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Human Rights Committee

Eighth periodic report submitted by Poland under article 40 of the Covenant, due in 2025*, **, ***

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State Party to the Committee's list of issues prior to reporting (CCPR/C/POL/QPR/8).

*** The annexes to the present document may be accessed from the web page of the Committee.

List of abbreviations

AŚ	Remand Centre
ABW	Internal Security Agency
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CZSW	Central Board of the Prison Service
Dz.U.	Journal of Laws
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
KCIK	National Intervention-Consultation Centre for Victims of Trafficking in Human Beings
KGP	National Police Headquarters
kk	Criminal Code
kkw	Penal Enforcement Code
CM	Committee of Ministers of the Council of Europe
kp	Labour Code
kpc	Code of Civil Procedure
HRC	Human Rights Committee
kpk	Code of Criminal Procedure
KSSiP	National School of Judiciary and Public Prosecution
MRPiPS	Ministry of Family, Labour and Social Policy
MS	Ministry of Justice
MSWiA	Ministry of the Interior and Administration
MZ	Ministry of Health
PG	Prosecutor General
PK	National Public Prosecutor’s Office
RP	Republic of Poland
RPD	Ombudsman for Children
RPO	Commissioner for Human Rights
EMS	Electronic Monitoring System
SG	Border Guard
SW	Prison Service
Śpb	Direct Coercive Measure
TK	Constitutional Tribunal
UdSC	Office for Foreigners
UoC	Act on Foreigners
UWRN	Act on Support and Rehabilitation of Minors
ZK	Penal Institution /Prison

Introduction

1. The previous, seventh, Periodic Report of Poland on the implementation of the provisions of *the International Covenant on Civil and Political Rights* covered the period from 15 October 2008 to 31 October 2015. Moreover, additional information was presented to the Committee during the consideration of the Seventh Report, which took place on 17 and 18 October 2016.

2. In Eighth Report, particular attention will be devoted to the changes that have occurred in Poland from 19 October 2016 to 30 November 2025.

3. Due to the fact that some of the statistical data cited in the Report is collected on an annual basis, it was at times not possible to present data more current than that for the end of 2024.

Replies to the list of issues of the Human Rights Committee (CCPR/C/POL/QPR/8)

Reply to paragraph 1
General information on the human rights situation in the country, including new measures and developments related to the implementation of the Covenant

4. The information provided in this report presents the efforts of individual state institutions aimed at the full implementation of the ICCPR. Particular emphasis should be placed on the fact of the ratification by Poland of *the International Convention for the Protection of All Persons from Enforced Disappearance*, which entered into force on 5 November 2024.

Reply to paragraphs 2 and 3
Constitutional and legal framework within which the Covenant is implemented (Art. 2)

5. In response to the position contained in the Views No. CCPR/C/135/D/3017/2017 adopted on 21 July 2022 in the case of A.B. and P.D. and Others v. Poland (Communication No. 3017/2017), the Government provided the HRC, within the deadline set by the Committee, with information dated 25 May 2023 on actions aimed at implementing the recommendations and preventing similar violations in the future. On 7 June 2025, the Office of the UN High Commissioner for Human Rights confirmed the receipt of the above information from the Government and its transmission to the complainant for comments.

6. Given the identity of the problem constituting the source of the violation of the ICCPR in the present case with the issues that led to the finding of a violation by Poland of the ECHR in the judgments of the ECtHR[1], the Government reports regularly on the actions taken to remove the sources of the aforementioned violations primarily within the framework of the process of execution of ECtHR judgments under the supervision of the Committee of Ministers.

7. The CM regularly examines cases from the *M.K. and Others v. Poland* group. The last such examination took place in March 2024, and the next is scheduled for December 2025. All documents submitted by the Government as part of this process and the decisions

[1] *M.K. and Others v. Poland* (Applications Nos. 40503/17, 42902/17 and 43643/17, judgment of 23 July 2020), *A.B. and Others v. Poland* (Application No. 42907/17, judgment of 30 June 2022), *A.I. and Others v. Poland* (Application No. 39028/17, judgment of 30 June 2022), *D.A. and Others v. Poland* (Application No. 51246/17, judgment of 8 July 2021), *Sherov and Others v. Poland* (Applications Nos. 54029/17, 54117/17, 54128/17 and 54255/17, judgment of 4 April 2024) and *T.Z. and Others v. Poland* (Application No. 41764/17, judgment of 13 October 2022).

adopted in this regard by the CM are publicly available in the HUDOC-EXEC case-law database: https://hudoc.exec.coe.int/eng?i=004-56535. The most recent information from the Government dates from 21 February 2024 (see doc. DH-DD(2024)68-rev), whereas the decision of the CM assessing the actions taken to date is from 14 March 2024 (see CM/Del/Dec(2024)1492/H46-24). In the future, in connection with the planned examination of the general measures taken by the State for the purpose of executing the judgment in *M.K. and Others v. Poland* at the CM meeting on 2–4 December 2025, the Government will present up-to-date information in this regard. Following their analysis and assessment by the CM, at the beginning of 2026, the Government will transmit similar information also to the HRC within the framework of the follow-up process to the recommendations adopted in the case of *A.B. and P.B. and Others v. Poland*.

8. Against the background of the above, it should also be indicated that the case of *A.B. and B.D. v. Poland* (CCPR/C/135/D/3017/2017), concerning the right to seek asylum and the principle of non-refoulement, should be considered analogously to the position presented in the case of *M.K. and Others* before the ECtHR, the judgment of which remains under the supervision of the CM.

9. The current provisions governing the procedure for granting international protection derive from the Act of 13 June 2003. A foreigner may submit a relevant application to the Head of the Office for Foreigners, in person or through the SG, both during their stay on the territory of the country, including in places of detention, and during border control, even in the event of failure to meet formal entry conditions. The legislator also stipulated that the mere declaration of the will to submit such an application suspends return proceedings, and issued decisions on the obligation to return are not subject to enforcement.

10. In view of the actions of the Belarusian side, treated as an element of hybrid warfare directed against Poland and other Member States of the European Union, the legislator amended this Act, effective from 27 March 2025. The possibility of a temporary restriction of the right to submit an application for international protection was introduced, which may be established solely by way of a regulation of the Council of Ministers, in a situation where the phenomenon of the instrumentalization of migration poses a serious threat to state security. At the same time, categories of particularly vulnerable persons were indicated to whom these restrictions do not apply. These include unaccompanied minors, pregnant women, persons requiring special treatment due to age or health conditions, persons exposed to a real risk of serious harm in the country of origin, as well as citizens of the state instrumentalising migration against Poland. The new SG centre in Lesznowola, launched in September 2023, provides modern conditions for migrant families: classrooms, playgrounds, multi-purpose rooms, a library, and prayer rooms for various denominations. In SG centres, procedures for the special treatment of children and persons requiring support are applied, and work is coordinated by social and return supervisors. In 2024, minors constituted approximately 3% of foreigners staying in the centres, and the average length of stay for children was 59 days.

11. The legal framework and practice of the Polish authorities are in line with international standards, while simultaneously taking into account the necessity of ensuring internal security and the protection of state borders.

12. The Deputy Commissioner for Human Rights informed that the RPO would present his own perspective on the implementation of the provisions of the Covenant by Poland, taking into account cases examined in the Office of the RPO, analyses and research conducted, information provided by competent authorities, and the standard of human rights protection established in acts of national and international law.

13. Pursuant to the disposition of Article 21 of the Act of 15 July 1987 on the Commissioner for Human Rights (Dz.U.2024, item 1264), expenses related to the functioning of RPO are covered by the state budget.

14. Data concerning the budget expenditure of the RPO in the reporting period show a constant upward trend, for example:

- Budget expenditure:
    - For 2017: PLN 37,070,000;
    - Plan for 2018: PLN 39,433,000.
- Budget expenditure:
    - For 2020: PLN 44,149,000;
    - Plan for 2021: PLN 51,187,000.
- Budget expenditure for 2024:
    - PLN 76,159,000.

Reply to paragraph 4
Measures to combat terrorism (Arts. 2, 6, 7, 14, 17 and 21)

15. Combating terrorism remains one of the priorities of the state security policy. Poland ensures that the measures taken are consistent with the principle of proportionality and full respect for human rights and fundamental freedoms.

16. The definition of an offence of a terrorist character is found in Article 115§20 of the Criminal Code (kk), according to which:

> "An offence of a terrorist character is a prohibited act punishable by a penalty of deprivation of liberty, the upper limit of which is at least 5 years, committed in order to:
>
> 1) seriously intimidate many persons,
>
> 2) compel a public authority of Poland or of another state or an authority of an international organisation to undertake or refrain from undertaking specific actions,
>
> 3) cause serious disturbances in the political system or economy of Poland, another state or an international organisation
>
> and also a threat to commit such an act."

17. The national legislator adopted a flexible approach, making the qualification of the act dependent not on its type, but on the severity of the threatened penalty. A definition based exclusively on a catalogue of acts, in view of the evolving nature of this type of crime, could prove ineffective. The solution adopted by the Polish legislator, however, allows for a flexible approach to the changing *modus operandi* of a terrorist character, while simultaneously blocking the possibility of criminalising minor acts on this basis, and thus the excessive application of this provision.

18. In the reporting period, significant changes occurred in the Polish anti-terrorist system in connection with the entry into force of the Act of 10 June 2016 on anti-terrorist activities (Dz.U.2025, item 194,"AT Act"). The AT Act, in Article 3(1), designated the Head of the Internal Security Agency as the authority responsible for preventing events of a terrorist character.

19. The AT Act, in Article 2(7), defines an event of a terrorist character as "a situation in regard to which there is a suspicion that it arose as a result of an offence of a terrorist character referred to in Article 115§20 kk, or a threat of the occurrence of such an offence".

20. In order to enable the Head of the ABW to implement actions relating to the prevention of events of a terrorist character, Article 5(1) of the AT Act indicates that the Head of the ABW coordinates analytical and information activities undertaken by special services and the exchange of information transmitted between services competent in the scope of protection of security and public order, concerning events of a terrorist character and data on persons linked to terrorist activities, by collecting, processing and analysing them.

21. Article 5(2) of the AT Act authorised the minister competent for internal affairs to define in the form of a regulation, issued in agreement with the minister competent for public finance and the Minister of National Defence and after seeking the opinion of the Head of the ABW, a catalogue of incidents of a terrorist character, taking into account the need to classify the information referred to in paragraph 1 (i.e., information on events of a terrorist character). Based on the above statutory delegation, on 22 July 2016, the Regulation of the Minister of the Interior and Administration on the catalogue of incidents of a terrorist character was issued (Dz.U.2023, item 50, hereinafter referred to as the "Regulation"), in which 15 categories of incidents of a terrorist character were included, assigning to each of them a list of specific events that meet the criteria of an incident of a terrorist character.

22. Since the description of point 1.1 of the Catalogue of incidents of a terrorist character is identical to the definition of an "event of a terrorist character", and the subject Catalogue additionally comprises a whole range of other points, it should be assumed that the conceptual scope of an "incident of a terrorist character" is significantly broader than that of an "event of a terrorist character".

23. The determination of the aforementioned incidents allows for appropriate response and the undertaking of preventive measures. Pursuant to Article 5(3) of the AT Act, the entities and special services referred to in paragraph 1 transmit to the Head of the ABW, immediately upon obtaining it, information serving the implementation of anti-terrorist activities in accordance with the catalogue of incidents of a terrorist character.

24. Additional information on the amendment of the AT Act is indicated in Annex No. 1.

25. The changes implementing Regulation (EU) 2021/784 of the European Parliament and of the Council on addressing the dissemination of terrorist content online, significantly enhance efforts to combat international terrorism and improve the prevention of terrorist offences.

26. Regarding up-to-date information concerning the status and results of the investigation into the participation of Polish officers in the detention, torture and rendition of prisoners in the years 2003–2005 in Stare Kiejkuty, it should be indicated that by a decision of 30 November 2020, the investigation in question against the then Head of the Intelligence Agency, suspected of an act under Article 124§1 kk, was discontinued due to the finding that the suspect did not commit the alleged offence, pursuant to Article 322§1 of the Code of Criminal Procedure (kpk). Furthermore, in the matter of the participation of Polish officers from the Intelligence Agency service in this practice, the proceedings concerning an act under Article 124§1 kk and Article 123§2 kk in conjunction with Article 11§2 kk were discontinued on the basis of Article 17§1 point 2 kpk, due to the finding that the act doesn't contain the statutory elements of an offence. As the findings are based on classified information, they cannot be disclosed.

Reply to paragraphs 5, 6 and 7
Non-discrimination (Arts. 2, 19, 20 and 26)

Efforts to prevent acts of racism, xenophobia, Islamophobia, anti-Semitism and homophobia

27. Efforts undertaken by the MSWiA to prevent acts of racism, xenophobia, Islamophobia, anti-Semitism and homophobia are comprehensive and systemic in nature, combining educational, preventive, legislative and statistical-analytical activities. Particular emphasis has been placed on integrated cooperation with civil society organisations and on the modernisation of tools for responding to hate crimes and hate speech, especially on the Internet.

28. In every voivodeship, there are police plenipotentiaries for human rights protection and coordinators for crimes motivated by prejudice. From 2025, the Plan for Strengthening the Human Rights Protection System in the Police for the years 2025–2027 is being implemented. The strategic objective of the Plan is to strengthen internal and external actions influencing the professionalisation of activities performed by the Police in the aspect of observance of human rights and freedoms, professional ethics and the principle of equal

treatment by carrying out specific actions included in the Plan. Actions implemented under the Plan are coordinated by the Plenipotentiary of the Commander-in-Chief of the Police for Human Rights Protection.

29. In 2024, the Police conducted nearly 20,000 preventive meetings, engaging over 433,000 participants – these were both training workshops for officers and activities addressed to youth, elderly persons and representatives of various minorities. A specialist course "Preventing and Combating Hate Crimes" is being implemented at the Police Training Centre in Legionowo. The aim of the course is to prepare the graduate to conduct classes as part of local professional development on preventing and combating hate crimes.

30. The Central Bureau for Combating Cybercrime participates actively in detecting, documenting and prosecuting hate crimes on the Internet, conducting training for officers and cooperating with non-governmental organisations on analytical tools. MSWiA initiated wide-ranging social campaigns – e.g., until the end of 2024, a nationwide campaign promoting the culture of dialogue and countering hate speech on the Internet, addressed to all age groups, was financed. In November 2024, an international conference on countering hate speech and cyberbullying was organised, the aim of which was to raise the competence of officers in the scope of responding to new threats.

31. An important aspect of these activities is taking steps to harmonise and standardise statistical categories, aggregated between the Police, PK and MS, which allows for a fuller analysis of trends and the effectiveness of anti-discrimination policies and for the public availability of data in OSCE ODIHR reports.

32. Statistics concerning hate crimes in Poland, covering motivations such as racism, xenophobia, anti-Semitism, Islamophobia or homophobia, are presented in Annex No. 2.

33. The MSWiA actively supports cooperation with non-governmental organisations and the scientific sector within the framework of grant programmes for preventive activities, counselling and legal support for victims of hate crimes. The network of police plenipotentiaries for human rights systematically cooperates with organisations representing groups threatened by crimes motivated by prejudice, which increases social trust and the effectiveness of threat identification.

34. The MSWiA coordinates the preparation of Poland's contribution to the annual report of the OSCE ODIHR on hate crimes. Data included in the report are obtained from PK, KGP and MS. These are available at: https://hatecrime.osce.org/poland.

Measures against attacks and acts of violence against LGBTI persons

35. Actions undertaken by the Ministry of the Interior aim to ensure the comprehensive protection of LGBTI persons against acts of violence and discrimination. In recent years, the scope of training and education for officers has been significantly expanded, concentrating not only on legal aspects but also on building empathy, appropriate communication and the development of allyship attitudes towards the LGBTI community.

36. Training programmes implemented cyclically by the Prevention Bureau of the National Police Headquarters and regional police garrisons cover topics such as the specificity of the motivation of hate crimes, the impact of hate speech on the Internet on the sense of security of LGBTI persons, appropriate rules of communication with transgender, non-binary or intersex persons, and responding to cases of discrimination in daily service. In 2025, specialised training was conducted in cooperation with the Tolerado Association, with an emphasis on practical aspects of supporting victims and eliminating stereotypes.

37. Officers are obliged to maintain a neutral, professional attitude and respect the identity of victims, including in the scope of using appropriate names and pronouns. Providing information on available forms of support (non-governmental organisations, crisis intervention centres, helplines) and ensuring the confidentiality of this information are standard operating procedures.

38. Statistics concerning crimes motivated by sexual orientation or gender identity show that in the year 2024, 120 proceedings were instituted under Article 119§1 k kk concerning violence against LGBTI persons, and the detection rate of perpetrators amounted to 66%.

Official analyses did not demonstrate a distinct increase in the number of hate crimes based on sexual orientation or gender identity, although it should be noted that the phenomenon may be underestimated due to the fears of victims regarding reporting the case. Consequently, social campaigns promoting respect, openness and safety are being intensified, as well as dedicated workshops for social prevention officers and educational programmes for youth and elderly persons.

39. The Police systematically cooperate with non-governmental organisations and experts, consulting guidelines, developing new educational tools and enhancing staff knowledge in the area of human rights and equal treatment. Thus, preventive activities and interventions for the benefit of LGBTI persons are implemented in an increasingly professional manner and in line with international standards.

40. Annex No. 3 provides detailed information and statistics on Police anti-discrimination actions.

41. Amendment of the provisions of Arts. 53, 119, 256 and 257 of the kk– draft Act of 6 March 2025 amending the Act – Criminal Code (Sejm Paper No. 876, Senate Paper No. 284). Aim of the Act: to expand the catalogue of protected characteristics in connection with hate crimes to include age, gender, disability and sexual orientation (in addition to those previously protected: national, ethnic, racial, religious affiliation or lack of religious denomination). Hate crimes based on the aforementioned characteristics would be prosecuted ex officio, without the need to file a private indictment. On 17 April 2025, the President RP referred the Act to the Constitutional Tribunal under the procedure of preventive review (Case Kp 3/25). By a judgment of 30 September 2025, TK ruled that: I. Article 1 of the Act of 6 March 2025 amending the Act – Criminal Code, insofar as it introduces into Article 53§2a point 6, Article 119§1, Article 256§1 and Article 257 kk the grounds of disability, age, gender or sexual orientation, is inconsistent with Article 54(1) in conjunction with Article 42(1) in conjunction with Article 2 of the Constitution of the Republic of Poland, and that Article 1 points 1, 2 and 4 of the cited Act, insofar as they eliminate the pronoun “her” in Article 53§2a point 6, Article 119§1 and Article 257 kk, are inconsistent with Article 54(1) in conjunction with Article 31(3) of the Constitution; II. The provisions listed in part I are inextricably linked to the Act as a whole. TK discontinued the proceedings in the remaining scope.

Reply to paragraph 8
Gender equality (Arts. 2, 3 and 26)

42. With regard to actions aimed at eliminating the gender pay gap and ensuring equal pay for work of equal value, the Act of 4 June 2025 amending the Labour Code (Dz.U.2025, item 807) (kp), which enters into force on 24 December 2025, introduced a new Article 183ca requiring employers to provide a person applying for a given position with information regarding:

- the remuneration referred to in Article 18^{3c} § 2, including its initial amount or range, based on objective, neutral criteria, in particular with regard to gender, and
- relevant provisions of the collective labour agreement or remuneration regulations, where the employer is covered by a collective labour agreement or where remuneration regulations are in force at the workplace.

43. The employer provides this information in paper or electronic form, in advance and in a manner that enables the applicant to familiarise themselves with it, ensuring informed and transparent negotiations:

- in the vacancy notice for the position,
- before the job interview, if the employer did not announce a recruitment process for the position or did not include this information in the vacancy notice,
- before establishing the employment relationship, if the employer did not announce a recruitment process for the position or did not provide this information in the vacancy notice, or before the job interview.

44. The newly added Article 18^{3ca} also requires employers to ensure that vacancy notices and job titles are gender-neutral and that the recruitment process is conducted in a non-discriminatory manner.

45. The Act will also amend Article 22^{1}§1 point 6 kp; allowing employers to request personal data from job applicants covering, *e.g.*, their employment history, excluding information on remuneration earned in current or previous employment relationships.

46. Attention should also be drawn to Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, effective from 6 June 2023 with a transposition deadline of 7 June 2026, aims to strengthen the application and enforcement of equal pay for equal work or work of equal value between men and women, introducing measures on pay transparency and enforcement of claims.

47. Work is currently underway at MRPiPS to amend national regulations to implement the Directive. Detailed information on the Directive is contained in Annex No. 4.

48. With respect to measures taken to achieve gender parity in the labour market, on 1 December 2022 the Sejm RP adopted the Act amending the Labour Code and certain other acts, which introduced legal solutions enabling remote work (Chapter IIc, Articles 67^{18}–67^{34} kp). These changes entered into force on 7 April 2023. Provisions on remote work replaced the previous regulations concerning telework. Remote work provisions support better reconciliation of family and professional duties and facilitate access to permanent employment for persons who, due to family and care responsibilities, belong to groups with lower levels of labour market participation, primarily women.

49. Detailed information on remote work regulations is presented in Annex No. 5.

50. On 9 March 2023, the Sejm RP adopted the Act amending the Labour Code and certain other acts, which entered into force on 26 April 2023 and transposed into Polish law Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (the Work-Life Balance Directive). Implementation of the Directive resulted in several significant changes, the most important of which are presented in Annex No. 6.

51. Legislative work is also ongoing on the draft Act amending the Act on Public Offering and Conditions for Introducing Financial Instruments to the Organised Trading System and on Public Companies, and the Act on the Implementation of Certain Provisions of the European Union in the Scope of Equal Treatment (UC63). The aim of the proposed amendment is to implement Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures (OJ L 315 of 07.12.2022). Detailed information on the amendment is contained in Annex No. 7.

Information concerning equal treatment of women and men – civil service employees

Remuneration

52. The obligation of equal treatment of employees and the prohibition of discrimination in remuneration arise from binding legal provisions. Pursuant to Article 33(2) of the Constitution, women and men have the equal right to equal remuneration for work of equal value.

53. The provisions of the Labour Code are of key relevance in this respect. Under Article 11^{2} kp, employees have equal rights for the equal performance of the same duties; this applies in particular to equal treatment of men and women in employment. Article 11^{3} kp prohibits any discrimination in employment, direct or indirect, *inter alia* on the grounds of gender.

54. Issues of equal treatment in employment are also regulated in Chapter IIa of the Labour Code (Arts. 18^{3a}–18^{3c}), with particular attention to Article 18^{3c} § 1, under which employees have the right to equal remuneration for equal work or for work of equal value.

55. Under § 3, work of equal value is defined as work requiring comparable professional qualifications, confirmed by documents provided for in separate regulations or by professional experience and practice, as well as comparable responsibility and effort.

56. Provisions concerning the civil service do not allow remuneration to be differentiated based on gender, whether in terms of basic salary or other remuneration components.

57. The Act on the Civil Service also contains solutions intended to ensure equal treatment of civil service corps members in remuneration, regardless of their characteristics, including gender. This applies to both basic salary and other remuneration components.

58. Detailed information on the remuneration of women and men in the civil service corps is presented in Annex No. 8.

Recruitment and employment

59. The Head of the Civil Service collects and analyses data on employment in the civil service, including data disaggregated by gender. This occurs within the framework of the annual reporting process carried out by directors general and heads of offices. Data held by the Civil Service Department of the Chancellery of the Prime Minister – both on applications submitted and on persons employed as a result of recruitment – indicate a stable, long-term predominance of women over men. Nearly three-quarters of candidates and new employees are women.

60. Statistical data in this regard are provided in Annex No. 9.

61. Data concerning the representation of women in civil service management positions indicate a positive trend. Between 2016 and 2024, the share of women in higher civil service positions increased significantly. In 2016, women held 47% of all senior positions, while in 2024 they held 55%.

62. A statement containing numerical information on gender parity and the representation of women in the judiciary, including in management positions as of 24 July 2025, is presented in Annex No. 10.

63. Information on Gender Equality Plans implemented in the Police and SG is provided in Annex No. 11.

Reply to paragraph 9
Violence against women and domestic violence

64. Of significant importance for strengthening standards of protection against violence are the changes introduced by:

(a) the Act of 30 April 2020 amending the kpc and certain other acts (Dz.U.2020 item 956);

(b) the Act of 13 January 2023 amending the kpc and certain other acts (Dz.U.2023 item 289).

65. The Act of 30 April 2020 introduced into the Polish legal system the following measures applied by Police officers or soldiers of the Military Gendarmerie:

- an order to immediately vacate the jointly occupied dwelling and its immediate surroundings; or
- a prohibition on approaching the dwelling and its immediate surroundings.

66. These measures allow for the immediate separation of the person using violence in the dwelling from the persons experiencing violence.

67. The Act of 13 January 2023 modified and supplemented the catalogue of protection measures available to the services in order to ensure the highest possible level of protection for persons experiencing violence. As of 15 August 2023, the services may apply:

- an order to immediately vacate the jointly occupied dwelling and its immediate surroundings and a prohibition on approaching the jointly occupied dwelling and its immediate surroundings – the "order and prohibition";
- a prohibition on the person using domestic violence from approaching the person experiencing that violence at a specific distance expressed in metres – a "restraining order";
- a prohibition on contacting the person experiencing domestic violence – a "no-contact order";
- a prohibition on the person using violence from entering and staying on the premises of a school, educational, care or artistic facility attended by the person experiencing domestic violence, or at their workplace – a "prohibition of entry".

68. The prerequisite for the application of these immediate protection measures is the existence of a threat to the life or health of the person experiencing violence In order to protect minors, when any of the above measures are imposed, the services notify the guardianship court, which is responsible for properly securing the situation of a child experiencing violence or residing in the jointly occupied dwelling.

Amendments to the kk

69. In 2023, amendments were introduced to the kk, necessitated by the withdrawal of the reservation to Article 58 of the Convention on preventing and combating violence against women and domestic violence, relating to the statute of limitations for certain offences committed to the detriment of minors.

70. Recognising that the proper determination of the statute of limitations required the introduction into the kk of prohibited acts fully corresponding to the offences of forced marriage (Article 37) and female genital mutilation (Article 38):

- Article 156 § 2 of the kk was supplemented with point 3, explicitly indicating that excision, infibulation or other permanent and substantial mutilation of a female genital organ constitutes a punishable offence of causing grievous bodily harm (the singular form was used to make clear that damage to a single organ is already punishable);
- In a separate editorial unit, Article 156a of the kk, the criminalisation was introduced of a prohibited act – previously missing in national law – consisting in inducing another person to cause themselves the grievous bodily harm referred to in Article 156§1 point 3 of the kk, or forcing them to cause themselves such grievous bodily harm;
- A new type of offence was introduced in Article 191b of the kk, which contains all the statutory elements of the offence defined in Article 37 of the Convention, i.e. forcing a person to enter into a marriage or a union corresponding to a marriage under religious or cultural law.

71. Finally, the statute of limitations for offences under Articles 156a and 191b of the kk was extended.

Amendments to the kpk

72. Recognising that conscious participation in criminal proceedings depends on the participant's knowledge of the rights to which they are entitled and the duties incumbent upon them, Article 16 of the kpk was amended, as well as Article 300 of the kpk reflecting this provision. These amendments expressly introduce the principle that instructions must be comprehensible to persons not benefiting from the assistance of a defence counsel or attorney, persons who are helpless due to age or health conditions, and persons under 18 years of age (separate templates of instructions were provided for this latter group).

73. In addition, for persons who are helpless due to age or health conditions and persons under 18 years of age, the preparation of explanations was envisaged. A specific innovation is the provision stating that instructions and explanations are to be descriptive or graphic.

This solution allows for the use of pictograms (important for persons with intellectual disabilities) or graphics intended for the youngest participants in proceedings.

74. Article 52a of the kpk was amended by adding a provision imposing an obligation to conduct an individual assessment of the victim using a questionnaire dedicated to this activity.

75. As a result, the authority conducting criminal proceedings is obliged, on the basis of a standardised questionnaire, to establish the personal characteristics and circumstances of the victim and the type and extent of the negative consequences of the offence committed to their detriment, taking into account the nature of the offence and the circumstances in which it was committed. The template for this questionnaire was defined by the Minister of Justice by way of a Regulation (see the list of implementing acts).

76. The provisions of Article 52a apply *mutatis mutandis* to a witness who is not a victim, if they display mental or developmental disorders or disturbances in the ability to perceive or reproduce observations, justifying the belief that the interrogation should take place under the procedure specified in Article 185e. This strengthens the position of such persons in criminal proceedings.

77. In Article 171§3 of the kpk, a principle was introduced that if the person being interrogated is under 18 years of age (and not 15 years of age as previously), actions with their participation should, where possible, be carried out in the presence of a statutory representative or actual guardian, unless this is contrary to the interests of the proceedings. A provision was also added under which a minor may be accompanied by an adult person indicated by them.

78. In order to strengthen the right to privacy of the witness (victim), a prohibition was introduced on asking questions concerning their sexual life, unless such questions are necessary for the resolution of the case. If a question concerning sexual life is not relevant to the resolution of the case, it must be disallowed pursuant to the newly added Article 171§6 of the kpk. This regulation aligns with Article 54 of the Istanbul Convention, which obliges States Parties to adopt legislative or other measures to ensure that evidence relating to the sexual history and conduct of the victim is permitted only when it is relevant and necessary.

79. The so-called “friendly interrogation mode” was introduced in Article 185e of the kpk for persons displaying mental or developmental disorders, or disturbances in the ability to perceive or reproduce observations, where there is a justified fear that interrogation under ordinary conditions could negatively affect their mental state or would be significantly impeded.

80. Article 185e of the kpk provides that the interrogation of such a witness takes place only if their testimony is of significant importance for the resolution of the case and only once. An exception applies where new circumstances of the case are revealed or where a request is granted from an accused who did not have a defence counsel during the first interrogation. An expert psychologist participates in the recorded interrogation and, if necessary, an expert with knowledge in the field of augmentative and alternative communication (AAC).

81. The expert psychologist participating in an interrogation under Articles 185a–c and 185e of the kpk should be a person of the gender indicated by the witness, unless this would hinder the proceedings.

82. Article 275a§1 of the kpk was amended to allow, alongside the preventive measure in the form of an order to periodically vacate premises occupied jointly with the victim, the imposition of a prohibition on approaching the victim at a distance specified in metres under this provision. The preventive measure in the form of an order to periodically vacate premises occupied jointly with the victim may be applied independently or together with this restraining order.

83. Annex No. 12 presents the implementing acts and publications aligned with the objective of strengthening the standard of participation of victims in court proceedings.

84. Reference should be made to Resolution No. 204 of the Council of Ministers of 17 October 2023 on the adoption of the National Plan to Counter Crimes against Sexual Freedom and Decency Affecting Minors for 2023-2026 (Official Gazette [*Monitor Polski*] of 2023 item 1235) – https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20230001235.

85. The National Plan is based on the National Response Model developed by the WePROTECT Global Alliance. Six main areas of intervention were identified in the Plan, and within each of them sections with assigned tasks were defined, together with the designation of entities responsible for their implementation.

86. An interdisciplinary approach was applied in the drafting of the Plan, which aims to develop a systemic response to crimes against sexual freedom and decency to the detriment of minors.

87. The Police are one of the entities undertaking wide-ranging actions to prevent and respond to domestic violence. These actions are undertaken in particular on the basis of the Act of 29 July 2005 on counteracting domestic violence (Dz.U.2024 item 1673).

88. Moreover, in 2023, the provisions of the Act of 13 January 2023 amending the KPC and certain other acts (Dz.U.2023 item 289) and the Act of 9 March 2023 amending the Act on counteracting domestic violence and certain other acts (Dz.U.2023 item 535) entered into force.

89. The most important changes increasing the safety of persons experiencing violence and improving the effectiveness of protection and prevention measures include:

(a) changing the terminology in the Act from “violence in the family” to “domestic violence”, from “victims” to “persons experiencing violence” and from “perpetrators” to “persons using violence”;

(b) extending the definition of domestic violence, and thus the material scope of the Act, to include economic violence and cyber violence;

(c) extending the circle of persons covered by protection to include former spouses, former partners, and persons who are or have been in a lasting emotional or physical relationship, regardless of cohabitation;

(d) granting children who witness domestic violence the same protection as persons experiencing violence;

(e) modifying the support and response system to ensure a more individualised approach by:

- creating diagnostic-support groups in municipalities, consisting of a social worker and a police officer, working directly with families in which violence or the threat thereof has occurred;
- explicitly distinguishing the tasks of interdisciplinary teams operating in municipal self-governments from the tasks of diagnostic-support groups. The interdisciplinary team carries out strategic tasks, while the diagnostic-support group works directly with the person experiencing domestic violence and the person using violence;

(f) obliging persons using domestic violence, upon referral by the interdisciplinary team, to participate in corrective-educational or psychological-therapeutic programmes, with failure to comply with these obligations punishable by a penalty of restriction of liberty or a fine;

(g) introducing the possibility for the Police and Military Gendarmerie to impose new protection orders (in addition to the orders introduced in 2020), such as: a prohibition on contact, a prohibition on approaching the person experiencing violence, and a prohibition on staying in specified places, e.g. at the school or workplace of the person experiencing violence.

90. Further changes to the system providing protection against violence include, in particular, the Act of 28 July 2023 amending the Family and Guardianship Code and certain other acts (Dz.U. item 1606, the so-called “Kamilek’s Law”), adopted with broad political consensus following the tragic death of eight-year-old Kamil from Częstochowa; the new

Regulation of the Council of Ministers of 6 September 2023 on the "Blue Cards" procedure and templates of "Blue Card" forms (Dz.U. item 1870); and the Regulation of the Council of Ministers of 19 February 2025 on the template of the questionnaire for estimating the risk of threat to the life or health of a child, serving to determine the justification for providing the child with protection in connection with domestic violence (Dz.U. item 213). Minister Kotula, in cooperation with the Minister of Digital Affairs, has also undertaken work on the digitalisation of the "Blue Cards" procedure, aimed at streamlining and accelerating the flow of information between the institutions involved (number in the list of legislative and programme work of the Council of Ministers: UD246).

91. It should be added that, under the provisions of the Act of 9 March 2023 amending the Act on counteracting violence in the family and certain other acts, a minor experiencing domestic violence is recognised not only as a minor against whom domestic violence is used, but also as a minor who is a witness to violence against persons referred to in Article 2(1)(2) of the Act on counteracting violence in the family.

92. In 2024, the total number of minors affected by domestic violence amounted to 86,920: 50,638 (women), 25,723 (children) and 10,559 (men).

93. In order to ensure that the Police are accessible to the public and to provide the possibility of obtaining comprehensive assistance, including in the field of counteracting domestic violence, the KGP launched a Helpline for Victims of Domestic Violence (800 120 226), hereinafter referred to as the "Helpline". The Helpline is intended, in particular, to inform persons about procedures and appropriate actions in cases of suspected domestic violence, including violence against children and young people, as well as about the possibility of obtaining help and support from institutions, organisations or facilities providing assistance to victims. Since 2012, the Helpline has been operated by officers of the KGP. The telephone number is listed in the annex to the Regulation of the Council of Ministers of 6 September 2023 on the "Blue Card" procedure and templates of "Blue Card" forms (Dz.U. item 1870, Blue Card – B).

94. In 2024, a total of 374 calls were received via this line.

Measures to raise Police awareness of the seriousness of domestic violence

95. These measures focus on multidimensional education, the professionalisation of procedures and practical support for victims. In 2023, an intensive training programme was implemented, already covering approximately 6,000 police officers. The trainings cover Blue Card coordinators and officers of both preventive and criminal services. The training concerned, *inter alia*, Police competences in light of regulatory changes (including the March 2023 amendment to the Act on counteracting domestic violence), the psychological aspects of working with a person experiencing domestic violence and a person using domestic violence, as well as actions involving persons with complex communication needs.

96. As part of local and central professional development, officers are trained also in psychological determinants, mechanisms of communication with persons affected by violence and methods of effective cooperation with support institutions. Workshops provide space for the exchange of experience with practitioners, experts and representatives of support centres, and enable direct meetings with victims, resulting in a deeper understanding of the role of empathy and effective intervention. The police training network operates in a cascade model – coordinators pass on the latest guidelines (e.g. Guidelines No. 3 of the KGP[2]) to their teams, ensuring a uniform standard of action throughout the country.

97. The consistency of educational activities is strengthened by multimedia presentations, teaching aids for police officers and detailed intervention procedures, which are implemented at the local level and in police schools.

98. Statistics on the scale of domestic violence show that in 2024, support was provided to as many as 86,920 persons: 50,638 women, 25,723 children and 10,559 men. Such a broad

[2] https://edziennik.policja.gov.pl/DU_KGP/2024/39/oryginal/akt.pdf.

scope of intervention requires not only formal competences but also interpersonal skills, which are now a key element of police training and professional development.

99. The current Police strategy includes interdisciplinary cooperation with other services and organisations, the standardisation of procedures and the systematic evaluation of the effectiveness of measures taken. Implemented trainings, guidelines and new technological solutions (e.g. online reporting tools, multimedia materials for self-education) not only raise awareness but also tangibly increase the rate of effective assistance provided to victims.

100. Information on assistance provided to women who have experienced domestic violence under the Network of Assistance to Persons Injured by Crime is presented in Annex No. 13.

Reply to paragraph 10
Voluntary termination of pregnancy and sexual and reproductive rights (Arts. 2, 3, 6, 7, 8, 17, 26)

101. The women's health security is one of the priority areas of activity of the Ministry of Health, which is strongly committed to upholding and prioritising patients' rights in its current operations. Areas requiring particular attention in the field of women's health security include reproductive health and perinatal care, which should be approached in a multifaceted manner. Significant actions have already been undertaken and concrete solutions adopted in these areas.

102. From 1 June 2024, couples facing infertility have equal access to in vitro fertilisation. On the basis of Article 48a(16a) of the Act of 27 August 2004 on healthcare services financed from public funds (Dz.U.2024 item 146), a new health policy programme was adopted, entitled: "Infertility treatment covering medically assisted reproduction procedures, including in vitro fertilisation conducted in a medically assisted reproduction centre, for the years 2024–2028". Its main objective is to ensure equal access to the in vitro fertilisation procedure in medically assisted reproduction centres for couples affected by infertility, and to enable persons before or during oncological treatment, where there is a potential impact on fertility, to secure reproductive material (oocytes or semen) for future use. The programme is addressed to couples who are married or in cohabitation, with indications for infertility treatment by in vitro fertilisation in a medically assisted reproduction centre, as well as to patients before or during oncological treatment with the potential to impair fertility.

103. Measures undertaken in the area of perinatal care to increase the health security of female patients also include expanding access to prenatal testing. It should be noted that from June 2024, every pregnant woman, regardless of age, may undergo such testing free of charge under the National Health Fund (NFZ). This represents a significant change in increasing access to prenatal diagnostics. In accordance with the Regulation of the Minister of Health of 14 May 2024 amending the regulation on guaranteed benefits in the field of health programmes (Dz.U. item 767), pregnant women are entitled to participate in the prenatal testing programme regardless of age. To participate in the programme, in respect of: – counselling and biochemical tests (tests performed between the 11th and 14th week of pregnancy); – counselling and ultrasound examinations of the foetus for the diagnosis of congenital defects (tests performed in the first trimester between the 11th and 14th week of pregnancy, and in the second trimester between the 18th week and the 22nd week and 6th day of pregnancy), a referral issued by the physician conducting the pregnancy is required, containing information on the stage of pregnancy in weeks. In the case of in-depth diagnostics, which include: – counselling and genetic tests; – collection of foetal material for genetic tests (amniocentesis, chorionic villus sampling or cordocentesis), a referral issued by the physician conducting the pregnancy or a referral issued at the stage of counselling and ultrasound towards the diagnosis of congenital defects is required. The referral must indicate the grounds for inclusion in this part of the programme, together with a description of the abnormality and attached test results confirming the justification for referral. Genetic tests at the stage of in-depth diagnostics are performed on pregnant women who meet at least one of the following criteria: 1) occurrence of a chromosomal aberration of the foetus or child in a previous pregnancy; 2) identification of structural chromosomal aberrations in the pregnant

woman or the father of the child; 3) identification of a significantly increased risk of giving birth to a child affected by a monogenic or multifactorial disease; 4) identification during pregnancy of an abnormal ultrasound or biochemical test result indicating an increased risk of a chromosomal aberration or foetal defect.

104. On 1 May 2024, the Regulation of the Minister of Health on the pilot programme in the field of pharmacist services regarding reproductive health entered into force. The aim of the programme is to improve patients' access to emergency contraception and to ensure pharmacy-based services in the field of reproductive health, together with an assessment of the effectiveness of related activities, in particular with regard to patients between 15 and 18 years of age. Under the programme, a prescription for emergency contraception can be obtained not only from a doctor but also in a pharmacy on the basis of a pharmaceutical prescription.

105. The health security of female patients in the field of reproductive health and perinatal care also includes access to procedures for the termination of pregnancy. At present, three bills are being processed in the Sejm of the Republic of Poland concerning, *inter alia*, the expansion of the admissibility of pregnancy termination procedures:

(a) Member's bill on safe termination of pregnancy (Paper No.177);

(b) Member's bill amending the Act on family planning, protection of the human foetus and conditions for permissibility of termination of pregnancy (Paper No.223);

(c) Member's bill on conscious parenthood (Paper No.224).

106. A Member's bill amending the Criminal Code (Paper No.611), providing for the partial decriminalisation of termination of pregnancy with the woman's consent, is also being processed. These are Members' bills; their content and progress depend on the outcome of parliamentary work and the decision of the President of the Republic of Poland.

107. In its activities in this area, the Ministry of Health focuses on ensuring that female patients have genuine access to guaranteed benefits covering termination of pregnancy in accordance with the currently binding provisions of the Act of 7 January 1993 on family planning, protection of the human foetus and conditions for permissibility of termination of pregnancy (hereinafter referred to as the "Act on Family Planning"). In order to ensure patients' access to health services also in situations where a physician invokes the so-called conscience clause, the provisions of the Regulation of the Minister of Health on the general conditions of contracts for the provision of healthcare services were amended. The amended regulations entered into force on 30 May 2024. As a result, a healthcare provider implementing a contract with the National Health Fund in the type of hospital treatment in the field of obstetrics and gynaecology is now obliged, in cases where the termination of pregnancy is permissible under generally applicable law, to perform pregnancy termination services at the place of service provision, regardless of a physician's invocation of the so-called "conscience clause".

108. Failure to perform this obligation results in a contractual penalty of up to 2% of the contract value for each identified violation. Independently of this, in the event of a breach of this obligation, the President of the National Health Fund or the director of a voivodeship branch of the National Health Fund may also terminate the contract, in whole or in part, without notice.

109. Moreover, on 30 August 2024, the Ministry of Health transmitted to hospital directors, heads of departments and ward heads a document entitled: "Guidelines on the binding legal provisions regarding access to the procedure of termination of pregnancy". This document is a compilation of the binding legal provisions relating to the subject matter indicated in its title; it does not introduce new norms or regulations. At the same time, on 9 August 2024, the Public Prosecutor General issued "Guidelines No. 9/24 on the rules of conduct for common organisational units of the prosecution service in the field of conducting cases concerning the refusal to perform a termination of pregnancy and so-called pharmacological abortion"[3]. The aim of Guidelines No. 9/24 is to unify standards for conducting preparatory

[3] https://www.gov.pl/attachment/43d4d07f-8d6b-468a-a5a8-71a0f74ea94e.

proceedings in this category of cases. The Guidelines indicate that, in cases of justified suspicion that pregnancy is the result of a prohibited act, proceedings should be conducted rapidly so that the public prosecutor may issue a certificate constituting the basis for a legal abortion within a timeframe that enables the termination of pregnancy within the statutory 12-week limit.

110. The Minister of Health has also appointed a Team for the improvement of women's health security. The Team's tasks include developing proposals for actions to improve the broadly understood health security of women, with particular regard to reproductive health and perinatal care. In addition to experts and representatives of competent institutions, representatives of civil society engaged in women's rights in the field of reproductive health and perinatal care were invited to participate in drawing up these proposals. Bearing in mind the broad scope of the issues dealt with by the Team, persons who are not members of the Team may also be invited by the Chairperson to participate in its work in an advisory capacity.

Standard of perinatal care

111. In response to expectations regarding the guarantee of high-quality perinatal care expressed by experts in obstetrics and gynaecology, perinatology, neonatology, gynaecological-obstetric nursing, anaesthesiology and women's organisations, the Ministry of Health undertook work on amending the Regulation of the Minister of Health of 16 August 2018 on the organisational standard of perinatal care. The Regulation of the Minister of Health amending the regulation on the organisational standard of perinatal care was signed by the Minister of Health on 23 October 2025 and published in the Dz.U. item 1525).

112. The Regulation will contribute to the unification of the organisation and scope of healthcare provided to women during pregnancy, childbirth, the postpartum period and newborn care in all entities conducting medical activities, improve the quality of perinatal care and enhance the comfort and safety of women giving birth and their children.

113. The percentage of anaesthesia procedures increased from 17% in 2023 to 23% in 2024. In order to increase access to anaesthesia during childbirth, Order No. 53/2024/DSOZ of the President of the National Health Fund of 29 May 2024 amending the order on determining the conditions for concluding and implementing contracts in the types of hospital treatment and hospital treatment – highly specialised benefits introduced a system of financial bonuses for hospitals that ensure epidural anaesthesia or (in justified cases) spinal anaesthesia. Information activities were also carried out on the organisational conditions for providing health services in the field of access to regional analgesia for labour. These measures have resulted in a growing percentage of births with anaesthesia.

Reply to paragraphs 11 and 12
Liberty and security of person and treatment of persons deprived of their liberty (Arts. 9 and 10)

114. Under the kpk, basic guarantees apply from the moment of actual deprivation of liberty: the detaining authority must immediately state the reasons for the detention and instruct the detainee on their rights, including the right to the assistance of a defence counsel, the right to make a statement or refuse to make a statement, and the right to notify a next of kin (Article 244§§2–3 of the kpk). At the detainee's request, the authority is obliged to immediately enable contact with an advocate or attorney-at-law and a direct conversation (Article 245§1 of the kpk), although in exceptional, particularly justified cases it may reserve the right to be present during the conversation. The lawfulness of the detention is subject to immediate judicial review under the complaint procedure (Article 246 of the kpk), within which the court examines the legality, justification and correctness of the detention and, if it finds irregularities, orders the detainee's immediate release.

115. In Poland, there is a mechanism whereby a detained person has the possibility of obtaining information on advocates and attorneys-at-law in a given locality whose assistance they may use (a list of advocates and attorneys-at-law is posted in every Police unit). This solution was introduced by an amendment to criminal procedure and is detailed in the Regulation of the Minister of Justice of 23 June 2015 on the manner of ensuring that the

accused benefits from the assistance of a defence counsel in accelerated proceedings (Dz.U. item 920). This system is referred to in Guidelines No. 3 of the KGP of 30 August 2017 on the performance of certain inquiry and investigative activities by police officers (Official Journal of the KGP of 2017, item 59), which read as follows: "In order to enable the detainee to contact an advocate or attorney-at-law, the procedure specified in the Regulation of the Minister of Justice of 23 June 2015 on the manner of ensuring that the accused benefits from the assistance of a defence counsel in accelerated proceedings (Dz.U. item 920) shall apply accordingly."

116. Moreover, a detained person has the right to information and to receive written instructions regarding the rights of a detainee. These are implemented on the basis of the obligations arising from § 1(1), (3) and (4) of the Regulations on the stay of persons in facilities for persons detained or brought in for the purpose of sobering up, constituting Annex No. 1 to the Regulation on facilities intended for persons detained or brought in for the purpose of sobering up (...).

117. Details of the regulations concerning the stay of persons in facilities for persons detained or brought in for the purpose of sobering up are presented in Annex No. 14.

118. Pursuant to Article 48(7) of the Act of 9 June 2022 on the support and resocialisation of minors (Dz.U.2022 item 1700, as amended), every minor detained and placed in an Emergency Youth Centre has the right to contact a defence counsel without the participation of third parties. This right is respected by officers of the Emergency Youth Centre, who ensure fully confidential contact between minors and an advocate/attorney-at-law.

119. Currently, the Sejm of the Republic of Poland is processing a government bill amending the kpk and certain other acts (Sejm Paper No.1600), which responds to the widely recognised need to adapt the existing regulations on criminal procedure to constitutional and international standards.

120. One of the main objectives of this bill, in its procedural part, is to remodel procedural solutions in line with the assumptions of EU directives concerning the harmonisation of procedural rights of the accused, in particular:

(a) Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 06.11.2013, p. 1);

(b) Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 04.11.2016, p. 1 and OJ L 91, 05.04.2017, p. 40).

121. In the proposed amendments to the kpk, it is further provided that where pre-trial detention is applied on the basis of the severity of the penalty threatened against the accused, the time for issuing a judgment by the court of first instance may not exceed 12 months (Article 263§4c). Pursuant to the proposed Article 263§3, pre-trial detention may be extended up to 12 months, and beyond this period exclusively by the court of appeal and only in strictly defined cases. Furthermore, pre-trial detention may not be applied if the offence is punishable by a penalty of deprivation of liberty not exceeding 2 years (Article 259§3).

122. The Prison Service takes into account the directives arising from Article 42(2) of the Constitution of the Republic of Poland and Article 6 of the Act of 6 June 1997 – kpk, which state that the right to a defence counsel and contact with them is one of the basic procedural guarantees of the accused. Accordingly, while maintaining the principle of legality, the Prison Service fulfils its statutory duties by enabling, *inter alia*, contact between persons deprived of liberty and their procedural representatives. Detailed information in this regard is contained in Annex No. 15.

Access to medical examinations for all detained persons

123. Medical examinations of detainee by the Police is regulated in the Regulation of the Minister of the Interior of 13 September 2012 on medical examinations of persons detained by the Police (Dz.U.2012, p.1102). Pursuant to this, a detainee must undergo an examination if, on the basis of information available to the Police or the circumstances of the detention, it appears that the person is: a pregnant woman; a breastfeeding woman; with an infectious disease; with mental disorders; or a minor who has consumed alcohol or another similarly acting agent (§1(3)(2)).

124. It should be emphasised that this provisions also guarantee that an examination is carried out in every instance where a person states that they suffer from a condition requiring permanent or periodic treatment, interruption of which would pose a threat to life or health, or where they request an examination (§1(3)(1)).

125. The Ministry of Justice, with the participation of the Prison Service, is successively expanding the use of non-custodial penalties in Poland, in particular through the development of the Electronic Monitoring System (EMS), under which a penalty of deprivation of liberty of up to 18 months, also penal measures and preventive measures, is executed. Currently, an average of 6,200 detainees per day serve their sentences under the EMS. From September 2009 to 31 July 2025, a total of 203,052 court decisions were executed within the system. The next stage of the EMS development will commence on 1 January 2026, when an amendment to kkw enters into force. This will introduce the possibility for courts to apply electronic monitoring during a sentence interruption (break in execution).

126. As of 28 July 2025, there are 8,492 pre-trial detainees in penitentiary units.

127. By the Act of 7 July 2022 amending the kk, Article 77 kk was amended by adding:

- §3, reading: “When imposing the penalty of life imprisonment on a perpetrator for an act committed after a final conviction for an offence against life and health, freedom, sexual freedom, public security or for a terrorist offence to the penalty of life imprisonment or the penalty of deprivation of liberty for a period of not less than 20 years, the court may adjudicate a prohibition on conditional release.”;
- §4, reading: “When imposing the penalty of life imprisonment, the court may adjudicate a prohibition on the conditional release of the perpetrator, if the nature and circumstances of the act and the personal characteristics of the perpetrator indicate that their remaining at liberty would pose a permanent danger to the life, health, freedom or sexual freedom of other persons.”

Reply to paragraph 13
Elimination of slavery and human trafficking (Arts. 2, 7, 8 and 26)

128. Poland has implemented a number of comprehensive measures aimed, *inter alia*, at the effective identification of cases of trafficking in human beings, the ongoing monitoring of this phenomenon, the provision of training, and the development of legislative proposals.

129. The key strategic document setting out the directions of activities in this area remains the National Action Plan against Trafficking in Human Beings (hereinafter: Plan). Identification algorithms and procedures for dealing with minor victims are in place in the Police and the Border Guard, and employees of the Office for Foreigners use internal procedures when examining cases involving foreigners who are victims of trafficking in human beings. Plan (adopted on 19 March 2025 by the Council of Ministers) is the latest in a series of successive government documents defining tasks in the field of counteracting trafficking in human beings.

130. The main objective of the Plan is to optimise the conditions necessary for effectively countering trafficking in human beings and for supporting and protecting victims of this crime. The specific objectives of the Plan:

- raising social awareness of the phenomenon of trafficking in human beings;

- raising the standard of support provided to victims of trafficking in human beings (including minor victims of trafficking in human beings);
- improving the effectiveness of the activities of institutions responsible for prosecuting the crime of trafficking in human beings by improving legal tools and structures and implementing best practices;
- raising the qualifications of representatives of institutions and organisations involved in counteracting trafficking in human beings and supporting victims;
- deepening knowledge of the phenomenon of trafficking in human beings and of the effectiveness of measures taken, especially in the context of forced labour;
- strengthening international cooperation.

131. The monitoring of activities provided for in the Plan is carried out on an annual basis. The tools for the periodic evaluation of the implementation of the Plan are:

- meetings of the working group for monitoring the implementation of the Plan;
- the annual report on the implementation of the Plan;
- the annual report on the work of the Inter-ministerial Team for Counteracting Trafficking in Human Beings, submitted to the Prime Minister by the end of March each year.

132. The documents are available at: https://www.gov.pl/web/handel-ludzmi/krajowy-plan-dzialan.

133. One of the most significant tasks provided for in the Plan is the implementation of the public task entitled "Running the National Intervention-Consultation Centre for Victims of Trafficking in Human Beings (KCIK)", entrusted to non-governmental organisations. The aim of the KCIK is to meet the needs of victims of trafficking in human beings – Polish citizens, citizens of EU and third-country nationals, regardless of citizenship, age, gender or membership of a particular national or ethnic minority – as well as to assist persons at risk of becoming victims of this crime. The task includes:

- operating a 24-hour helpline for victims and witnesses of trafficking in human beings and providing preventive telephone counselling in individual cases;
- securing basic living needs, crisis intervention and assistance in reintegration;
- organising safe accommodation/shelters;
- providing consultations for state and local government institutions on working with victims of trafficking in human beings, including institutions/entities providing assistance to victims.

134. With regard to the mechanism for identifying victims of trafficking in human beings (point 28(b)), two operational documents have been developed and are regularly updated. One is the "Algorithm of conduct for law enforcement officers in the event of disclosing a crime of trafficking in human beings", and the other, is the "Algorithm for identification and conduct with a minor victim of trafficking in human beings for officers of the Police and the Border Guard".

135. The identification procedure in place at the General Headquarters of the Border Guard (KGSG) covers all social groups, including so-called vulnerable groups (e.g. minors), who may be particularly exposed to becoming potential victims. In addition, within the framework of the broader system for combating trafficking in human beings in Poland, a "Procedure of conduct for employees of the Office for Foreigners processing applications for granting international protection in the case of preliminary identification of a foreigner as a victim of trafficking in human beings" has been developed. This procedure, implemented by employees of the civilian office, provides for the possibility of conducting an informal identification and obliges staff to contact law enforcement authorities without delay in order to initiate the official identification procedure.

136. In the context of ensuring victims' access to legal aid and the possibility of obtaining compensation (point 28(d)), it should be noted that, in accordance with the guidelines

contained in the aforementioned algorithms, in every case of positive identification Border Guard officers inform the potential victim of trafficking in human beings of the possibility of using the assistance and support provided by the KCIK or another non-governmental organisation. Every potential victim is treated in the same way, and no one is discriminated against on the grounds of nationality, age, gender, race or religion.

137. In the context of the recent concluding observations of the Committee on the Seventh Report (point 28) and the assurance that victims of trafficking in human beings will not be prosecuted, detained or punished for activities in which their involvement was a direct consequence of their situation as victims of trafficking in human beings (point 28(a)), it should be indicated that, pursuant to Articles 170 and 172 of the Act on Foreigners, a foreigner for whom there is a presumption that they are a victim of trafficking in human beings is issued a certificate confirming this presumption, and their stay in the Polish territory on this basis is treated as legal. Accordingly, under Article 303(1)(12) of that Act, proceedings regarding the obligation of the foreigner to return are not instituted, and any such proceedings already instituted are discontinued. Furthermore, pursuant to Articles 176–177 of the same Act, a foreigner who has undertaken cooperation with the authority competent in matters of combating trafficking in human beings and has severed contacts with persons suspected of committing this crime is granted a temporary residence permit for victims of trafficking in human beings for a period of at least 6 months.

138. Under the Polish legal order, the public prosecutor directs the preparatory proceedings. The currently binding regulations provide a basis, where the statutory conditions are met, for a decision to discontinue preparatory proceedings or to refuse to initiate them if it is established that a person who has been granted the status of a victim of trafficking in human beings fulfilled, through their conduct, the statutory elements of a prohibited act, but acted under the influence of a threat or coercion. The final decision is taken by the court in judicial proceedings.

139. It should be pointed out that Article 26 kk may apply, establishing the defence of necessity, which, if its conditions are met, results in the absence of criminal liability for the perpetrator of the prohibited act.

140. Likewise, on the basis of Article 60 § 3 kk in conjunction with Article 61 kk, it is possible to apply extraordinary mitigation of the penalty or to waive its imposition if the perpetrator provides evidence incriminating other persons (e.g. traffickers).

141. An amendment to the Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that state imposed on the minister competent for family affairs and on district family assistance centres the obligation to maintain registers of unaccompanied minors. A minor Ukrainian citizen who arrived on the territory of Poland without the care of a person exercising actual custody over them, also a minor Ukrainian citizen who arrived on the territory of Poland and who, prior to arrival, had been placed in foster care in Ukraine, must be entered in the register.

142. Moreover, in order to more effectively prevent and combat trafficking in human beings among minors, “Recommendations for persons supervising the implementation of the rights and duties of a temporary guardian”, referred to in Article 25 of the Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of Ukraine, were developed. The Ministry of Justice, in cooperation with the Ministry of the Interior and Administration, the Border Guard and the Ministry of Family and Social Policy, has developed “Procedures for dealing with minor foreigners when crossing the border”.

143. The provisions of the amendment to the Family and Guardianship Code, i.e. the so-called “Kamilek’s Law”, have also entered into force. This Act contains a number of solutions aimed at providing better protection for children against violence and ensuring them comprehensive assistance in the event of harm. The Act introduces, *inter alia*, Standards for the Protection of Minors (a set of principles placing the protection of the child at the centre of the activities and values of an organisation, thus helping to create a safe, violence-free and child-friendly environment in all entities acting for the benefit of the child).

144. MSWiA coordinates the preparation of Poland's contribution to the annual EUROSTAT report on crimes of trafficking in human beings. Data included in the report are obtained from the National Public Prosecutor's Office, the National Police Headquarters and the General Headquarters of the Border Guard, and transmitted to EUROSTAT via the Ministry of Justice. They are available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Trafficking_in_human_beings_statistics.

145. Information concerning applicants for international protection with special needs and unaccompanied minors is contained in Annex No. 16.

146. Victims of trafficking in human beings may use the assistance offered within the framework of the Network of Assistance to Persons Injured by Crime, described in the response to Question 9.

147. Statistical data concerning criminal proceedings in cases of trafficking in human beings and assistance provided to victims of these crimes are contained in Annexes No. 17 and 18.

Reply to paragraph 14, 15 and 16
Treatment of aliens, including migrants, refugees, asylum seekers and stateless persons (Arts. 6, 7, 9, 12, 13 and 24)

Access to international protection

148. Procedures concerning applications for international protection are regulated by the Act of 13 June 2003 on granting protection to foreigners within the territory of Poland. A foreigner submits an application for international protection while staying in the Polish territory in person to the Head of the Office for Foreigners. This means that an application may be submitted either within the national territory or during border control, even if the person does not meet the conditions for entry into Poland.

149. The Plenipotentiary of the Border Guard for Human Rights Protection is responsible for implementing and monitoring compliance with human rights standards and the equal treatment of foreigners. A network of such plenipotentiaries operates within the regional divisions.

150. As of 27 March 2025, an amendment to the Act on granting protection to foreigners entered into force, introducing, through Articles 33a–33c, the possibility of temporarily restricting the right to submit an application for international protection. Such a restriction may be introduced solely by regulation of the Council of Ministers, when necessary due to the instrumentalization of migration constituting a serious threat to state security and capable of destabilising the country's internal situation.

151. Article 33b(2) of the Act specifies categories of individuals to whom such restrictions do not apply and from whom applications must be accepted, specifically:

(a) unaccompanied minors;

(b) pregnant women;

(c) persons requiring special treatment (due to age or health);

(d) persons facing a real risk of suffering serious harm in the country from which they arrived directly to Poland;

(e) citizens of a state conducting instrumentalization.

Right of appeal

152. A foreigner has the right to appeal both a decision refusing international protection (to the Refugee Board) and a decision imposing an obligation to return (to the Commander-in-Chief of the Border Guard). If a district court issues a ruling placing a foreigner in a guarded centre, the foreigner has the right to file a complaint with the regional court.

Monitoring and response

153. On 15 April 2024 responsibilities in the area of human rights and equal treatment were divided at the General Headquarters of the Border Guard between the Plenipotentiary of the Border Guard: for Human Rights Protection and for Equal Treatment and Professional Ethics. Ongoing monitoring of daily activities in this area is performed by the network of plenipotentiaries of the Border Guard's regional commanders for the protection of human rights.

Guarded centres supervised by the Border Guard

154. The district court issues a ruling on placing the applicant in a guarded centre upon the motion of the Border Guard authority that detained the applicant. The court issues the ruling after hearing the applicant. The total period of the applicant's stay in a guarded centre may not exceed 6 months. A ruling extending the foreigner's stay in a guarded centre is also issued by the district court, upon a motion submitted by the Border Guard authority.

155. The Office for Foreigners may issue a decision to release a person from a guarded centre *ex officio* or upon the applicant's motion if the evidence gathered in the case indicates that the applicant is likely to meet the conditions for the grant of refugee status or subsidiary protection, and their stay in the territory of Poland does not pose a threat to national defence or security, nor to public order and safety.

156. A decision refusing release from a guarded centre is served on the applicant, who may lodge an appeal within seven days of service of the decision. The appeal is submitted to the district court having jurisdiction over the seat of the Head of the Office, via the manager of the guarded centre.

157. In decisions concerning:

(a) the inadmissibility of an application for international protection;

(b) the refusal to accept the applicant's declaration of intent to continue applying for international protection;

(c) the discontinuation of proceedings for granting international protection;

(d) the transfer of the applicant to the Member State responsible for examining the application for international protection, combined with the discontinuation of proceedings;

(e) the refusal to grant refugee status;

(f) the refusal to grant subsidiary protection;

information is provided regarding the right to free legal aid.

158. In proceedings for granting international protection, the foreigner is guaranteed the freedom to contact a representative of the UNHCR and international or non-governmental organisations providing assistance to foreigners.

159. Free legal information includes informing the foreigner about the applicable legal provisions concerning international protection, the deprivation of refugee status or subsidiary protection, and the procedural rules applicable to public administration bodies in matters within their competence, with due regard for the applicant's specific circumstances.

160. Free legal aid includes drafting an appeal against a decision e.i. refusal to grant refugee status or subsidiary protection, discontinuation of proceedings for granting international protection; withdrawal of refugee status or subsidiary protection. Free legal aid is provided in person by:

- an advocate or attorney-at-law; or
- an individual who is not an advocate or attorney-at-law, employed by a non-governmental organisation conducting public-benefit activities and authorised to provide free legal aid.

161. An advocate or attorney-at-law may refuse to provide free legal aid for valid reasons, informing the entitled foreigner of other advocates, attorneys-at-law, or persons providing

free legal aid in the voivodeship. A person providing legal aid on behalf of a non-governmental organisation may also refuse for valid reasons. A non-governmental organisation conducting public-benefit activities, authorised to provide free legal aid and employing such a person, is obliged to inform the entitled foreigner about lawyers, attorneys-at-law, or other persons providing free legal aid within the territory of the voivodeship.

162. Additional information, including statistical data on the treatment of foreigners, is presented in Annex No. 19.

Reply to paragraph 17, 18, 19 and 20
Access to justice, independence of the judiciary and right to a fair trial (Arts. 2, 9 and 14)

163. The State guarantees, in law and in practice, the right to a fair trial without undue delay, *inter alia* through the legal mechanism of a complaint concerning the violation of a party's right to have a case examined in preparatory proceedings conducted or supervised by a public prosecutor, or in judicial proceedings, without undue delay.

164. A complaint regarding excessive length of proceedings is a legal instrument designed to ensure the right to a fair trial by securing the examination of cases within a reasonable time.

165. Initiating such a complaint enables the assessment of whether the party's right to timely adjudication was violated and allows for potential compensation.

Courts

166. In Poland, judicial independence is a constitutional principle. Article 178(1) of the Polish Constitution provides that, in the exercise of their office, judges shall be independent and subject only to the Constitution and statutes.

167. Judicial independence is reinforced at the constitutional level by a set of institutional guarantees. The principal guarantees include:

- the method of appointing judges – by the President of Poland, upon the motion of the National Council of the Judiciary, for an indefinite period (Article 179);
- the principle of irremovability of judges (Article 180(1));
- judicial immunity – a judge may be detained or held criminally liable only with the consent of the competent disciplinary court (Article 181);
- the assurance of working conditions and remuneration consistent with the dignity of the office and the scope of duties (Article 178(2)); judges constitute the only professional group that enjoys constitutional guarantees of remuneration corresponding to the dignity of the office and the scope of the responsibilities entrusted to them;
- the principle of judicial apoliticality, manifested in the prohibition on membership in a political party or a trade union, as well as on engaging in activities incompatible with the principles of judicial independence and impartiality (Article 178(3)).

168. Judicial independence is further strengthened by the Act of 27 July 2001 – Law on the System of Common Courts (Dz.U. 2024, item 334, as amended, hereinafter referred to as "u.s.p."), which prohibits judges from taking up additional employment except in academic or research positions.

169. Judges may not sit on governing bodies of commercial companies, cooperatives or foundations engaged in economic activity, even without remuneration (Article 86 u.s.p.).

170. Further actions aimed at guaranteeing citizens access to an independent court include the creation in common courts of an IT tool – the Random Case Allocation System (SLPS). The allocation system introduced clear, objective, transparent and uniform rules of allocation for all cases and judges (Article 47a).

171. In the years 2017–2023, systemic changes in Poland were aimed at limiting judicial self-government and shaping disciplinary proceedings in a manner that led to the limitation of judicial independence.

172. The limitation of the role of judicial self-government in Poland, including in the selection of court presidents, was carried out for political reasons; its aim was the subordination of courts to the Minister of Justice and the marginalisation of the role of judicial self-government, which constituted a factor of resistance against unconstitutional changes to the law.

173. Judicial self-government was significantly limited not only in its influence on the selection of the court president (Act of 12 July 2017 amending the Act – Law on the System of Common Courts and certain other acts (Dz.U.2017, item 1452), which entered into force on 12 August 2017), but also in issuing opinions on candidates for judges (Act of 20 December 2019 amending the Act – Law on the System of Common Courts, the Act on the Supreme Court (Dz.U.2020, item 190), which entered into force on 14 February 2020).

174. Within the framework of remedial actions, the Ministry of Justice has prepared a bill aimed at restoring the constitutional standards of judicial independence and self-government.

175. In the scope of disciplinary proceedings, the processed bill provides, in principle, for a return to the solutions from before 2017. At the same time, the democratisation of the selection of disciplinary spokespersons is envisaged.

176. In the context of the restoration of judicial self-government, increasing the independence of the judiciary, the bill envisages restoring to the general assemblies of judges of a given court the right to: issue opinions on candidates for the position of judge of that court; hear information from the court president on the situation in the court; express opinions on the report referred to in Article 31a§2, drawn up by the director of the given court; appoint members of the court college; adopt the regulations for the election of candidates for court president; adopt the regulations for the election of members of the court college; express opinions on other matters presented by the president or college of the court, the president of a superior court, the National Council of the Judiciary (NCJ) or the Minister of Justice, or on the initiative of members of the assembly.

177. Upon the entry into force of the processed changes, the Court College will cease to be an organ of the court and will become an advisory body. Moreover, in small courts of up to 10 judicial and assessor positions, the creation of a college is not envisaged, and its function will be performed by the general assembly of judges of that court.

178. A fundamental element of actions guaranteeing citizens judicial independence and the independence and impartiality of the judiciary in Poland is the unquestionable status of judges.

179. In view of the changes made by the Act of 7 December 2017 amending the Act on the NCJ and certain other acts, the status of judges appointed by the President of Poland on the motion of the defectively formed NCJ raised doubts on the part of European tribunals, as well as the Supreme Court and the Supreme Administrative Court. Consequently, regulating this status became necessary.

180. The rules and procedure for evaluating the status of judges appointed by the President of Poland at the request of the defectively formed NCJ are regulated in the draft Act on the restoration of constitutional order in the judiciary of 24 April 2025, prepared jointly by the Ministry of Justice and the Commission for the Codification of the System of Judiciary and Public Prosecution.

181. The basis for the aforementioned draft, regarding the regulation of the status of persons appointed by the President of Poland at the request of the NCJ formed on the basis of the Act of 8 December 2017 amending the Act on the NCJ and certain other acts (Dz.U.2018, item 269), constituted, *inter alia*, a civic draft bill on regulating the effects of the resolutions of the NCJ adopted between 2018 and 2024, prepared by the Association of Polish Judges ‘Iustitia’.

182. The Commission also conducted work, on its own initiative, on a draft act implementing the *Wałęsa v. Poland* pilot judgment. In this judgment, the ECtHR pointed to

flaws in the Polish legal system, in particular: the defective procedure for the appointment of judges with the participation of the NCJ following the 2017 amendments; the lack of independence of the Chamber of Extraordinary Control and Public Affairs of the Supreme Court due to the fact that it sits judges who were defectively appointed; and flaws in the extraordinary appeal itself, including the possibility of using it as a tool for political control of court judgments by the executive. Due to the convergence of the subject matter, these solutions were introduced in the joint draft Act on the restoration of constitutional order in the judiciary.

Public Prosecutor's Office

183. The fundamental premise of the ongoing work on the government's draft Act amending the Act – Law on the Public Prosecutor's Office is the separation of the functions of the Minister of Justice and the Public Prosecutor General.

184. Under the proposed provisions, the Public Prosecutor General shall be appointed by the Sejm by an absolute majority of votes, with the consent of the Senate. Candidates for the position of Public Prosecutor General shall be nominated to the Speaker of the Sejm by the National Council of Public Prosecutors from among: prosecutors who have obtained support for their candidacy from at least 100 public prosecutors in active service; public prosecutors designated by the Public Benefit Work Council who have obtained the support of a non-governmental organisation whose statutory tasks include, for a period of at least 3 years preceding the date of the candidate's nomination, activities related to the protection of the principle of a democratic state governed by the rule of law, the protection of the rule of law, and human rights; public prosecutors designated by the Supreme Bar Council; and public prosecutors designated by the National Council of Attorneys-at-Law. A person may be appointed to the position of Public Prosecutor General if they meet all four of the following statutory criteria jointly:

- they are a public prosecutor of a common organisational unit of the public prosecutor's office or a public prosecutor of the Institute of National Remembrance;
- they possess at least 20 years of experience as a public prosecutor or judge;
- they held the position of public prosecutor for a period of 10 years immediately preceding the date of nomination for the position of Public Prosecutor General;
- they have not been subject to disciplinary penalties.

Constitutional Tribunal (CT)

185. Pursuant to the Resolution of the Sejm of 6 March 2024 on removing the effects of the constitutional crisis of 2015–2023 in the context of the activity of CT (Official Gazette (Monitor Polski), item 198), violations of the Constitution and the law in the activity of CT have reached a scale that prevents this body from performing its systemic tasks regarding the review of the constitutionality of the law, including the protection of human and civil rights.

186. The Sejm recognised that the state of incapacity of the currently functioning body to perform the tasks of CT defined in Articles 188 and 189 of the Constitution necessitates the renewed formation of the constitutional court.

187. The Sejm and the Council of Ministers hold the position that the consideration, in the activities of a public authority, of decisions of CT issued in violation of the law may be deemed a violation of the principle of legality by said authorities.

188. The Council of Ministers recognises that CT in its current composition is incapable of performing the tasks defined in Articles 188 and 189 of the Constitution.

189. In accordance with the principle of legality derived from Article 7 of the Constitution, public authorities act on the basis and within the limits of the law. This principle also applies to the promulgation of legal acts. Consequently, the obligation to publish rulings of CT in official journals can only apply to acts that have been adopted by an authorised body under the procedure provided for by law.

190. State actions undertaken to resolve the rule of law crisis began with preventing further consequences of CT's activities that are contrary to the Constitution, international law, and EU law. This entailed, *inter alia*, the necessity of excluding the possibility of introducing further rulings of CT into the legal system.

191. In view of the above, the Government holds the position that the publication of rulings of CT in official journals could lead to the perpetuation of the state of crisis of the rule of law. It is therefore impermissible to publish documents that have been issued by an unauthorized body. In accordance with the Resolution of the Sejm of 6 March 2024 on removing the effects of the constitutional crisis of 2015–2023 in the context of the activity of CT, the consideration by a public authority of decisions of CT issued in violation of the law may be deemed a violation of the principle of legality by said authorities.

192. Recognising these rulings as merely affected by invalidity and subject to execution could be improperly construed as legitimising the CT in its current composition.

193. In summary, the rulings of CT in its currently formed composition are not subject to execution. The circumstance of their issuance by a body incapable of performing its constitutional tasks renders them *sententiae non existens*. Indeed, with regard to the indicated rulings, there is no possibility of eliminating the irregularities through available legal remedies, as none are available.

194. The objective of drafting and enacting a new Act on CT is to create permanent normative foundations allowing for the rebuilding of the authority of CT and the restoration of effective, fair, and independent review of the constitutionality of the law in Poland. The achievement of such a defined legislative goal, aimed at ensuring the full execution of CT judgments, is to be served by the enactment of laws covering two correlated spheres of regulation:

(a) normative – through the enactment of a new Act on CT, covering provisions concerning the system, organisation, and proceedings before CT and the status of its judges;

(b) organisational-technical – by means of the enactment of a separate act, Provisions Introducing the Act on CT, the content of which constitutes provisions adapting the Tribunal in its current form to the needs of the new Act on CT.

195. Annex No. 20 presents information regarding the Act on CT (Sejm Paper No. 254) and the Act – Provisions Introducing the Act on CT (Sejm Paper No. 253), prepared by a group of MPs and passed by the Sejm on 24 July 2024.

National Council of the Judiciary (NCJ)

196. Changes concerning status and composition of NCJ are provided for in the Act of 12 July 2024 amending the Act on NCJ (Sejm Paper No. 219). The aim of the Act is to restore provisions regulating the method of electing judges to the NCJ to a content consistent with the Constitution of Poland and to remove the negative consequences of the defective solution in force since 2018. The Act also aims to align statutory provisions with the standards defined in the rulings of the EU Court of Justice and the ECtHR, as well as in the rulings of the Supreme Court(SC) and Supreme Administrative Court(SAC) concerning guarantees of distinctiveness and independence of judiciary from other state powers, including guarantees of the independence of the NCJ from legislative and executive authorities in the appointing judges' procedure.

197. In implementing the above assumptions, the legislature introduced a solution whereby judges who are members of the NCJ, as representatives of judiciary, should – in accordance with European standard – be elected by judges, and not by Sejm. All judges (of SC, common courts, administrative courts, and military courts) will be represented in the NCJ. The aim of the above regulations is to ensure the broadest possible representation of judges in the Council. It was established that in the first elections to NCJ, the right to stand for election as a member of NCJ shall not be granted to judges who took up their position as a result of a motion for the appointment of a judge submitted to the President of Poland by NCJ formed using the provisions of the Act on NCJ in its wording to date.

198. The National Electoral Commission, being the highest body competent in matters of conducting elections and referenda, was designated as the body managing and conducting the election of NCJ members who are judges.

199. The transitional provisions provided for termination of the activity in NCJ of persons elected from among judges by Sejm on the basis of provisions enacted in December 2017. These provisions introduced an election mode violating constitutional norms, in particular the interruption of the then-ongoing four-year term of office of Council members (Article 187(3) of the Constitution of Poland), as well as the takeover by Sejm of the election of 15 judges – members of the Council – contrary to Article 187(1) in conjunction with Article 7, Article 10, and Article 186(1) of the Constitution. However, in order to ensure the continuity of operation of the constitutional body that is the NCJ, the termination of the activity of these persons will not occur by operation of law on the date of the Act's entry into force, but on the date of the announcement of the results of the first election of judges – members of NCJ.

200. On 1 August 2024, the President of Poland referred the Act of 12 July 2024 amending the Act on the NCJ to the Constitutional Tribunal under the procedure of preventive control. The allegations raised in the motion of the President of Poland to examine the compliance of the Act with the Constitution concern:

- enactment of the Act by Sejm in an improper composition;
- restriction of the passive electoral right of judges in the first elections to the NCJ;
- termination of the term of office of NCJ in its current composition;
- granting of competences to SAC exceeding the constitutionally defined scope of its tasks.

201. Additional information regarding changes in the judiciary and the Public Prosecutor's Office is presented in Annex No. 21.

202. Referring to reports of interference in the work of lawyers, it should be stated that the only case that may meet the invoked criteria concerns the order to initiate disciplinary proceedings against Advocate Michał Wawrykiewicz, practising in the district of Warsaw Bar Association(WBA), due to a suspected violation of Article 80 of the Law on the Bar in conjunction with § 1 sec. 2, § 4, and § 17 of the Code of Ethics for Advocates and Dignity of the Profession (consolidated text published on the basis of Resolution No. 52/2011 of the Supreme Bar Council of 19 November 2011). This was due to the fact that on 18 February 2021, in an unspecified place, for the purposes of an article published on the wyborcza.pl portal entitled "Remove 'doubles' from the CT, hold the authorities to account. Lawyers and the National Women's Strike on the restoration of the rule of law after PiS," he formulated statements concerning judges whereby he failed to observe moderation, proportionality, and circumspection in a media statement (file ref. DZP-III.054.40.2025).

203. The above case has been concluded. Following the examination of the appeal of the Minister of Justice against the decision of the Disciplinary Ombudsman of WBA of 7 September 2021 to discontinue the disciplinary investigation in the matter of Adv. Michał Wawrykiewicz, the Disciplinary Court of WBA, by decision of 9 March 2022 in case DZ 110/21, did not grant the appeal and upheld the contested decision.

204. Regarding the justice system for juveniles, it should be noted that, under Polish penal enforcement law, the principle is the separation of distinct penitentiary units intended for juvenile convicts. This requirement follows directly from international standards relating to execution of imprisonment. As a rule, convicts who have not yet reached the age of 21 serve their sentence in such units. Additionally, in justified cases, a convicted person may continue serving sentence in a juvenile establishment even after turning 21. In juvenile penitentiaries, juveniles must undergo psychological examinations, and it is mandatory that sentences be served within a system of programmed rehabilitation. Inmates are entitled to one additional visit per month, and the penitentiary bears additional educational obligations.

205. Separation of juvenile penitentiaries also reflects the principle of individualising interventions for juveniles as a category of particular importance. Isolating this group of convicts from potentially demoralising influence of other inmates, combined with the

recognition that juveniles remain in a phase of biological and psychological development, creates greater opportunities for effective interventions shaping their attitudes. Intensive resocialisation work is particularly important for achieving corrective objectives of penalty and for increasing prospects of successful reintegration after release.

206. In programmes developed for juvenile convicts, particular emphasis is placed on defining: types of work and educational activities available to them; the scope of their contacts, primarily with family members and other close persons; organisation of their leisure time; opportunities for fulfilling their obligations; and other measures necessary to prepare them for reintegration into society. Penal institutions are required to provide education adapted to abilities and aptitudes of juvenile convicts. Implementation of resocialisation measures for juveniles constitutes a priority within the penitentiary policy pursued by prison service.

Reply to paragraph 21
Right to privacy (Art. 17)

207. In 2018, in the course of an audit of execution of the state budget for 2017, the Supreme Audit Office(SAO) recorded transfers of funds from the Justice Fund managed by MS to the Central Anti-Corruption Bureau(CBA) for “special technical measures”, which constituted the first public signal of possible financing for the purchase of a tool of this class outside the budget of the relevant service. In January 2022, SAO revealed invoices documenting the purchase; for an extended period, representatives of the authorities publicly denied the existence of the software. Finally, on 7 January 2022, acquisition of a system of this class was confirmed.

208. During the parliamentary campaign in 2019, the phone of opposition politician Krzysztof Brejza, then a Member of the Sejm of the 8th term serving as Head of the Election Campaign of the largest opposition grouping, was repeatedly infected with “Pegasus” spyware from the Israeli company NSO. The independent laboratory Citizen Lab demonstrated a total of 33 infections in the period from 26 April to 23 October 2019, with this activity ceasing shortly after the parliamentary elections on 13 October 2019, which were won again by the Law and Justice party. These findings were subsequently confirmed by the Amnesty International Security Lab and were widely reported by international media. Materials obtained from Krzysztof Brejza’s device were subsequently modified to create the impression of involvement in criminal activity and published on government-controlled public television. In December 2023, the Regional Court ordered the public broadcaster to apologise for publishing “false, manipulated, and distorted” materials derived from the politician’s private correspondence. AP reports (also published by other outlets) indicated that the broadcast of the manipulated messages took place “at the peak of the campaign” in 2019.

209. In 2022, on initiative of opposition parliamentary groups, an Extraordinary Committee of the Senate was established with the task of clarifying this matter. However, as an internal body of the Senate, it was not an investigative commission within the meaning of Article 111 of the Constitution of Poland and the Act on the Sejm Investigative Commission, and therefore did not possess powers of authority (coercive measures, statutory investigative powers) or guaranteed access to classified materials. Its activity was limited to hearings, gathering information on a voluntary basis, and formulating conclusions and recommendations. In September 2023, the Senate Extraordinary Committee on Surveillance published its final report, pointing, *inter alia*, to supervisory deficits in the application of most invasive tools, risks to the protection of classified information, and the need for systemic changes. The adopted report of the Committee indicates that the Pegasus System was used against persons against whom no criminal proceedings were pending, including critics of government policy; the Committee stated the illegality and unlawfulness of the purchase of the system (violations of the Act on the CBA and numerous provisions on public finance) as well as the lack of effective supervision over the services; it also deemed that due to the impossibility of obtaining security accreditation for the protection of classified information, Pegasus cannot be used under Polish law. Based on hearings of persons subjected to

surveillance, the Committee assessed that the elections in 2019 were not fair and did not ensure equal opportunities for participants.

210. A documented case of Pegasus infection was identified on a private mobile device belonging to Public Prosecutor Ewa Wrzosek, following an Apple systemic security notification. The infection was confirmed by independent technical analysis and became the subject of procedural actions. In parallel, incidents were reported concerning the mobile devices of a judge of a common court, the former President of the Regional Court, Beata Morawiec – head of a nationwide judges' association – and Advocate Roman Giertych. These individuals had publicly opposed violations of the rule of law, and the deployment of the tool against them constituted a gross breach of constitutional standards.

211. Following the parliamentary elections, on 17 January 2024, the Sejm appointed an investigative commission vested with full investigative powers to examine legality, regularity, and expediency of the use of the Pegasus system in the years 2015–2023.

212. The Sejm Investigative Commission (SKPG) has been conducting both open and closed sessions for over 18 months, has interrogated dozens of witnesses (including former and current officials and individuals holding the highest public offices), is analysing thousands of pages of documentation, and is preparing a comprehensive final report. The report will include not only a detailed account of the mechanisms surrounding the procurement and use of the tool, but also *de lege ferenda* proposals aimed at fully implementing the standards arising from Article 17 of the International Covenant on Civil and Political Rights and establishing a durable legal framework that prevents future illegal purchases and abuses.

213. In 2024, the Public Prosecutor General informed Parliament about the scale of the use of software of this class by three state services against 578 individuals in the years 2017–2022, indicating that potentially affected persons would be notified and that the legality of each case would be verified. Parallel evidentiary actions are ongoing, including the securing of infrastructure and data carriers associated with the system.

214. Without waiting for the investigative commission's final report, the Prime Minister amended, in December 2024, the regulations governing the documentation of operational control in the Internal Security Agency (ABW), the Military Counterintelligence Service (SKW), and the CBA. The amendments introduced, in particular: (i) an obligation to specify in detail – within motions submitted to courts – the type of tool to be used, its general functionality, and the scope of data planned to be acquired; and (ii) an obligation for courts to provide justification for every decision ordering or extending operational control (previously, justification was required only for refusals). These changes enhanced the transparency and substantive rigour of judicial review over the use of the most intrusive investigative techniques.

215. The work of the parliamentary commissions (first the Senate, then the Sejm), together with the accompanying public debate, increased judicial awareness regarding the characteristics and risks of tools used by the services and underscored the need for more thorough scrutiny of motions, including requiring precise identification of the tool proposed for operational control, its functionality, and the scope of data to be collected. This shift coincided with introduction, in December 2024, of the above-mentioned obligations to justify every court decision and to require detailed descriptions of measures sought in motions. In practice, these changes raised the substantive threshold for authorisation. During the same period, the number of operational controls decreased, as shown by annual data from the Public Prosecutor General. Comparing: – the number of persons against whom courts ordered operational control: from 6,922 in 2021 to 5,689 in 2024 (a decrease of 1,233, i.e., approx. 17.8%); – the number of persons against whom motions for control were submitted: from 7,071 in 2021 to 5,818 in 2024 (a decrease of 1,253, i.e., approx. 17.7%). Although a formal causal link between the commission's activities and the decrease in the number of controls has not been established, the temporal correlation with the disclosure of the Pegasus case, heightened parliamentary oversight, and the tightening of evidentiary requirements for motions is objectively observable.

Reply to paragraph 22
Freedom of expression (Arts. 19 and 20)

216. The National Broadcasting Council(KRRiT), as a constitutional organ of the State, enjoys statutorily guaranteed independence in the performance of its tasks, which constitutes one of the safeguards of freedom of expression in Poland. At the same time, KRRiT conducts analyses of the media market and prepares reports on media pluralism and audience access to a diverse range of programming. These activities provide an important tool for assessing the pluralistic character of the media landscape.

217. The scope of criminalisation under the offences of defamation and insult has been examined by the Commission for the Codification of Criminal Law(CCCL) operating under the Minister of Justice. In the view of CCCL, the current scope of penalisation of acts specified in Article 216 kk is adequate; it raises no objections and requires no amendment. There is no basis to assume that the intentional violation of another person's dignity (so-called internal honour) is, as a rule, justified within the framework of the right to freedom of expression.

218. The CCCL reached a different conclusion with respect to acts specified in Article 212 kk. The Commission found that, in view of ongoing cultural changes affecting the assessment of relationship between the right to freedom of expression and the right to protection of reputation in situations where these values come into conflict and must be balanced, the implementation of an effective system for protection of personal rights at the civil-law level –particularly within civil proceedings – would, under this condition, make it possible to significantly narrow the scope of criminalisation of acts defined in Article 212 kk by:

(a) fully decriminalising non-public defamation;

(b) decriminalising defamation of entities other than natural persons;

(c) limiting criminal liability for defamation to cases where the perpetrator intends to publicly humiliate the defamed person or expose them to a loss of trust indispensable for a given position, profession, or type of activity (thus decriminalising defamation committed with eventual intent);

(d) further substantially restricting the criminalisation of raising or publicising truthful allegations relating to the exercise of public functions.

219. Work on the adoption of an anti-SLAPP law in Poland is at an advanced stage. This legislative process follows from the obligation to implement Directive (EU) 2024/1069 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").

220. In January 2025, a draft Act on the protection of persons participating in public debate from manifestly unfounded claims or abusive court proceedings was presented. Later that year, the draft was submitted for review by experts of the Council of Europe, who – on 16 July 2025 – issued a fundamentally positive opinion, accompanied by several mostly advisory recommendations.

221. The draft Act regulates protective measures for persons participating in public debate who face civil claims brought exclusively or primarily for the purpose of suppressing, restricting, or disrupting public debate or harassing individuals for their participation. It covers both manifestly unfounded claims and other procedural actions constituting an abuse of procedural rights. The draft applies to civil proceedings irrespective of whether the case is cross-border or purely domestic, thus providing broader protection than that mandated by the EU Directive. It introduces a definition of public debate and provides an open catalogue of grounds for deeming court proceedings to be aimed predominantly at suppressing, restricting, or disrupting public debate or at harassing participants. Among the protective measures envisaged are: security for the costs of proceedings; an obligation to reimburse the defendant for the costs of the proceedings without applying the statutory limitations on recoverable legal representation costs that apply under general rules; sanctions for plaintiffs, including fines and the possibility of ordering the publication of the operative part of the judgment at

the plaintiff's expense. The draft also enables non-governmental organisations to join the proceedings on the side of the defendant.

Reply to paragraphs 23 and 24
Freedom of peaceful assembly (Art. 21) and Freedom of association (Art. 22)

Addressing reports of the use of force during the November 2020 protests

222. Police actions during the November 2020 protests, which followed the Constitutional Tribunal's ruling tightening regulations on abortion, were undertaken pursuant to applicable laws, including the Act on Assemblies, the Act on the Police, and detailed regulations concerning the use of direct coercive measures. It should be noted that every police intervention was preceded by multiple announcements and calls to disperse, and coercive measures were used only against individuals violating the legal order, failing to comply with police officers' instructions, or engaging in attempts at aggression against police officers or bystanders.

223. Where allegations of the use of force arose, including the use of batons, pepper spray, or other means, each case was examined individually within explanatory proceedings conducted both by the Police's internal control services (the Control Bureau) and by the public prosecutor's office. These proceedings were initiated *ex officio* as well as at the request of injured parties, the RPO, or protest organisers. They included an assessment of the conduct of the assemblies, justification for the actions taken, and compliance with applicable procedures. Police reports indicate that the actions taken were proportionate and commensurate with the threat, and that direct coercive measures were used where necessary to protect the health and life of citizens, as well as the safety of officers and public and private property. Detained individuals were released without undue delay after necessary procedural steps were completed, and all actions were subject to prosecutorial and judicial oversight, ensuring transparency and the right of injured parties to appeal Police decisions. In cases where irregularities were identified, including inappropriate behaviour by individual police officers, disciplinary proceedings were initiated.

224. At the same time, Police actions were conducted in the specific context of the COVID-19 pandemic, which imposed additional duties related to the enforcement of sanitary restrictions. As a result, some police activities also involved verifying the identity of protest participants and transmitting information to the sanitary inspectorate in cases of violations of applicable restrictions. The Police, while respecting the democratic right of citizens to express their views and protest peacefully, maintain that their actions were aimed primarily at ensuring public safety and order. All allegations of abuse of power have been, are, and will continue to be treated with due seriousness, and explanatory proceedings take into account both the interests of injured parties and the need to protect public order.

Information on unauthorised/dispersed protests, detentions, complaints about Police actions

225. In Poland, protests and public assemblies are subject to strict statutory regulation, and decisions on their authorisation or prohibition fall within the competence of local government authorities – commune heads (wójt), mayors (burmistrz), and city presidents (prezydent miasta). The Police do not maintain a central register of assemblies that were not authorised, as these decisions are issued by local authorities in the form of individual administrative decisions, which may be appealed to administrative courts in accordance with applicable procedures.

226. Every complaint alleging an abuse of powers by the Police – whether concerning the use of coercive measures or restrictions on the right to assembly – is treated as a report of a suspected offence and must be referred to competent public prosecutor's office for legal and criminal assessment.

227. According to Police data, detentions during assemblies are marginal compared with the total number of participants; they concern only individuals breaking the law, posing a

threat to others or to officers, or failing to comply with order-keeping instructions. Court proceedings concerning participation in an unauthorised assembly, disruption of an assembly, or violation of law remain insignificant relative to total number of protests recorded in recent years.

228. The Police attach particular importance to the transparency of their interventions. Extraordinary events and those attracting media attention are monitored by the control departments of Police organisational units, and where reasonable suspicion arises, measures under Chapter X of the Act on the Police are implemented. These actions are supervised by the relevant units of MSWiA and the Ministry's Internal Supervision Bureau. Police officers' competences concerning civil rights, democratic standards, and respect for international law are developed during basic vocational training and further reinforced through professional development conducted in police schools and units.

229. Article 26a of the Act on Assemblies, introduced by the Act amending the Act on Assemblies of 13 December 2016 (Dz.U.2017, item 579), which allows for the registration of privileged cyclical assemblies that prevent the registration of a spontaneous assembly at the same place and time, has not been repealed. This provision grants priority to assemblies with an established tradition; it does not differentiate organisers or participants based on the subject matter of the event, but it does favour events held annually on the same date. Consequently, the Independence Marches held regularly on 11 November in Warsaw on National Independence Day are in a more favourable legal position than annual CSD events, such as Warsaw Pride, which are held on varying dates.

230. The restrictions placed on human rights defenders and activists, particularly concerning LGBT+ persons and described in detail in the Amnesty International report (https://www.amnesty.org/en/documents/eur37/5882/2022/pl/), as well as those arising in connection with assemblies held during pandemic-related restrictions criticising the Constitutional Tribunal's judgment of 22 October 2020 – finding Article 4a(1)(2) of the Act of 7 January 1993 on family planning, protection of human foetus, and admissible conditions for pregnancy termination (Dz.U. No. 17, item 78; 1995 No. 66, item 334; 1996 No. 139, item 646; 1997 No. 141, item 943 and No. 157, item 1040; 1999 No. 5, item 32; 2001 No. 154, item 1792) incompatible with Article 38 in conjunction with Article 30 and Article 31(3) of the Constitution – are currently under examination by the Commission for Clarifying the Mechanisms of Repression against Civil Society Organisations and Social Activists in the years 2015–2023, which held its first meeting on 5 May 2025. The publicly available List of Legislative and Programme Work of the Council of Ministers (https://www.gov.pl/web/premier/wplip-rm) and the website of the Government Legislation Centre (https://legislacja.rcl.gov.pl/) do not contain information indicating that work is underway on an amendment to the Act on Assemblies.

231. With respect to compliance with the right to freedom of association under Article 22 of the ICCPR, the Chancellery of the Prime Minister, which is responsible for counteracting discrimination, ensuring equal treatment, and preventing domestic and gender-based violence, cooperates closely with human rights defenders and civil society organisations engaged in protection of human rights, particularly those promoting and defending women's rights, sexual and reproductive health rights, and human rights of LGBT+ persons. Representatives of non-governmental organisations participated in consultations on the draft Act on Registered Partnerships (UD87) and the accompanying implementing act (UD88). They were also invited by the Minister for Equality to events held under the Polish Presidency of the EU Council, including the Informal Council on Equality in Warsaw and the conference "Equality, Europe!" in Poznań on 23 June 2025.

232. In 2025, the Minister for Equality does not have a budget enabling the distribution of subsidies or grants to NGOs implementing tasks in the field of counteracting discrimination and gender-based violence. The withdrawal of partial or full government funding from certain recognised NGOs during the years 2015–2023, as well as abuses involving, for example, the expenditure of funds from the Justice Fund, are being examined by the Commission for Clarifying the Mechanisms of Repression against Civil Society Organisations and Social Activists in the years 2015–2023 mentioned in point 23, as well as by the public prosecutor's office.

Reply to paragraph 25
Participation in public affairs (Arts. 25 and 26)

233. Detailed issues concerning the entitlements of persons with disabilities in elections are regulated in the Electoral Code(EC) and in implementing acts issued on the basis thereof. Every voter, including a voter with a disability, may vote in person at a polling station in the polling district competent for their place of residence. They may also vote in a polling station of their choice that is adapted to the needs of persons with disabilities. To this end, they should submit an application for a change of the place of voting. During voting at the polling station, voters with disabilities may use Braille ballot paper overlays.

234. Furthermore, in accordance with Article 37c§2 EC, a member of the Precinct Election Commission(PEC) is obliged, at the request of a voter with a disability, to verbally convey the content of election notices regarding information on election committees participating in the elections, as well as registered candidates and lists of candidates.

235. It also follows from the provisions of EC that a voter with a disability may, at their request, be assisted in voting at the polling station by another person, including a minor. This assistance may only be of a technical nature; it may not consist of suggesting a manner of voting to the voter or voting on their behalf. It is permissible for the person providing assistance to be present in designated area behind the curtain at the request of a voter with a disability. This person cannot be a member of the commission, a person of trust, a social observer, or an international observer.

236. In accordance with Article 186§1 EC, in every commune (gmina), at least one-half of the premises of PECs should be adapted to the needs of voters with disabilities. Ensuring the provision of premises for PECs, including those adapted to the needs of voters with disabilities, belongs to the duties of the commune head, mayor, or city president. Moreover, premises intended for the headquarters of election bodies should be easily accessible to persons with disabilities (Article 156§3).

237. The provisions of EC (Article 37e§1) also provide for the possibility of free transport to the polling station and return transport for voters with a significant or moderate degree of disability. Transport to the polling station and return transport is provided by the commune head (mayor, city president) of the commune in which municipal passenger transport does not function on election day. A voter with a disability whose state of health does not permit independent travel may be accompanied by a carer.

238. In accordance with Article 53a§1 EC, voters with a significant or moderate degree of disability also have the possibility of postal voting within the country. A voter with a disability voting by post may demand that a Braille ballot paper overlay be included in the election packet.

239. Furthermore, as results from Article 54§1 EC, voters with a significant or moderate degree of disability have the right to vote within the country via a proxy.

240. In connection with the organisation of elections, within the framework of its competences, the National Electoral Commission(NEC) undertakes a range of various types of actions to facilitate the exercise of electoral rights by all voters, including for the benefit of persons with disabilities.

241. Following the order of elections, the NEC provides all voters with legal and organisational assistance implemented in various forms defined, *inter alia*, in a number of adopted resolutions.

242. Moreover, the NEC'S website releases to the public information regarding, among other things: the entitlements of voters with disabilities and the deadlines for election activities related thereto, as well as the conditions for the participation of Polish citizens in voting in polling districts established within the country, abroad, and on Polish maritime vessels.

243. The National Electoral Office(NEO) makes available and maintains the websites of NEC and the NEO (pkw.gov.pl and wybory.gov.pl) and, within the framework of the pkw.gov.pl website, the websites of Election Commissioners and delegations of NEO. The

applicable texts of electoral laws, regulations, and resolutions issued on the basis of the EC are posted thereon. These sites also present information, explanations, and announcements, including those concerning voters with disabilities. The indicated content has been formulated in a manner that is legible and understandable for every voter, including voters with disabilities.

244. Furthermore, on the website wybory.gov.pl, separate webpages devoted to specific nationwide elections have been made available. They present all necessary information and search engines for polling districts, including the locations of commissions adapted to the needs of voters with disabilities.

245. The pkw.gov.pl service also hosted information spots regarding given elections, including on method of voting, entitlements of voters with disabilities, possibility of voting by proxy, postal voting, and voting abroad. With voters with disabilities in mind, these spots were also presented in a version with translation into Polish Sign Language (PJM) and with subtitles in Polish. The spots were published on all internet services of NEC (pkw.gov.pl, wybory.gov.pl) and on the profiles of NEC in social media (Facebook - PKW, X, YouTube). Moreover, the spots were also broadcast by the public broadcaster TVP S.A. and by other television stations interested in their broadcast. They were also made available in other media.

246. Every voter may obtain necessary information regarding elections and voter entitlements, including those of voters with disabilities, from NEC, *inter alia* by telephone or via electronic mail, as well as via the Electronic Platform of Public Administration Services (ePUAP).

247. In the scope of ensuring persons with disabilities an appropriate level of communication possibilities, persons experiencing such difficulties were ensured the possibility of contact with NEC via electronic mail (e-mail), as well as via the social networking services Facebook and X. There is also the possibility of communicating with the Commission using the ePUAP platform. Information on these services, i.e., e-mail address, ePUAP inbox address and e-Delivery address, and links to Facebook and X services, are available in the Public Information Bulletin on the website of NEC, pkw.gov.pl. Furthermore, the website of NEC and the NEO is available in a high-contrast version. A sign language interpreter service – 'Migam' – has also been made available thereon, consisting of an instant video connection with a sign language interpreter.

248. The Elections of the President of Poland in 2025 were conducted abroad in 511 polling districts established by the Minister of Foreign Affairs. The Constitution of Poland obliges the conduct of elections for the President in a manner and on principles guaranteeing their universality, equality, directness, and secrecy. The number of districts was the highest in history and 95 higher than in the elections to the Sejm and Senate in 2023. The most districts were established in the consular districts of the Consuls of Poland in London and Manchester (105 Precinct Election Commissions were established in UK – compared to 77 in 2023; 17 in Norway – compared to 11 in 2023; 10 in Sweden – compared to 5 in 2023). Many polling stations were accessible to persons with mobility issues, ensuring access to the premises for persons with disabilities or the elderly. One should bear in mind the provisions of the Act of 5 January 2011 – Electoral Code (Dz.U.2025, item 365), according to which Consuls are not subject to the obligation referred to in Article 186§1 EC, which obliges the adaptation of at least half of the polling stations in a commune to the needs of voters with disabilities, nor to many other provisions of EC concerning the provision of facilitations in voting for persons with disabilities. Despite the lack of such an obligation – which is related to the specific nature in which consuls function, i.e., the conditions of the receiving state, which do not always provide the possibility to find appropriate infrastructure – consuls make efforts to ensure that many premises are accessible to persons with limited mobility. It should be noted that EC allows a voter with a disability to be assisted by another person at their request, excluding members of election commissions and trusted representatives (Article 53 EC).

249. In 2025, every Polish citizen staying abroad possessing the active right to vote and a valid identity document – a passport or an ID card – had the right and possibility to register in the detailed lists of voters compiled by the Consuls of Poland. To this end, the eWybory application was made available to voters for registration in the lists of voters in polling districts abroad. The possibility of submitting an online application to be added to the list of

voters was also available for persons with disabilities. The eWybory application featured a registration form in the WCAG standard. Every voter was ensured access to information about the elections. They could consult this on the websites of Polish diplomatic missions and consular posts or on the website of the Ministry of Foreign Affairs (MFA), at the consular office, or by telephone. Information and reminders about deadlines were also posted in social media. In consulates in districts inhabited by many Poles, helplines were launched or dedicated telephone numbers were indicated, under which information exclusively regarding elections was provided. Information on the subject of elections was also provided by the Consular Information Centre of MFA.

250. Statistical data obtained within the framework of cyclical statistical reporting of the judiciary for the period 2016–2024, in the scope thematically corresponding to the issues raised in the List of Issues, is presented in Annex No. 22.