

Poland 2023 Human Rights Report

Executive Summary

In October, voters turned out in historic numbers in parliamentary elections, topping even the turnout numbers for the first election in the post-Communist period. Human rights issues, including women's rights, reproductive rights, and the rule of law were among top issues for voters, according to exit polls.

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; substantial barriers to accessing sexual and reproductive health services; and crimes motivated by antisemitism.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited such practices, but there were isolated reports government officials employed them. The law lacked a clear legal definition of torture, but all actions that could be considered torture were prohibited under the law and prosecuted. The law outlined disciplinary actions for police, including reprimand, demotion in rank, and dismissal. The National Preventive Mechanism (NPM), an independent monitoring team operating under the Office of the Human Rights Commissioner, carried out visits intended to prevent torture in national institutions.

On January 17, the Office of the Human Rights Commissioner published a report listing cases in which prison guards mistreated prisoners in a detention facility in Barczewo. The commissioner published the report based on the NPM's October 2022 visit to the facility. The report noted prisoners claimed instances of violence and inhuman, degrading treatment, beating, and torture, including so-called waterboarding and suffocation during interviews. Following the visit, the commissioner notified the

prosecutor's office in Olsztyn, which confirmed it was investigating the abuse of power and mistreatment of detainees.

According to the Helsinki Foundation for Human Rights, there was a concern over cruel, inhuman, or degrading treatment or punishment of persons taken into police custody. The foundation stated police might have lacked sufficient knowledge of proper techniques to use against persons under the influence of drugs or other intoxicants, which might have led to excessive use of force against detainees.

Impunity for such acts was not a significant problem in the security forces.

Prison and Detention Center Conditions

Overall physical conditions in prisons and detention centers were not abusive.

Administration: There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Independent Monitoring: The government allowed on a regular basis independent monitoring of prison conditions and detention centers by local human rights groups, international organizations, and the NPM.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and

provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements, although the Helsinki Foundation for Human Rights noted an increase in the overall use of pretrial detention.

Arrest Procedures and Treatment of Detainees

The constitution and law allowed detention of a person for 48 hours before authorities were required to file charges and an additional 24 hours for a court to decide whether to order pretrial detention. The law allowed authorities to hold terrorism suspects without charges for up to 14 days. The law set a five-day limit for holding a juvenile in a police establishment for children if the juvenile escaped from a shelter or an educational or correctional facility. It allowed police to hold for up to 24 hours in a police establishment a juvenile who was being transferred to a shelter or an educational or correctional facility, in the case of a “justified interruption of convoy.” These rights were respected.

There was a functioning bail system, and authorities released some detainees on bail.

The law stated defendants and detainees had the right to consult an attorney of their choice at any time. The government provided free counsel to indigent defendants at the judicial stage of proceedings. According to the Helsinki Foundation for Human Rights, most individuals did not have

immediate access to legal assistance when they were initially detained.

The law provided that police were required immediately to notify a detained person of the reasons for their detention and of their rights. Authorities generally respected these rights. According to the Helsinki Foundation for Human Rights, detained persons often were given several sheets of paper in small print and asked to sign a statement; in the foundation's opinion, this practice meant detained persons often were not informed of their rights in an effective way.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary, although the United Right government continued to implement judiciary-related measures that drew strong criticism from the European Commission, most legal experts, nongovernmental organizations (NGOs), and international organizations. Those groups also expressed concern the government's ability to transfer judges without their consent could have been used to punish or deter certain rulings and erode judicial independence. They expressed concern that the same individual held the position of minister of justice and prosecutor general, allowing that individual to have authority for personnel matters for both judges and prosecutors. Legal experts and NGOs criticized this structure for providing insufficient protection from political influence over criminal cases. A minister of justice, appointed in December, created a

task force to “restore the rule of law and constitutional order” and began procedures to join the European Public Prosecutor’s Office, which some observers said would limit future efforts to undermine prosecutorial independence.

According to a Eurobarometer survey published in June, during the year only 23 percent of respondents perceived the judiciary to be independent.

Trial Procedures

The constitution and law provided for the right to a fair and public trial and the judiciary generally enforced this right.

Civil society observers noted concern that delays in court proceedings infringed on the right to a timely trial. Delays were attributed to several factors, including the United Right government’s judicial reforms, which they said increased judicial vacancies and lowered morale among judges, and a lack of sufficient alternative dispute mechanisms to handle simple cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

The government had some laws or mechanisms in place, but NGOs and advocacy groups reported the government did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. No comprehensive law addressed the return of, or compensation for, private property. Legislation remained in place that significantly restricted the ability of individuals to seek the return of private property seized under Nazi occupation or during the Communist era. The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website:

<https://www.state.gov/reports/just-act-report-to-congress/>.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited such actions but allowed electronic surveillance with judicial review for crime prevention and investigation. There were no reports the government failed to respect those prohibitions during the year.

A case alleging the government accessed, collected, or used private communications arbitrarily and employed technology including spyware, specifically Pegasus spyware, continued. On September 8, the Council of

Europe issued a provisional report claiming the country used Pegasus spyware to influence political processes in 2019. On September 7, the upper house of parliament's (the Senate, controlled by the opposition) commission investigating Pegasus released a report that concluded the United Right government's purchase of Pegasus in 2017 was unlawful. On September 7, the minister of internal affairs and administration, a member of the then ruling party, told media surveillance operations conducted by special services were legal. A European Parliament report on the use of Pegasus concluded there were serious breaches and inadequate implementation of EU law in the country.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Independent private media, the judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members, although some legal and practical restrictions on freedom of expression existed.

Freedom of Expression: The law prohibited hate speech, including the

dissemination of antisemitic literature, the public promotion of fascism, communism, or other totalitarian systems, and the intentional offense of religious feelings. According to the Helsinki Foundation for Human Rights, the government's use of public insult laws and some politician's comments created a chilling effect on civil society and media members' expression in some cases.

In April, the District Court in Sokolka ruled a journalist from media outlet TOK FM was guilty of defaming the Border Guard. The case referred to a 2021 tweet in which the journalist compared the Border Guard with the Nazi German Schutzstaffel. The journalist was ordered to pay a fine of 3,000 zlotys (PLN) (\$755) in addition to court costs. The verdict was subject to appeal.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Laws regulating broadcasting and media prohibited, under penalty of fines, license revocation, or other authorized sanctions, the promotion of activities endangering health or safety, or the promotion of views contrary to law, morality, or the common good. The law also required that all broadcasts “respect the religious feelings of the audiences and, in particular, respect the Christian system of values.” Critics alleged persistent progovernment bias in state-owned television news broadcasts and other public media.

During the year, the National Broadcasting Council imposed fines or initiated

proceedings against private media outlets in relation to the content of their broadcast.

On April 1, the National Broadcasting Council initiated proceedings against television outlet TVN for its March 6 broadcast of a documentary that alleged Karol Wojtyla had covered up instances of pedophilia prior to becoming Pope John Paul II, arguing the documentary violated the broadcasting law.

In July, the Helsinki Foundation for Human Rights reported state-controlled energy company PKN Orlen's 2021 purchase of Polska Press newspapers negatively affected journalistic freedom in these regional newspapers. The report noted the purchase led to a decrease in journalistic independence in some of these newspapers when editorial management limited the choice of topics covered by the outlets and interfered in journalists' texts. In some individual cases, the appointment of editors in chief was politically motivated. In some cases, this resulted in stories favoring the ruling party and marginalizing the political opposition, according to the report.

Libel/Slander Laws: Defamation by print and broadcast journalists was a criminal offense, punishable if convicted by a fine and community service. In addition to defamation laws, laws covered public insult or slander of the president, members of parliament, government ministers and other public officials, the nation, foreign heads of state and ambassadors, and private entities and persons, as well as insult or destruction of the national emblem,

the flag, other state symbols, monuments, and sites that commemorate historical events or persons. The criminal code also criminalized offending religious sentiment by publicly insulting an object of religious worship or a place dedicated to public observance of religious services.

Laws were enforced, although courts rarely applied maximum penalties, and persons convicted of defamation and public insult generally faced fines or community service. Even if a court case ended with a conviction without punishment or with a small penalty, the person convicted had an official criminal record, which limited the person's ability to hold public positions or access public funds. According to the Helsinki Foundation for Human Rights, a considerable number of defamation and public insult cases, especially with respect to offending religious sentiment, posed a risk of limiting freedom of expression and stifling free public debate. It assessed the criminal defamation law had a chilling effect on journalists, especially in local media, because local authorities might use the law against journalists. Media owners, particularly of small local independent newspapers, were aware that potentially large fines could threaten the financial survival of their publications.

According to the Helsinki Foundation for Human Rights and other civil society actors, there was a continuing problem regarding strategic lawsuits against public participation (SLAPPs), which were used by public institutions and officials, media companies, politicians, and individuals to suppress

opposing opinions. The civil society organizations claimed the use of SLAPPs created an unfriendly environment for media to operate and had a chilling effect on journalists, who might be reluctant to tackle sensitive topics due to fear of being prosecuted.

On May 23, the Supreme Court rejected a prosecutor's final appeal against the September 2022 Warsaw Appeals Court's decision to dismiss a case against Jakub Zulczyk for publicly insulting the president by posting a message on a Facebook account in which he referred to the president as a "moron." The Supreme Court noted the court's recognized the insulting meaning of the word, but it agreed the social harm of this behavior was negligible.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. The law authorized the Internal Security Agency to block websites without a prior court order in cases relating to combating, preventing, and prosecuting terrorist crimes; to shut down telecommunications networks when there was a terrorist threat; and to conduct surveillance of foreign nationals for up to three months without a court order.

On April 13, the government Plenipotentiary for Information Space Security, Stanislaw Zaryn, responded to Human Rights Commissioner Marcin Wiacek's

concerns regarding the number of cases of website blocking in 2022 and the fact that the process of blocking websites and verifying the legitimacy of blocking remained opaque. The plenipotentiary noted all actions undertaken by authorities were within the limits of the law. The law against defamation and all other public insult laws applied to the internet.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for the freedom of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner

for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. The Helsinki Foundation for Human Rights and other human rights organizations expressed concern asylum seekers and other persons of concern on the border with Belarus did not have adequate access to protection and assistance.

On June 27, the law on assistance to Ukrainian citizens in connection with armed conflict was revised and entered into force. It protected the rights of refugees from Ukraine and provided for their access to services. The revised law provided for Ukrainian citizens to stay in the country legally until March 4, 2024, and provided the same protections for spouses without Ukrainian citizenship who had entered the country after the beginning of Russia's full-scale invasion of Ukraine in February 2022. Children born in Poland to Ukrainian women who fled the war were granted legal status as Ukrainians. The law provided Ukrainians the right to work and free access to health care and education.

A deputy interior minister continued to function as the government plenipotentiary for war refugees from Ukraine until the government changed on December 13. The plenipotentiary was responsible for coordinating activities undertaken by government ministries to assist refugees, as well as for cooperation with local authorities, NGOs, and international organizations. The prime minister's chancellery included a

minister for social integration to coordinate refugee integration until November 13.

During the year, media, civil society, and international organizations noted cases of discrimination against Romani refugees from Ukraine. The International Organization for Migration and UNHCR partnered with Romani civil society organizations on the humanitarian response to address the community's needs.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees.

There were allegations the country prevented access to its territory and pushed back to Belarus migrants and asylum seekers from third countries, where they were likely to face abuse, including severe beatings. There were no reports or allegations that the country expelled Belarusian citizens seeking asylum back to Belarus or expelled individuals from third countries back to the countries from which they sought asylum.

While EU leaders expressed support for the country's efforts to protect its borders, the EU did not issue a finding on whether the pushbacks of migrants and asylum seekers on the border with Belarus complied with EU law. Human rights organizations stated pushbacks violated international obligations regarding protection of asylum seekers in the country's territory.

During the year, the government continued to use 2021 legal changes permitting the Border Guard to push back to Belarus migrants who crossed the border irregularly. Migrants were primarily of African or Middle Eastern descent and were attempting to enter the EU via Belarus, frequently by way of Russia. The government contended the presence of the Wagner mercenary group in Belarus near the border increased the possibility malign actors could attempt to enter the country disguised as migrants.

Refoulement: On June 22, Polish authorities deported Tajik asylum seeker Sorbon Abdurahimzoda despite a European Court of Human Rights ruling in May that stated he might face torture in Tajikistan. According to media reports, his lawyer stated he was deported to Bulgaria and then onwards towards Tajikistan. Legal experts and media reported the government deported him as threat to state security.

Abuse of Refugees and Asylum Seekers: UNHCR reported no major or persistent problems with abuse in centers for asylum seekers. Some incidents of gender-based violence occurred in the centers, but UNHCR reported local response teams of doctors, psychologists, police, and social workers addressed these cases.

Freedom of Movement: Authorities placed some asylum seekers in guarded centers while they awaited deportation or decisions on their asylum applications. Border guards could place an individual in a guarded center only by court order. According to the Legal Intervention Association and

human rights commissioner's office, courts automatically approved most legal motions of the border guards, resulting in many vulnerable migrants, including families with children, being placed in guarded centers. According to the association, the courts also automatically extended detention beyond the initial three months, which meant many migrants stayed in guarded detention centers for extended periods of time. Children placed in guarded centers did not have access to public education and could participate only in limited educational activities organized on site. The law prohibited the placement of unaccompanied children younger than 15 in guarded centers. Border guards typically sought to confine foreigners who attempted to cross the border illegally, lacked identity documents, or committed a crime during their stay in the country.

Temporary Protection: The government provided temporary protection to individuals who might not qualify as refugees. According to UNHCR, as of December 12, there were approximately 950,000 registered Ukrainians benefitting from temporary protection under the EU temporary protection mechanism in the country.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

UNHCR reported it was difficult to estimate the number of stateless persons in the country but estimated 1,425 stateless persons were in the country as of mid-2022.

The law afforded the opportunity for stateless persons to obtain nationality. A 2019 UNHCR report noted, and UNHCR confirmed at the end of the year, however, the government's lack of a formal procedure of identifying stateless persons led to protection gaps and exposed stateless persons to many negative consequences, including detention.

The 2019 UNHCR report noted, and UNHCR confirmed at the end of the year, several problems resulting from stateless status, including the inability to undertake legal employment or to access social welfare and health care. Stateless persons often lacked identity documents, which limited their ability to perform many legal actions, such as opening a bank account or entering a marriage. According to UNHCR, such problems made this group particularly vulnerable to poverty and marginalization.

The October 16 report by Halina Niec Legal Aid Center on *Stateless Persons from Ukraine Seeking Protection in Poland* noted the weakness of the country's system regarding statelessness, due to the lack of a legal definition of statelessness and the lack of a dedicated stateless determination procedure. The report noted this weakness was one of the reasons for a

very low number of stateless persons from Ukraine registered for temporary protection in the country.

Section 3. Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of irregularities, although the United Right government enjoyed an advantage. According to the preliminary report of the Organization for Security and Cooperation in Europe (OSCE), the government exercised undue influence over the use of state resources, public media, and a government-initiated referendum held concurrently that served to amplify the ruling party's campaign message and give it access to funding and publicity rights outside electoral rules.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR), which ran an election observation mission, reported the October 15 parliamentary elections were characterized by record-high voter participation with a wide choice of political options and candidates able to

campaign freely. The ODIHR mission found the Supreme Court handled election-related complaints transparently and ruled in favor of greater election observer participation. The ODIHR mission stated the campaign was characterized by the wide use of intolerant, xenophobic, and misogynistic rhetoric.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of high-profile government corruption during the year.

Corruption: In March, the Central Anti-Corruption Bureau reportedly began investigating the Ministry of Foreign Affairs' role in an alleged cash-for-visas scheme. In September, news outlets alleged members of the Ministry of Foreign Affairs systematically sold multiple-entry Schengen visas through the country's embassies and consulates in Africa and Asia. Early reports suggested malfeasance on the part of VFS Global, the world's largest visa administrative outsourcing company and the country's largest contractor. VFS Global denied these allegations. The number of unqualified applicants who were issued visas was unknown and the investigation continued at year's end.

On February 27, the Central Anti-Corruption Bureau detained a former treasury minister, who at the time was the secretary of the city of Warsaw.

Police charged him with accepting bribes in connection with performing a public function. Following his arrest, the Warsaw mayor recalled him from his position. In November, he was released from pretrial detention to take a position as a member of the European Parliament. His lawyer assured he would cooperate with the investigation.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were rarely cooperative and responsive to the views of these groups.

Retribution against Human Rights Defenders: Some human rights groups alleged the United Right government used legal proceedings and SLAPPs to threaten human rights defenders. On March 14, the Warsaw Praga-Poludnie District Court found Justyna Wydrzynska, a women's rights activist,

guilty of “aid to perform an abortion” and sentenced her to eight months of community service. In May, Wydrzynska appealed the judgment. The case was pending at year’s end. Aiding in an abortion was illegal and conviction carried a penalty of up to a three-year prison term.

Government Human Rights Bodies: The constitution and the law entrusted the commissioner for human rights with defending human and civil rights. The law stated the children’s rights ombudsperson was responsible for protecting the rights of children. The law entrusted the government plenipotentiary for equal treatment with the task of “implementing the principle of equal treatment” prior to December, when the position was elevated to a cabinet minister by the prime minister.

In December, the government appointed a minister of equality and published a regulation specifying the minister’s role. According to the regulation, the minister was responsible for implementing the government’s policy on equality, including antidiscrimination policy, particularly on the grounds of gender identity; race, ethnic, and national origin; religion; belief; age; disability, and sexual orientation. The minister was also responsible for drafting action proposals to counter equality abuses, monitoring best practices to promote equality, initiating and conducting dialogue with civil society on nondiscrimination, and implementing tasks related to countering domestic violence.

In December, the government also appointed a minister of civil society and

published a regulation specifying the tasks of the position. According to the regulation, the minister of civil society was empowered to analyze and evaluate the effectiveness of legal solutions for civil society; develop policy for the sustainable development of civil society; support civic initiatives; monitor and promote good practices in the field of civil society; and to draft and review draft legislation and other government documents on civil society.

Observers and commentators generally expected these cabinet ministers would improve relations with civil society and would positively impact the overall human rights situation in the country. According to media, the minister of civil society was tasked with rebuilding trust between nongovernmental organizations and the state.

The law entrusted the government plenipotentiary for persons with disabilities with monitoring activities aimed at inclusion of persons with disabilities into society.

Civil society observers continued to assess the office of the commissioner for human rights as independent and effective in defending human and civil rights. The previous children's rights ombudsperson was assessed as not independent or effective, and the ombudsperson's term ended in December. Civil society observers considered the previous government's plenipotentiary for equal treatment ineffective and not independent.

Human rights experts considered the plenipotentiary for persons with

disabilities effective and competent.

Both chambers of parliament had committees on human rights and the rule of law. The committees served a primarily legislative function and consisted of representatives from multiple political parties.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of a person, regardless of gender, including spousal rape, was illegal. On October 1, a revision of the criminal code that increased the maximum penalty for conviction of rape to up to 15 years in prison entered into force. The law also introduced a three- to 20-year prison term for conviction of group rape, rape of a family member, rape with the use of a gun, rape of a pregnant woman, or recording rape. In addition, the criminal code increased penalties up to a life sentence for conviction of rape of a minor and rape with particular cruelty. While domestic violence was illegal and courts could sentence a person convicted of domestic violence to a maximum of five years in prison, most of those found guilty received suspended sentences. The law permitted authorities to place restraining orders without prior approval from a court on spouses to protect against abuse. The government enforced the law effectively. On March 15, the president signed into law the revision of a law on combating family violence that expanded protections for survivors of domestic violence

to include those who suffered economic, cyber violence, or both. The revision also replaced the preexisting legal definition of “family violence” with the broader term “domestic violence” and introduced a rule that children who witnessed violence should be treated as survivors. On August 15, the revised law entered into force.

The Women’s Rights Center reported police were occasionally reluctant to intervene in domestic violence incidents, sometimes arguing there was no need for police intervention. The law required every municipality in the country to set up an interagency team of experts to deal with domestic violence.

Centers for survivors of domestic violence operated throughout the country. The centers provided social, medical, psychological, and legal assistance to survivors; training for personnel who worked with survivors; and “corrective education” programs for abusers.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment, and conviction of violations carried penalties of up to three years’ imprisonment. According to the Polish Anti-Discrimination Law Society, sexual harassment continued to be a serious and underreported problem, and the government did not enforce the law effectively.

Discrimination: The constitution provided the same legal status and rights for women as for men, and although few specific laws existed to implement

the provision, those laws were generally respected. The constitution required equal pay for equal work, but according to trade union representatives, discrimination against women in employment existed.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The law obliged both central and local governments to provide citizens with access to methods and means serving “conscious procreation,” implemented by the government as gynecological counseling for women and girls and access to contraception, including access to emergency contraception, by prescription only. Individual patients faced differentiated challenges in accessing contraception, according to NGOs. The Federation for Women and Family Planning noted the government excluded almost all prescription contraceptives from its list of subsidized medicines, making them less affordable, especially for poor women in rural areas. The law also provided for doctors to refrain from performing health services inconsistent with their conscience.

Although women had the right to comprehensive medical services before, during, and after childbirth, home birth, while legal, was not subsidized by the National Health Fund. Women legally had access to emergency health care, including services for the management of complications arising from abortion. Civil society reported some women preferred to receive care in foreign countries for late-term abortions due to concerns regarding the

standard of care. According to the Childbirth with Dignity Foundation, standards for perinatal and postnatal care written into the laws were adequate, but the government failed to enforce them effectively.

In the latest report published by the European Parliamentary Forum for Sexual and Reproductive Rights in February 2022, emergency contraception was rated as “being unavailable” because it was available only by prescription. The report also pointed out the lack of sufficient access to gynecologists, especially in small towns and villages, a lack of reliable sexual education in schools, and high costs of contraceptives.

The law allowed the government to provide access to sexual and reproductive health services for sexual violence survivors, including emergency contraception and postexposure prophylaxis for survivors of rape. According to women’s rights NGOs, women’s access to care was limited, including for refugee women from Ukraine, due to survivors’ fear of social stigma, some legal constraints, and the use of the conscience clause by medical doctors who refused to provide such services.

Civil society reported restrictive laws on comprehensive sexual and reproductive care could have resulted in a chilling effect on medical practitioners and harmful outcomes for women; however, there was no legal certainty that medical decisions were linked to this chilling effect. In one case, in May, a pregnant woman known as Dorota, age 33, died in a hospital in Nowy Targ. She was in Nowy Targ to receive medical treatment

after her water broke when she was 20 weeks pregnant. She died three days later from septic shock, and some politicians and women's rights groups, including the Federation for Women and Family Planning, alleged she should have received a possibly lifesaving abortion. The Katowice Regional Prosecutor's Office was investigating the case and the Patient Rights Ombudsperson initiated ex officio an investigation into the woman's death.

The plight of refugee women from Ukraine who fled to the country during the year heightened challenges in accessing sexual, reproductive, and maternal health care and created a difficult operating environment for civil society service providers. According to civil society and international organizations, refugees from Ukraine who fled to the country typically went to other countries or back to Ukraine to receive reproductive health-care services during the year. On May 16, the Center for Reproductive Rights and eight partner organizations issued a report on gaps and barriers in access to sexual and reproductive health care and gender-based violence support services facing Ukrainian refugees in the country and others. The report noted restrictive laws and procedural rules heavily constrained abortion care and access to emergency contraception, which made it difficult for many refugees to access affordable, good quality sexual and reproductive health care and gender-based violence support services. The report also noted the near-total ban on abortion in the country had negative implications for refugees' access to abortion.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibited discrimination in political, social, and economic life. The law on discrimination in employment covered nationality, ethnic origin, and race. The law also banned discrimination against members of national and ethnic minorities and penalized incitement to hatred, public insult, and violence against others on the grounds of national, ethnic, and racial differences. The government did not enforce these laws effectively.

Romani leaders alleged discrimination against Romani persons in employment, housing, banking, the justice system, media, and education. The government continued to implement a 10-year program on social and civic integration of Romani persons, with particular focus on education and living conditions of the Romani community.

Although a small percentage of the country's non-Polish Slavic minorities continued to experience some harassment and discrimination, most of these communities were treated with equality under the law.

During the year, there were isolated incidents targeting the Ukrainian minority in the country. For example, on August 1, a group of 17 men armed with clubs, sticks, and a machete beat and robbed two Ukrainian men in their apartment in Kamieniec Zabkowicki. One of the victims was taken to a hospital. Police identified all 17 participants of the incident and pressed charges against six perpetrators. One of the men was charged with assault

with a dangerous weapon, attack on the basis of national identity, and causing bodily harm to the victim. He was placed in pretrial detention. Also in August, a man verbally attacked a Ukrainian woman and her children referring to them as “less than trash.” Police were investigating the case at year’s end.

Children

Education: On August 31, a Council of Europe report on the country’s implementation of the European Charter for Regional or Minority Languages urged the country to support minority-language education and criticized authorities’ reduction of the number of hours of German language classes available to members of the ethnic German minority. In 2022, the lower house of parliament reduced the education subsidy to local authorities for such classes, and the minister of education and science limited German language classes to one hour per week, while maintaining three hours of classes per week for other regional or minority languages.

Child Abuse: The law banned all forms of violence against children, and the government implemented the law effectively. The law required the ombudsperson for children’s rights to undertake actions aimed at protecting children from violence, cruelty, exploitation, demoralization, neglect, or other ill treatment. The ombudsperson’s office also operated a 24-hour free hotline for abused children. On August 4, the president signed into law a

revision of the Family and Guardianship Code, which was intended to enhance the protection of children against domestic violence. The revision obliged the Ministry of Justice to create an expert team to analyze the most serious cases of violence and implement comprehensive child protection standards. Several provisions of the revised legislation entered into force on August 28. As published in the official journal, the law stated the remaining provisions were scheduled to enter into force in 2024.

Child, Early, and Forced Marriage: The legal minimum age of marriage was 18, although courts were permitted to grant permission for girls as young as 16 to marry under certain circumstances. The government effectively enforced this law.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. Child pornography was illegal. Conviction of the production, possession, storage, or importation of child pornography involving children younger than 15 was punishable by three months to 10 years' imprisonment. During the year, police conducted several operations against child pornography and alleged pedophiles.

The law prohibited sexual intercourse with children younger than 15. Under the revised criminal code that entered into force on October 1, the penalty for conviction of statutory rape ranged from two to 15 years' imprisonment.

Antisemitism

The Union of Jewish Communities estimated the Jewish population at 20,000, while other estimates, including by Chief Rabbi of Poland Michael Schudrich, put the number as high as 40,000. Isolated antisemitic incidents involving desecration of significant property, including Jewish cemeteries, and sometimes involving antisemitic comments on television and social media, continued to occur. Some Jewish organizations expressed concern regarding the physical safety and security of their members. During the year, there were some attacks on Jewish properties and houses of worship. For example, in June, four men desecrated 26 tombstones at the 150-year-old Jewish cemetery in Zabrze. Police detained the perpetrators, and prosecutors charged two men with insulting a burial site and destroying historical monuments. In July, the National Institute for Monument Preservation allocated 50,000 PLN (\$12,575) for the renovation of the vandalized tombstones.

In April, top government officials criticized Barbara Engelking, a well-known Holocaust historian, who said in a television interview that modern Poles falsified history by exaggerating the amount of help provided to Jews by Poles during World War II. Prime Minister Mateusz Morawiecki wrote on social media these were “scandalous words” that had nothing to do with reliable historical knowledge. Education and Science Minister Przemyslaw Czarnek announced he would not provide new funding for the Polish Center

of Holocaust Research at the Institute of Philosophy and Sociology at the Polish Academy of Sciences, where Engelking worked. Some civil society observers said the government's reaction furthered efforts to distort Holocaust history and politicize Holocaust education.

In April, Ostrowiec Wielkopolski prosecutors indicted five men for organizing antisemitic marches and inciting hatred on the grounds of national identity during an antisemitic demonstration in the city of Kalisz in 2021. During the demonstration, participants burned a book symbolizing the Statute of Kalisz, a 13th-century document that regulated the legal status of Jews in Poland and granted them special protections. Some march participants also chanted "Death to Jews."

On December 12, Grzegorz Braun, a member of parliament from a small conservative-libertarian opposition party, used a fire extinguisher to put out Hanukkah candles in a menorah in parliament. The incident was widely denounced as antisemitic in media and social media and by a broad spectrum of political leadership. On December 13, prosecutors opened an investigation into the incident. On May 30, Braun attacked Polish-Canadian historian Jan Grabowski and halted his lecture on the Holocaust entitled "Poland's (growing) problem with Holocaust history." Braun refused to leave the building when police arrived. In a June 1 statement, Yad Vashem Chair Dani Dayan remarked, "This incident represents a new low in attempts to stifle discussion about the complicity of Poles in the persecution and

murder of their Jewish neighbors during the Holocaust. This act of vandalism is more than an ugly attack on an internationally renowned scholar. It is an attack on academic freedom, on the historical record, and on Holocaust remembrance.” The government did not condemn the incident.

According to civil society organizations, antisemitic discourse appeared in the public sphere and on social media.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law did not criminalize consensual same-sex sexual

conduct between adults, cross-dressing, or any other sexual or gender characteristic-related behavior.

Violence and Harassment: Media reported isolated cases of physical and verbal attacks against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons by nonstate actors, and civil society members reported concerns regarding their physical safety. Dozens of equality (pride) parades were held peacefully throughout the country throughout the year. On May 20, media and NGOs reported a participant in Olsztyn's equality (pride) parade was hit by a pellet shot in the head from an air gun a few hours after the event. NGOs and equality activists alleged the incident was associated with the parade. Police did not associate the incident with the equality parade. The incident happened while the woman was walking with a friend carrying a rolled-up rainbow flag.

Authorities often investigated, prosecuted, and punished those complicit in violence and abuses by state or nonstate actors against LGBTQI+ persons. Civil society representatives reported LGBTQI+ persons did not always report cases of violence or harassment to police.

Discrimination: The law did not specifically prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, except for in employment. The law did not recognize LGBTQI+ individuals, couples, and their families. Nonetheless, the constitution prohibited discrimination "for any reason whatsoever."

Laws on discrimination in employment covered sexual orientation and gender identity but hate crime and incitement laws did not. Discrimination and lack of equal rights for LGBTQI+ persons continued to be a problem. LGBTQI+ advocacy groups criticized the plenipotentiary for equal treatment's office for a lack of interest and engagement in LGBTQI+ matters; the commissioner for human rights, however, continued to work on LGBTQI+ human rights cases.

The law did not allow LGBTQI+ couples to adopt. Single persons were permitted to adopt; however, adoption centers prioritized married couples. The legal system did not recognize surrogate agreements and same-sex parenthood.

The law did not recognize marriage equality.

On January 26, the European Commission closed an infringement procedure against the country for failure to respond fully and appropriately to the Commission's inquiry regarding the nature and impact of what LGBTQI+ activists and critics called "LGBT-free zone" resolutions adopted by dozens of local governments across the country in 2019 and 2020. These resolutions did not explicitly call for "LGBT-free" zones but focused in varying degrees on preventing "LGBT ideology" in schools, called for protection of children against moral corruption, and declared marriage as a union between a woman and a man only. The Office of the Commissioner for Human Rights reported sustained and successful efforts to assure local

governments repealed the discriminatory resolutions.

Availability of Legal Gender Recognition: The law provided for legal gender recognition, but according to LGBTQI+ NGOs, the process was lengthy, cumbersome, and cost prohibitive for many persons. A person who wanted to change their legally recognized gender was required to sue their parents through a civil procedure, and if the parents were deceased, a court was required to appoint someone to represent their interests. A person was required to present two opinions to a court confirming their transsexuality: one prepared by a psychologist-sexologist, and the other by a doctor with a specialty in sexology or psychiatry. To change identity documents, a transgender person was required to present the final verdict of the court that legalized the change of gender.

Involuntary or Coercive Medical or Psychological Practices: Civil society groups reported there were instances in which some parents compelled their children younger than age 16 to attend so-called conversion therapy with an individual psychologist or psychotherapist. Christian-affiliated psychological centers, priests and pastors, and individual psychologists and psychotherapists offered the practice of so-called conversion therapy to try to change a person's sexual orientation or gender identity or expression on a voluntary basis. Media reported there were almost 7,000 surgeries performed on intersex children in 2021. On September 19, the Council of Europe's Commission against Racism and Intolerance reported that

according to civil society activists in the country, more than half of surgeries performed in recent years on children with so-called variations of sex characteristics were not therapeutically necessary. There were no media reports of efforts by the government and medical associations to limit such practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

During the year, there were no media reports of the government restricting the rights of expression, association, or peaceful assembly of those speaking out on LGBTQI+ matters. Greatly reduced but still extant local government nonbinding resolutions with exclusionary language against the LGBTQI+ community were still in force in some local areas. The commissioner for human rights asked all local authorities to repeal discriminatory resolutions. NGOs reported anti-LGBTQI+ rhetoric in the public sphere caused a chilling effect on expression, especially in education.

Persons with Disabilities

Persons with disabilities could not access education, health services, employment, public buildings, and transportation on an equal basis with others. The law stated buildings should be accessible for persons with disabilities, but many buildings remained inaccessible. Public buildings and transportation generally were accessible, although older trains and vehicles were often less so, and many train stations were not fully accessible.

The 2019 accessibility law required all public institutions to provide access for persons with special needs, including persons with disabilities, in three main areas: access to buildings, digital services, and information and communication services. During the year, the government continued implementing the Accessibility Plus program for the years 2018-25, whose main goal was to provide for unlimited access to goods and services and to create the possibility of full participation in social and public life for individuals with special needs. The government plenipotentiary for persons with disabilities, who also served as deputy minister in the Ministry of Family and Social Policy, monitored the implementation of the government's policy regarding vocational and social inclusion and employment of persons with disabilities.

The law prohibited discrimination against persons with physical, sensory, intellectual, or mental disabilities. The government did not effectively enforce these provisions, and there were reports of societal discrimination against persons with disabilities. The government restricted the right of persons with certain mental disabilities to vote or participate in civic affairs.

The law stated education was obligatory for all children, including those with disabilities. Children with disabilities could attend schools where they were integrated with children without disabilities, or their parents could choose to send them to schools where they were segregated, depending on the significance of the disability. According to NGO Kulawa Warszawa,

implementation of reasonable accommodations for students with disabilities varied, hindering integration.

Other Societal Violence or Discrimination

According to trade union representatives, discrimination in employment and occupation occurred with respect to age and trade union membership.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the rights of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination and provided legal measures under which workers fired for union activity might demand reinstatement.

Individuals who were self-employed or in an employment relationship based on a civil law contract were permitted to form a union.

According to trade unions, the government did not effectively enforce applicable laws. The penalties for violations of freedom of association and collective bargaining, and the right to strike were less than those for analogous violations such as the denial of civil rights and were rarely applied against the violators. Resources, inspections, and remediation efforts were

not adequate, and according to trade unions, the penalties allowed by law were too small to deter future violations. Administrative and judicial procedures were subjected to lengthy delays and appeals. Government workers, including police officers, border guards, prison guards, and employees of the Supreme Audit Office, were limited to a single union.

The law prohibited collective bargaining for key civil servants, appointed or elected employees of state and municipal bodies, court judges, and prosecutors.

The law limited the legal objectives of strikes to resolving disputes regarding wages and working conditions, social benefits, trade union rights, and worker freedoms. Workers in services deemed essential, such as security forces, the Supreme Audit Office, police, border guards, and fire brigades, did not have the right to strike. These workers had the right to protest and to seek resolution of their grievances through mediation and the court system.

Trade union representatives stated violations of freedom of association and the right to collective bargaining occurred. While many workers exercised the right to organize and join unions, some companies discriminated against those who attempted to organize. Union discrimination typically took the forms of intimidation, attempts to challenge the legality of trade union activity, or termination of work contracts without notice or without a justified reason.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibited all of the worst forms of child labor. The law prohibited the employment of children younger than 15, with exceptions in the cultural, artistic, sporting, and advertising fields when parents or guardians and the local labor inspector gave their permission. The labor inspector issued a permit based on psychological and medical examinations. Child labor was not allowed if the work could pose any threat to life, health, or physical and mental development of the child, or conflict with the child's education. The government effectively enforced the labor code provisions prohibiting employment of children younger than 15 and penalties were commensurate with those of other serious crimes and were sometimes applied against the violators.

There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for the monthly minimum wage and the minimum hourly wage for formal work agreements. The minimum wage met the social minimum monthly income level. Monthly and hourly wage regulations covered all categories of workers who had labor agreements or civil contracts. The law provided for a standard workweek of 40 hours, with an upper limit of 48 hours including overtime. It required premium pay for overtime. It prohibited excessive or compulsory overtime and set a maximum of 150 hours of overtime per year.

According to trade union representatives, the most common labor rights violations concerned failure to pay wages, delayed payment of wages, and failure to formally register and pay for overtime work. According to the 2022 National Labor Inspector's annual report, most wage payment violations occurred in trade and repair services as well as in industrial processing industries and transport and storage services. Seasonal and migrant workers were particularly vulnerable to such violations.

Occupational Safety and Health: The law defined strict and extensive minimum conditions to protect worker occupational health and safety (OSH). OSH standards were appropriate for the main industries in the country. According to trade unions, OSH experts actively identified unsafe

conditions.

Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. According to the 2022 annual report of the National Labor Inspector (NLI), the majority of work-related accidents took place in industrial processing, construction, and trade and repairs.

Employers rarely exceeded exposure standards for limits on chemicals, dust, and noise.

Wage, Hour, and OSH Enforcement: The NLI was responsible for enforcement of wage, hour, and OSH laws. Labor inspectors had the authority to make unannounced inspections and initiate sanctions. According to trade union representatives, the NLI was committed to eliminating violations of wage, hour, and OSH laws, but due to an insufficient number of labor inspectors and limitation of resources to conduct inspections, the NLI was not able to effectively enforce existing laws. Penalties were commensurate with those for similar crimes and were regularly applied against the violators.

The NLI's report did not cover domestic workers because inspectors could only conduct inspections in businesses, not private homes.

Workers in the informal sector were not covered by wage, hour, and occupational safety and health laws and inspections. The informal economy

was estimated to constitute 22.4 percent of the total economy, which represented approximately \$354 billion at GDP and purchasing power parity levels.