border Guards pursuing a pushback policy on the border with Belarus, primarily at the border crossing in Terespol.²⁷ The pushback policy escalated in 2021 with the start of the humanitarian crisis at the Polish-Belarusian border when the Belarussian regime started facilitating migration to the EU via the irregular crossing of the border. Since then, the media and non-governmental organizations started to document cases of the Polish Border Guard pushing migrants back from Poland to Belarus, despite them declaring their willingness to apply for asylum in Poland.²⁸

In response, the Polish authorities adopted legal changes that allowed third-country nationals to be forcibly returned to Belarus in an accelerated manner. Returns are taking place outside of the official border crossings (in the forest area or through the border rivers), often without migrants' identities being verified. Access to asylum on Polish territory has been hindered and asylum applications lodged by those who cross the border irregularly might be left unexamined by the asylum authority²⁹.

Since 2022, several Polish courts issued rulings stating that the push back administrated by the Border Guard on the basis of changed legislation violate the Constitutional and international law standards.³⁰

The restrictive policy of the Polish government prevented any full-scale humanitarian aid response – international or national humanitarian organisations were not allowed to enter the border area until July 2022 and humanitarian aid was provided mainly by civilians, civil society groups and organisations³¹.

²⁷ See e.g. Human Rights Watch, [Poland: Asylum Seekers Blocked at Border](#)

²⁸ See e.g. Helsinki Foundation for Human Rights, [„Gdzie prawo nie sięga” – 11 miesięcy kryzysu humanitarnego na polsko-białoruskim pograniczu](#)

²⁹ See e.g. ECHR Sherov and Others v Poland (case no. nr 54029/17)

³⁰ See e.g. Helsinki Foundation for Human Rights, [Sąd uznał relację uchodźcy za wiarygodne potwierdzenie pushback'u](#) and [Orzeczenia sądów administracyjnych dotyczące spraw uchodźców zawróconych na granicy do Białorusi](#)

³¹ Doctors Without Borders' statement: <https://www.msf.org/msf-leaves-polish-border-after-being-blocked-assisting-migrants-and-refugees>.

Military³² and quasi-military formations³³, as well as the Forest Guard³⁴, were deployed to protect the border, some with unclear competencies. In July 2024, the Parliament adopted new law changing the rules on allowing soldiers to use weapons in self-defence at the border.

Accurate statistics on the number of pushbacks are not possible to determine. Compared to 129 irregular border crossings in 2020, the Border Guard reported that 33 781 people were prevented entry to Poland in 2021, 12 157 in 2022 and over 26 000 in 2023³⁵. According to the civil society reports until March 2024 at least 40 people died trying to cross the Polish-Belarusian border.³⁶ The civil society reports also documented numerous cases of cruel and inhuman treatment of migrants at the border.³⁷

In 2024, the prosecution initiated an investigation into allegations of misconduct and dereliction of duty by several Border Guard officers in connection with their activities at the Polish-Belarusian border.³⁸

4.2. [State of emergency and restrictions in access to the Polish-Belarusian border] In September 2021, a state of emergency was introduced in certain parts of the Podlaskie and Lubelskie Voivodeships. The Regulation introducing the state of emergency provided for, inter alia, a ban on entry to the state of emergency for non-residents, as well as a ban on recording border infrastructure. The state of emergency lasted from September 2 to December 2, 2021. According to the Polish Constitution it is not possible to prolong it beyond 60 days. To bypass such limitations, on November 30, the Polish government adopted new provisions of the act amending the act on the protection of the state border. The restrictions were upheld until June 30, 2022. Humanitarian organizations, the media, activists and medics were banned from entering the zone.

In 2024, the new governing majority reintroduced the restrictions in some areas at the Polish-Belarusian border. Similarly to the previous regulations, also this one restricts access to the border for the civil society activists providing humanitarian aid and the media.

4.3. [Detention centers for migrants] The situation in detention centers for migrants remain one of the key problems. According to the regulation of 13 August 2021 twice as many migrants can be placed in guarded centers as

³² Police, Polish Armed Forces, and additional Border Guard units were deployed.

³³ One of the military formations deployed at the border were the Territorial Defense Forces: <https://www.wojsko-polskie.pl/8bot/articles/lokalne-aktualnosci-brygady-j/zołnierze-z-regionu-chronia-granice-polsko-białoruska/>.

³⁴ On 17 November 2021, the State Forests announced the mobilization of the Forest Guard officers to support the Border Guard, Police and the Polish Army protecting the border with Belarus: <https://www.lasy.gov.pl/pl/informacje/aktualnosci/mobilizacja-strazy-lesnej>.

³⁵ Border Guard, [Miniona doba bez prób nielegalnego przekroczenia](#)

³⁶ Fundacja Ocalenie, [Przejścia nie ma. Śmierć osób migranckich na granicy Unii Europejskiej z Białorusią](#)

³⁷ See e.g. [Oświadczenie organizacji niosących pomoc humanitarną na granicy polsko-białoruskiej](#)

³⁸ Oko.press, [Śledztwo w sprawie przekroczenia uprawnień przez Straż Graniczną. Chodzi o granicę z Białorusią](#)

before. In recent years, the civil society organizations and the Ombudsman Office alarmed about the conditions in some of the detention centers such as lack of enough living space and lack of access to specialised aid (including psychological aid)³⁹. The amendment to the Ordinance of the Ministry of the Interior and Administration of 24 April 2015 on guarded centres and detention centres for foreigners temporarily allowed for the minimum space per person in detention centres to be reduced from 4 to 2 m² per person for a maximum of 12 months. As in previous years, detention of children remains a problem. During 2021, there were 567 minors in the Guarded Centers for Foreigners, including 81 unaccompanied minors.

HFHR observations show that the detention of migrants is often ordered automatically, typically for the maximum duration allowed by law. Additionally, courts do not conduct thorough evidentiary procedures to assess whether alternatives to detention are appropriate.

As previously mentioned in this submission, there is also no effective mechanism in place to identify victims of torture or violence before they are detained. Furthermore, the current method for determining a minor's age—based on an X-ray of the left wrist—is not a reliable procedure for accurately establishing a child's age.

- 4.4. **[Use of coercive measures at the Polish-Belarusian border]** The excessive and disproportionate use of direct coercion against migrants at the Polish-Belarusian border is a significant concern, exacerbated by weakened oversight due to the reintroduction of the no-entry zone. Human rights organizations are particularly troubled by the July 2024 law that alters rules on direct coercion at the border.⁴⁰ This law exempts certain state officers and Armed Forces personnel from criminal liability for exceeding their powers with coercive measures or firearms, regardless of the severity of their violations. Critics argue that this could breach Articles 2 and 3 of the European Convention on Human Rights.

Additionally, the law permits the use of long-range acoustic devices (LRAD) by armed forces, despite concerns from social organizations about potential health risks, including permanent hearing loss.

Questions to the government

Has the government done any assessment of the legal solutions adopted since 2021 in relation to the situation at the Polish-Belarusian border from the perspective of the human rights protection standards? What were the results of the assessment?

Does the government plan to abolish the legislation and policies regulating the push back practice at the Polish-Belarusian border?

³⁹ Amnesty International, [Ośrodki all inclusive](#); Ombudsman Office, [Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi](#)

⁴⁰ Helsinki Foundation for Human Rights, [Oświadczenie organizacji niosących pomoc humanitarną na granicy polsko-białoruskiej](#)

Does the government plan to introduce provisions limiting the possibility of placing minors in the detention?

In which situations have the provisions of the Act on amending certain acts to streamline the operations of the Armed Forces, Police, and Border Guard in state security threats been applied? Also, do victims have the right to initiate criminal proceedings for unjustified or unauthorized use of firearms or coercive measures?

5. ISSUES RELATED TO THE FREEDOM OF SPEECH AND MEDIA FREEDOM (Article 19)

5.1. **[Public media]** The takeover of the governing structure of the public media was concluded already in 2016, but the subsequent years fully confirmed its damaging effects on the media pluralism. One result is an extremely biased content – as confirmed, among many others, by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election missions to Poland (for instance, after the presidential election in 2020, the observers simply concluded that the public television “acted as a campaign vehicle for the incumbent” President Andrzej Duda⁴¹).

Secondly, the governing majority changed the public media government structures by establishing the National Media Council (controlled by the governing majority) and changed the rules of appointing public media leadership, completely depriving the constitutional broadcasting body – the National Broadcasting Council – of its competences in the appointment of public media authorities. In 2016, the Constitutional Tribunal decided that such a regulation of public media management and supervisory body nomination process violates the Constitution. After almost 8 years since the decision, the judgement has not been implemented. Furthermore, there are serious concerns regarding the impartiality and political bias in the works of the National Broadcasting Council (controlled by the persons appointed by the previous governing majority). In 2023 and 2024, the Council's Chairman issued several decisions imposing fines on the media for their materials and comments critical towards the previous governing majority.

In December 2023, following the formation of the new government, the Minister of Culture and National Heritage commenced a process to alter the management of public media. Using provisions from the Commercial Companies Code, the Minister dismissed the supervisory boards and heads of public media. These actions were widely debated regarding their legality. HFHR expressed “serious legal concerns” about these measures⁴². HFHR highlighted that appointing public media management by a government member contravenes the Council of Europe's standards. In response to these developments, President Andrzej Duda vetoed legislation that would have increased the national media's budget. Consequently, the Minister of Culture

⁴¹ OSCE, [Republic of Poland. Presidential election 28 June and 12 July 2020](#) See also: OSCE, [Poland's parliamentary elections were competitive but marked by misuse of public resources and public media bias, international observers say](#), 2023

⁴² Helsinki foundation for Human Rights, [Position statement by the Helsinki Foundation for Human Rights on the changes in the public media](#)

and National Heritage initiated the liquidation of Public TV, Public Radio, and the Polish Press Agency. The Ministry justified this move to ensure media operation and facilitate needed reorganization without resorting to mass layoffs of employees. However, no substantive actions concerning their liquidation have been undertaken. On the other hand, the liquidation process raises fundamental concerns about the stability of journalists working in public media. Moreover, the liquidation process allows the Minister of Culture to dismiss the liquidators (who are managing the public media during the process) at any time and for any reason, what poses a threat to public media independence.

5.2. **[Regional media]** In 2020, the state-owned petrol company bought Polska Press company, one the biggest publishing groups in Poland. According to HFHR's research, the take-over of Polska Press led to practices that threatened journalists freedom. HFHR research documents among others the practices favoring the former ruling party, Law and Justice, and its politicians in editorial coverage and marginalizing former political opposition in the media coverage as well as limiting reporting on topics that could be detrimental to the former governing majority.⁴³ In 2024, after the changes in the management board, Orlen informed about its plans to sell Polska Press.⁴⁴

5.3. **[Safety of journalists]** In recent years, journalists have been also faced with an increased risks for their safety, especially while covering demonstrations. The danger came not only from some demonstrators⁴⁵, but sometimes also from the police. The reported incidents include, inter alia, a photojournalist being shot with a rubber bullet, several journalist being bitten with truncheons and being sprayed in the face despite them either wearing PRESS signs or otherwise being clearly identifiable as journalists.⁴⁶ When examined by the police or the prosecutor's office, too often such incidents have been trivialised, explained as legitimate use of force or discontinued due to the failure to detect the perpetrators and have not even resulted in disciplinary consequences for the perpetrators⁴⁷. This has been particularly visible in relation to journalists covering the Polish-Belarusian border crisis, as noticed by the UN Special Rapporteurs⁴⁸ Journalists are also exposed to the risk of unlawful surveillance. The Polish legal framework does not provide enough protection from abusing

⁴³ Helsinki Foundation for Human Rights, [From the regional press to Orlen Press. The situation in media owned by Polska Press](#)

⁴⁴ Bankier.pl, [Sprzedaż Polska Press przez Orlen. "Nie wiadomo, czy będą kupcy na całość"](#)

⁴⁵ See, e.g. violent attacks on the OKO.press journalists Agata Kubis and Maciek Piasecki covering pride parade in Lublin (conducted by counter-demonstrators to the parade), condemned by the OSCE The Representative on Freedom of the Media: [Regular Report to the Permanent Council for the period from 5 July 2019 to 21 November 2019](#); *Policja w Lublinie: podczas marszu nikt nie został ranny. Nikt poza dziennikarzami OKO.press*, OKO.press, 29.09.2019

⁴⁶ E.g. [Polish Photojournalists Beaten by Riot Police](#), Council of Europe Platform for the Protection of Journalism and Safety of Journalists, 12.11.2020; [Unlawful police violence against journalists must stop. We condemn the recurring assaults and demand accountability](#), Gazeta Wyborcza, 22.01.2021.

⁴⁷ E.g. [Polish Photojournalists Beaten by Riot Police](#), Council of Europe Platform for the Protection of Journalism and Safety of Journalists, 12.11.2020;.

⁴⁸ Special Rapporteur on the situation of human rights defenders, Special Rapporteur on the right to freedom of opinion and expression, [Poland: Human rights defenders face threats and intimidation at Belarus border – UN experts](#), 15 .02.2022, see also the ECtHR case of Narbrdalik and Moskwa v Poland, applications nos. 30614/22 and 30848/22, communicated on 15 February 2023

the right to privacy that may result in breaching the privileged communication (including communication between journalists and their sources). This has been confirmed in relation to communication covered by professional privilege in the recent European Court of Human Rights judgement in the case of *Pietrzak and Bychawska-Siniarska and Others v. Poland*⁴⁹. There have been several instances where public prosecutor's office requested journalists to reveal their sources, in addition in some cases journalists were fined for refusing to comply with the requests.⁵⁰

Questions for the government:

How does the government intend to ensure the independence of public media in its proposed public media reforms?

Will the government re-establish the independence of regional media, particularly with regard to Polska Press? If so, how?

What actions are planned by the government to ensure effective investigations into attacks against journalists and to provide accountability for such events?

How does the government plan to ensure an effective protection of journalistic privileged communication from unlawful or arbitrary surveillance?

6. ISSUES RELATED TO PROTECTION OF HUMAN RIGHTS DEFENDERS (article 2, 7, 9, 13, 21 and 22)

6.1. [Criminalisation of humanitarian aid] With the escalation of the humanitarian crisis at the Polish-Belarusian border, a troubling trend of criminalizing humanitarian aid provided by civil society activists has emerged. In response to the crisis, local community members and activists have been offering essential assistance to migrants trapped in the woods, including food, shelter, and medical care.⁵¹

HFHR has documented cases and provided legal aid to activists who have faced searches, fines, and criminal charges from the Border Guard. For instance, in 2023, several activists were fined for entering the restricted border zone while delivering food and clothing to migrants. However, the court later lifted these fines, recognizing that providing humanitarian aid constitutes acting in a state of emergency.⁵²

6.2. [Freedom of assemblies] HFHR raises concerns about freedom of assembly in Poland, particularly regarding police actions against peaceful protesters.

⁴⁹ European Court of Human Rights, judgement in the case of *Pietrzak and Bychawska-Siniarska and Others v. Poland*, 28.5.2024, nos. 72038/17 25237/18, § § 223-224..

⁵⁰ See e.g. the case of Katarzyna Włodkowska: Poland: Journalist must not be jailed for refusing to disclose source, International Press Institute, 29.11.2021, or Ewa Żarska: Prosecutor's office demands access to information covered by reporter's privilege. HFHR responds

⁵¹ Helsinki Foundation for Human Rights, [Gdzie prawo nie sięga](#)

⁵² Helsinki Foundation for Human Rights, [Behind the border wall is a strip of Polish territory – new judgment on humanitarian aid](#)

During the late 2020 protests against the Constitutional Tribunal's abortion ruling, police employed tactics like kettling, mass identity checks, and penalties for violating COVID-19 regulations.

The introduction of cyclical assemblies, which prioritize certain events over others, has favored government-supported gatherings and restricted counter-demonstrations. This regulation does not apply to simplified assemblies, and government delays in banning counter-protests have impeded legal challenges.

Police actions against counter-protesters, including fines for minor disruptions and inadequate protection, remain concerning. Although courts have overturned discriminatory bans on LGBT+ assemblies and pro-Palestinian protests, such issues persist.

6.3. **[Strategic lawsuits against public participation, SLAPP]** In recent years, the use of strategic lawsuits against public participation (SLAPPs) has become increasingly prevalent in Poland. These lawsuits have been initiated by representatives of the former ruling majority, state-owned enterprises, and local government officials, targeting independent journalists, civil society activists, and academics. HFHR has documented cases where specific provisions of the Civil and Criminal Codes were wielded in a manipulative manner to intimidate and silence voices engaged in public discourse, particularly those critical of the former ruling party.⁵³ One of the most frequently invoked legal provisions is Article 212 of the Criminal Code, which stipulates criminal liability for defamation. In addition, there have been also several cases where laws on insulting State symbols⁵⁴, public officials⁵⁵ and religion⁵⁶ were used in that manner. Unfortunately, the Polish legal system lacks sufficiently robust mechanisms to protect against SLAPPs. Therefore, it is imperative to fully implement the EU Anti-SLAPP Directive⁵⁷ by the 2026 deadline to safeguard media freedom and the right to free speech.

6.4. **[Protection of human rights defenders relocated to Poland from third countries]** Poland has a visa policy enabling the emergency re-location and protection of human rights defenders (HRDs), who are facing harassment, intimidation, smear campaigns, torture and ill-treatment, unlawful detention, and violence for their legitimate human rights work. For example, according to data provided by the Ministry of Foreign Affairs to the Fundamental Rights Agency⁵⁸, in the period 2020-2023, Poland issued over 50,000 visas for HRDs.

⁵³ Helsinki Foundation for Human Rights, [SLAPP. Strategiczne działania prawne zmierzające do stłumienia debaty publicznej. Wybrane elementy praktyki i orzecznictwa polskich sądów w sprawach dziennikarskich](#)

⁵⁴ See e.g. [Tęczowa flaga z orłem "aresztowana". Policja otrzymała zgłoszenie o możliwym znieważaniu symboli narodowych](#), TOK.fm, 11.03.2019

⁵⁵ E.g. [Polish Journalist Piotr Maślak Charged with Defaming and Insulting Border Guards](#), Council of Europe Platform for the Protection of Journalism and Safety of Journalists, 20.01.2023

⁵⁶ [Poland: Rainbow Mary case underscores the need to repeal blasphemy laws](#), Article 19, 25.03.2024

⁵⁷ Directive 2024/1069 of the European Union and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')

⁵⁸ Fundamental Rights Agency, [Protecting human rights defenders at risk: EU entry, stay and support](#), July 2023, p.52.

While majority came from Belarus, around 2000 were from the Russian Federation, especially following the wave of reprisals against anti-war dissent related to the full-scale aggression in Ukraine. HRDs from several countries in the Caucasus and Central Asia were also granted humanitarian visas and protection in Poland. In 2024, many cannot return to their countries in the region due to ongoing security threats. HRDs from Belarus can apply for humanitarian visas issued for the period of three years, while HRDs from all other States can receive Polish humanitarian visas for the period up to one year. HRDs are entitled to legally work in Poland which is a very positive measure supporting their self-reliance and resilience.

The ability to re-locate to Poland is a lifeline for many HRDs, but living in exile is associated with many challenges, including complicated and lengthy immigration proceedings to regulate HRD's legal status after the expiration of the humanitarian visa. Extension of humanitarian visas is in most cases not possible in practice. Instead, HRDs must seek avenues to legalize their stay in Poland, e.g. by:

- applying for refugee status, which is a lengthy process, which excludes HRDs from the ability to work during the period of six months after applying for asylum (and refugees status is not always applicable for the specific situation of many HRDs);
- or by securing employment before the expiration of the humanitarian visa, which might be challenging for some HRDs, who are under tremendous pressure and may need more time to adapt to life in exile.

In addition to complicated immigration procedures, HRDs face challenges to access healthcare. Medical insurance in Poland is available only via the employment contract or through registration with the unemployment office. HFHR has documented cases of HRDs residing in Poland, who were subjected to torture and other harm in their countries of origin struggle to access specialized medical care in Poland. As explained in section 1.6 of this document, Poland has no policy regulating access to rehabilitation for survivors of torture and other gross violations of IHRL and serious violations of IHL. As a result, HRDs are forced to rely on costly private medical care, seek NGO support (when available) or wait for up to a year to see a specialist.

Questions for the government:

Will the government retain the institution of cyclical assemblies? How does the government plan to improve the Police practices in securing the assemblies?

What are the government's plans for implementing the EU Anti-SLAPP Directive, particularly in the context of reforming the Criminal Code and abolishing provisions that have been used manipulatively to initiate lawsuits aimed at curtailing participation in public debate?

Please describe the measures taken or envisaged to ensure a coordinated and systematic approach to supporting HRDs at risk, including through unified procedure for issuing

humanitarian visas and legalizing HRDs stay in Poland (as long as they face risks in their countries of origin); and provision of access to free and adequate medical and services for HRDs who are in need of rehabilitation support.