

# The State of the World's Human Rights; Poland 2024

The new government passed legislation further endangering the rights of refugees and migrants at the Polish-Belarusian border. Reproductive rights, in particular greater access to abortion and the decriminalization of aiding an abortion, remained a topic of political debate but there were no changes to the law. LGBTI people continued to face discrimination. The European Court of Human Rights found Poland had violated the right to privacy in its use of Pegasus spyware. The Supreme Court upheld the acquittal of three activists charged with “offending religious beliefs”. Parliament adopted a consent-based definition of rape. A significant proportion of the population lived in substandard or overcrowded conditions. The government took no steps to phase out reliance on fossil fuels in the short term.

## Background

By year’s end, after one year in power, the new government had not made significant progress on campaign promises to improve Poland’s respect for the rule of law, reproductive rights and the rights of refugees, migrants and LGBTI people. Despite attempts to restore the rule of law, previously compromised institutions – such as the Constitutional Tribunal, the National Council of the Judiciary and the Professional Liability Chamber of the Supreme Court – remained unchanged.

## Refugees’ and migrants’ rights

Concerns continued about violations of the rights of refugees and migrants at the Polish-Belarusian border. In October the government announced a new strategy for migration and proposed a bill that would allow the Ministry of Internal Affairs to “temporarily suspend” the recognition of asylum applications in a given area when deemed necessary because of security concerns. The proposals could endanger the rights of people seeking safety.<sup>1</sup>

In June the government declared a “buffer zone” around the border with Belarus. It also curtailed the ability of journalists and civil society to monitor and report on the situation there, including on potential violations of human rights by Polish border guards and officials.

Also in June, civil society organizations expressed concern about an amendment to the Criminal Code that, among other things, legalized the use of firearms for law enforcement officers at the border in violation of existing laws governing the use of deadly force.<sup>2</sup> This amendment could increase the risk of refugees and migrants being subjected to potentially lethal force by law enforcement officials and weaken accountability for the actions of police and border guards.

Several human rights defenders were acquitted of criminal charges relating to rendering humanitarian, often life-saving, assistance to refugees and migrants, although at least one such case continued.

## Sexual and reproductive rights

Abortion remained criminalized, except when the health or the life of the pregnant person was at risk or when the pregnancy was the result of rape or incest. Thousands of people in need of an abortion were compelled to seek care abroad, while others had to depend on the help of civil society organizations. Women human rights defenders were persecuted for supporting women in need of

safe abortion and several criminal cases were filed against family members and activists charged with providing such assistance. Four draft bills broadening access to abortion or decriminalizing abortion were presented to parliament but none had passed by the end of the year. Both the Ministry of Health and the Office of the Prosecutor General also issued guidelines that were supposed to ease access to legal abortion, but these made no significant change. The Ministry of Health guidelines were heavily criticized by the Supreme Doctors' Council for shifting the responsibility to doctors and putting them at risk of liability for their decisions.

## **LGBTI people's rights**

Out of 105 homophobic local government resolutions passed since 2019 setting up what were known as "LGBTI-free zones", only five remained in place by the end of the year. However, LGBTI people continued to face discrimination and violence, as did those working to defend and promote their rights. The UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern about the absence of comprehensive anti-discrimination legislation and that legislation on hate crimes and incitement to hatred did not specifically mention sexual orientation and/or gender identity.

In 2023, in the case of *Przybyszewska and others v. Poland*, the European Court of Human Rights had directed Poland to introduce a form of legal recognition of same-sex couples. A bill aiming to recognize same-sex civil unions was introduced into parliament in October, but had not passed by year's end.

## **Right to privacy**

In May, in the case of *Pietrzak and Bychawska-Siniarska and Others v. Poland*, the European Court of Human Rights ruled that the government had violated the right to privacy through "secret surveillance". The case related to the use of Pegasus spyware targeting mostly opposition-affiliated politicians. The court also criticized the lack of oversight mechanisms for surveillance operations, the unlimited access by national authorities to telecommunications data and the lack of safeguards.

## **Freedom of expression**

In March the Supreme Court upheld the decision of a lower court that had acquitted three activists charged in 2019 with "offending religious beliefs" for possessing and distributing posters and stickers depicting the Virgin Mary with an LGBTI rainbow halo. The Prosecutor's Office had sought to challenge their acquittal.

## **Gender-based violence**

In June, parliament adopted a consent-based definition of rape, to enter into force in February 2025, which brought the law in line with human rights standards. However, there were concerns that the new law might not provide adequate protection for people with disabilities including those with intellectual disabilities.

## **Economic and social rights**

Poland had still not accepted any of the UN mechanisms allowing complaints of alleged violations of social, economic, and cultural rights to be lodged at the international level.

## **Right to housing**

The CESCR expressed concern that a shortage of affordable housing had resulted in a significant proportion of the population living in substandard or overcrowded conditions. It recommended “prioritizing funding for the construction of new and affordable housing units and renovating and modernizing substandard housing”. The committee also recommended that Poland “strengthen oversight and enforcement mechanisms to prevent exploitation by landlords and reduce the risk of homelessness”.

## **Freedom of peaceful assembly**

In May a court acquitted Joanna Wolska, an activist of the Women’s Strike organization, of alleged breaches relating to the way a protest concerning abortion was conducted.

In July, activists from the Last Generation group glued themselves to a street in the capital, Warsaw, to protest against climate change. They reported that the police failed to intervene to protect them when they were attacked by some drivers.

## **Right to a healthy environment**

Poland was given a “low” rating by the Climate Change Performance Index for its climate policies, energy use and greenhouse gas emissions. The government took no steps to phase out reliance on fossil fuels in the short term. In September, severe flooding, particularly in the south-west, resulted in seven deaths. The World Weather Attribution initiative reported that the flooding was made more likely by human-induced climate change.

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