

drugs/human trafficking. They faced over six years in prison if their final appeal to the Supreme Court is unsuccessful.<sup>8</sup> At least seven other cases against Maria Ressa remained pending at year end. An order to close Rappler remained under appeal.

In August, activist and former vice-presidential candidate, Walden Bello, was arrested on charges of cyber libel filed by the former public information officer for Vice President Sara Duterte. A motion by Walden Bello to dismiss the charges, which related to comments linking the officer to drugs but which were widely regarded as aimed at silencing an opposition voice, was pending at year end.

## INDIGENOUS PEOPLES' RIGHTS

In April, security guards for a private plantation firm fired shots injuring at least five people during a visit by a presidential candidate to meet with leaders of the Manobo-Pulangi community in Bukidnon province.

In September, the community called on the government to investigate the shooting, legally recognize their ancestral land claims and put an end to land encroachment by private companies that has displaced the community.<sup>9</sup>

## FAILURE TO TACKLE CLIMATE CRISIS

President Marcos Jr. committed to tackle climate change on taking office. However, budget cuts, including to the national Climate Change Commission, and a push towards the use of nuclear and fossil fuels raised concerns among environmental groups about whether adaptation plans and commitments to increase the use of renewable energy sources would be met.

1. "Philippines: Justice another step closer as ICC Prosecutor requests to resume investigation in Philippines", 24 June
2. "Philippines: Decision to not rejoin the ICC statute will not prevent investigation", 10 August
3. "Philippines: Lack of action by the UN Human Rights Council risks abandoning victims of human rights abuses", 15 September
4. "Philippines: Investigate killing of activists and address violence in Negros province", 6 December

5. "Philippines: Torture survivor faces third arrest: Adora Faye de Vera", 18 October
6. "Philippines: Immediately end arbitrary detention of Senator de Lima, guarantee safety of witnesses, and investigate serious allegations of coercion", 6 May
7. "Philippines: Radio journalist killing bears 'hallmarks of extrajudicial execution'", 4 October
8. "Philippines: Media repression worsens as court affirms cyber libel conviction against Maria Ressa", 8 July
9. "Philippines: Driven from their ancestral land, the Manobo-Pulangi community struggles to survive by the side of a road", 30 September

# POLAND

## Republic of Poland

Head of state: **Andrzej Duda**

Head of government: **Mateusz Morawiecki**

**Access to abortion was further limited.**

**Criminal charges were used to curtail freedom of expression. The authorities continued to erode the independence of the judiciary. Freedom of peaceful assembly was restricted. Violations of LGBTI rights persisted. Positive moves were made to accommodate between 1 and 2 million refugees from Ukraine, although official hostility continued towards refugees and migrants who arrived since 2021 via Belarus.**

## SEXUAL AND REPRODUCTIVE RIGHTS

A Constitutional Tribunal ruling that abortion on the grounds of serious fetal impairment was unconstitutional entered into force in January and further limited access to abortion. In April, UN experts again urged the authorities to decriminalize abortion.

The family of a pregnant woman called for an investigation into the role the denial of abortion services may have played in her death; the case led to protests in October and November calling for justice and reforms. In June, the European Court of Human Rights (ECtHR) formally requested a response from Poland on a further five cases regarding denial of access to abortion services.

In July, the government published data indicating that only 107 abortions were provided by hospitals in 2021, a drastic drop

from 1,076 the year before. However, in October, the organization Abortion Without Borders published data showing that in the 12 months since October 2021 they had supported 44,000 people, including 1,515 women fleeing the war in Ukraine, to access abortion services.

## HUMAN RIGHTS DEFENDERS

In April, the trial began of human rights defender Justyna Wydrzyńska, charged under draconian and discriminatory laws for providing information to and supporting a pregnant woman who needed a safe abortion.<sup>1</sup> Also in April, UN experts called on the authorities to drop all charges against her and to cease targeting human rights defenders, in particular those who advocate against the country's restrictive abortion law.

## UNFAIR TRIALS

During the year, the government continued to target judges and prosecutors who raised concerns over reforms to the judiciary. Two judges remained suspended by the Disciplinary Chamber. One of them, Piotr Gąciarek, was not allowed to work despite the ruling restoring his full judicial rights. Numerous disciplinary proceedings were pending against other independent judges, some of them suspended for applying rulings of the ECtHR and the EU Court of Justice.

International concern over the erosion of judicial independence continued. In February, the ECtHR ruled that changes to the procedure for appointing judges to the Civil Chamber of the Supreme Court meant that body could no longer be regarded as an independent and impartial court. In October, the ECtHR ruled in the case *Juszczyszyn v. Poland* that the suspension of Judge Paweł Juszczyszyn by the Disciplinary Chamber of the Supreme Court violated his rights to a fair trial and a private life.

## FREEDOM OF ASSEMBLY

In March, several NGOs, including CIVICUS, criticized the continued practice by the government and its supporters of using so-

called "cyclical assemblies", defined as those organized on a regular basis, to impede lawful and peaceful counter protests being held at the same place and time. In October, a "cyclical assembly" was used by members of the ruling Law and Justice party to prevent counter protests during a monthly commemoration in the city of Kraków of the Smolensk plane crash which killed a former president.

## LGBTI PEOPLE'S RIGHTS

By the end of the year, 79 Polish administrative units still declared themselves so-called "LGBT-free zones", although many others were forced to withdraw a similar resolution as a result of pressure from civil society and the European Commission.

LGBTI rights defenders faced ongoing criminal and civil proceedings. Some, like activists from the interactive map Atlas of Hatred, were subjected to Strategic Lawsuits Against Public Participation (SLAPPs).<sup>2</sup>

In January, during court proceedings brought by one activist who had been arbitrarily detained for 24 hours after the so-called Rainbow Night protest in 2020, the police officer who arrested him admitted: "We were instructed to stop all persons displaying the colours of LGBT, regardless of how they behaved."

In March, the District Court in Gdańsk ruled in favour of the NGO Tolerado in a private criminal case challenging the use of vehicles known as "homophobuses", which were driven around Polish cities carrying homophobic slogans and banners.

## REFUGEES' AND MIGRANTS' RIGHTS

In February, a rapid relief effort was organized at the border and through the generosity of civil society and willingness of the authorities, Poland received over 7 million people fleeing Ukraine after Russia's attack. In July, the UN Special Rapporteur on the human rights of migrants praised the response and recommended that the Polish authorities ensure the sustainability of the support provided to Ukrainian refugees, given the strain of such a sudden and large influx

of people needing access to housing, healthcare and education. At the end of the year some 1 to 2 million were still residing in Poland and there were concerns about access to education for Ukrainian children, given language challenges, among other issues.

Such treatment contrasted starkly with the treatment of refugees and migrants reaching the country via the Belarusian border since July 2021, who continued to face official hostility. Border guards used violence and unlawful force to compel people to leave Polish territory back into the hands of Belarusian officials who subjected them to further serious abuses.

Most of those seeking asylum were detained by the Polish authorities in overcrowded and inadequate facilities, without access to fair asylum proceedings, and subjected to abusive treatment by guards. Many were forcibly returned to their countries of origin; some were sedated by officials in order to compel them to travel.<sup>3</sup> In March five activists were arrested and charged with “assisting illegal entry” for providing humanitarian assistance to a group of people, including children, stranded in a forest on the Polish/Belarusian border; they were struggling to survive with no water, food, shelter or access to medical assistance.

State financial support for those hosting refugees also lasted only 120 days. The Assistance Law for refugees from Ukraine which facilitates, among other things, access to the labour market and healthcare, was not applied equally to all those fleeing the conflict. The UN Special Rapporteur noted a “double standards approach” to third country nationals not covered by this framework.

Specific concerns were also expressed by NGOs about the discriminatory treatment by officials of Roma refugees from Ukraine.<sup>4</sup> Racism and attacks on non-Ukrainian citizens also occurred.<sup>5</sup>

## RIGHT TO PRIVACY

Amnesty International revealed that Pegasus spyware from the surveillance company NSO Group had been used against the chief of

staff of the largest opposition party during parliamentary elections, as well as against several other members of the opposition and their staff.<sup>6</sup> The authorities refused to initiate any additional investigations until September, when a court ordered an investigation into the use of spyware against a prosecutor.

## GENDER-BASED VIOLENCE

In August, the Ministry of Justice proposed further law reforms regarding protection orders for survivors of domestic violence, moving towards compliance with requirements under the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). However, no reforms were made to define rape on the basis of an absence of consent or to recognize economic violence, in line with obligations under the Convention.

## TORTURE AND OTHER ILL-TREATMENT

In October, it was revealed that the Prosecutor’s Office had discontinued the investigation against the former director of the secret service, Zbigniew Siemiątkowski, regarding the secret CIA prison facility in Stare Kiejkuty. The decision had been taken in 2020 but not previously been made public.

- 
1. [“Poland: Charges against activist accused of aiding an abortion must be dropped”, 7 April](#)
  2. [Poland: “They Treated Us Like Criminals”: From Shrinking Space to Harassment of LGBTI Activists, 20 July](#)
  3. [“Poland: Cruelty not compassion, at Europe’s other borders”, 11 April](#)
  4. [“Poland: ‘We came here, they didn’t want to let us in’: Roma from Ukraine treated as unwanted refugees”, 27 September \(Polish only\)](#)
  5. [“Poland: Authorities must act to protect people fleeing Ukraine from further suffering”, 22 March](#)
  6. [“Poland: The use of the Pegasus software to spy on politicians is a threat to civil society”, 7 January \(Polish only\)](#)