

2024 Country Reports on Human Rights Practices: Poland

EXECUTIVE SUMMARY

The government of Poland increased the independence of public media. Civil society reported the government decreased or ceased some legal proceedings allegedly used to harass individuals expressing critical opinions.

Significant human rights issues included credible reports of crimes motivated by antisemitism.

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

Section 1.

Life

a. Extrajudicial Killings

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

b. Coercion in Population Control

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

Section 2.

Liberty

a. Freedom of the Press

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

The law prohibited hate speech, including the dissemination of antisemitic literature, the public promotion of fascism, communism, or other totalitarian systems, and the intentional offense of religious feelings. Public insult laws could be used to restrict the ability of individuals to criticize the government or to discuss matters of public interest. According to the Helsinki Foundation for

Human Rights, the government did not use these laws generally, including against civil society, minority groups, and media. The organization further reported several cases using public insult laws, which were initiated under the previous government, were dropped or withdrawn, but several cases remained pending before the courts.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Laws regulating broadcasting and media prohibited, under penalty of fines, license revocation, or other authorized sanctions, the promotion of activities endangering health or safety, or the promotion of views contrary to law, morality, or the common good. The law also required that all broadcasts “respect the religious feelings of the audiences and, in particular, respect the Christian system of values.” The government stated it increased the independence of public media through reforms, which the opposition stated were not carried out in line with democratic standards.

During the year, the National Broadcasting Council (NBC) imposed fines or initiated proceedings against private media outlets in relation to the content of their broadcast.

On March 6, the NBC announced it imposed a 550,000 zloty fine (\$136,000) on privately owned television station TVN24 for its March 2023 broadcast of a documentary that alleged Karol Wojtyła covered up instances of pedophilia prior to becoming Pope John Paul II, arguing the documentary violated the broadcasting law. On the same day, TVN24 editors issued a statement claiming the council’s decision affected media freedom and was an attempt to introduce censorship.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the rights of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination and provided legal measures under which workers fired for union activity might demand reinstatement. Individuals who were self-employed or in an employment relationship based on a civil law contract were permitted to form a union.

According to trade unions, the government did not effectively enforce applicable laws. The penalties for violations of freedom of association and collective bargaining, and the right to strike were less than those for analogous violations such as the denial of civil rights and were rarely applied against the violators. Resources, inspections, and remediation efforts were not adequate, and according to trade unions, the penalties allowed by law were too small to deter future violations. Administrative and judicial procedures were subjected to lengthy delays and appeals. Government workers, including police officers, border guards, prison guards, and employees of the Supreme Audit Office, were limited to a single union.

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

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

Trade union representatives stated violations of freedom of association and the right to collective bargaining occurred. While many workers exercised the right to organize and join unions, some companies discriminated against those who attempted to organize. Union discrimination typically

took the forms of intimidation, attempts to challenge the legality of trade union activity, or termination of work contracts without notice or without a justified reason.

Forced or Compulsory Labor

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

Acceptable Work Conditions

Wage and Hour Laws

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

According to trade union representatives, the most common labor rights violations concerned failure to pay for overtime work. According to the *2023 National Labor Inspectorate's Annual Report*, most of the complaints filed with the National Labor Inspectorate (NLI) during 2023 concerned failure to pay wages, delayed payment of wages, problems with employment contracts, and time keeping of hours worked. According to the report, most wage payment violations occurred in trade and repair services as well as in industrial processing industries, construction, and transport and storage services. Seasonal and migrant workers were particularly vulnerable to such violations.

Occupational Safety and Health

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

Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. According to the NLI 2023 annual report, the majority of work-related accidents took place in industrial processing, construction, and trade and repairs.

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

Wage, Hour, and OSH Enforcement

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

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

Workers in the informal sector were not covered by wage, hour, and occupational safety and health laws and inspections. According to a January 31 report by the Main Statistical Office, the informal

workforce constituted approximately 2 percent (342,000) of the total workforce in the country in 2022, 61 percent lower than in 2017 when its last study was conducted. According to the report, the highest level of informality occurred in construction and plumbing repairs and renovations (18.7 percent), followed gardening and agricultural work (14.9 percent) and transportation services (6.4 percent).

c. Disappearance and Abduction

Disappearance

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

Prolonged Detention without Charges

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements. According to the Helsinki Foundation and the nongovernmental organization (NGO) Court Watch, there was a small decrease in the use of pretrial detention in the first nine months of the year.

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Section 3.

Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

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

On September 16, the Warsaw-Mokotow Regional Prosecutor's Office initiated an investigation into the treatment of Roman Catholic priest Michal Olszewski, who alleged public officials used psychological violence and degrading and inhuman treatment against him during his arrest and detention. The investigation followed a March 28 decision to place Olszewski in pretrial detention

in relation to an investigation of his alleged involvement in the irregular use of government funds. In July, Prime Minister Donald Tusk announced the prosecutor general would investigate the matter and called Olszewski's letter alleging abuse "absurd allegations of the use of torture." The prison service and Internal Security Agency denied all allegations of mistreatment. Impunity for such acts was not a significant problem in the security forces.

b. Protection of Children

Child Labor

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

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

Child Marriage

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

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

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

There were allegations the country prevented access to its territory and pushed back to Belarus migrants and asylum seekers from third countries. There were no reports or allegations the country expelled Belarusian citizens seeking asylum back to Belarus or expelled individuals from third countries back to the countries from which they sought asylum.

While EU leaders expressed support for the country's efforts to protect its borders, the EU did not issue a finding on whether the pushbacks of migrants and asylum seekers on the border with Belarus complied with EU law. During the year, the government continued to use 2021 legal changes permitting the Border Guard to push back to Belarus migrants who crossed the border irregularly. Migrants were primarily of African or Middle Eastern descent and were attempting to enter the EU via Belarus, frequently by way of Russia.

The government contended Belarus and Russia deliberately orchestrated irregular migration which constituted a threat to Polish security, and that Belarus provided weapons and training and encouraged migrants to use violence against Polish security services. On October 15, the Council of

Ministers approved a migration strategy for 2025-2030. The strategy addresses several major migration matters, including regulating access to international and domestic protection. The document included a provision for the temporary suspension of access to asylum in the case of a “threat of destabilizing the country by an influx of migrants.” Polish NGOs praised some aspects of the strategy but assessed the proposed temporary suspension of access to asylum violates Polish, European, and international laws and commitments. Implementation of the strategy remained pending at year’s end.

d. Acts of Antisemitism and Antisemitic Incitement

The Union of Jewish Communities estimated the Jewish population at 20,000, while other estimates, including by Chief Rabbi of Poland Michael Schudrich, put the number as high as 40,000. Isolated antisemitic incidents involving desecration of significant property, including Jewish cemeteries, and sometimes involving antisemitic comments on television and social media, continued to occur. Some Jewish organizations expressed concern regarding the physical safety and security of their members. During the year, there were some attacks on Jewish properties and houses of worship. For example, on May 1, a boy, age 16, threw an incendiary device at the Nozyk synagogue in Warsaw, slightly damaging the facade of the building. On May 2, police detained him in cooperation with the Internal Security Agency. President Andrzej Duda condemned the attack on social media and wrote, “There is no place for antisemitism in Poland! There is no place for hatred in Poland!” The Ministry of Foreign Affairs also denounced the incident.

The country was a member of the International Holocaust Remembrance Alliance (IHRA) and endorsed the IHRA Working Definition of Antisemitism in 2021; the cities of Plock, Warsaw, and Wroclaw also adopted the working definition. The National Police continued to implement the 2022-2025 action plan against hate speech and hate crimes based on nationality, ethnicity, race, and religion as well as the promotion of fascism and other totalitarian ideologies, which used the IHRA working definition. Throughout the year, multiple members of the government expressed support for Holocaust education, remembrance, and commemoration and publicly spoke against antisemitism. The country was among the first tranche of countries to endorse the *Global Guidelines for Countering Antisemitism*.

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