

POLAND 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Poland is a republic with a multiparty democracy. The bicameral parliament consists of an upper house (Senate) and a powerful lower house (Sejm). The president and the Council of Ministers headed by the prime minister share executive power. The Organization for Security and Cooperation in Europe found the July 2020 presidential election was administered professionally despite legal uncertainty during the electoral process due to the outbreak of the COVID-19 pandemic and the rescheduling of the election to a later date. The Organization for Security and Cooperation in Europe noted that there was overall confidence in the administration of the October 2019 parliamentary election.

The police force is a national law enforcement body with regional and municipal units overseen by the Ministry of Interior and Administration. The Border Guard is responsible for border security and combating irregular migration; it reports to the Ministry of Interior and Administration. The Internal Security Agency has responsibility for investigating and combating organized crime, terrorist threats, and proliferation of weapons of mass destruction. The Central Anticorruption Bureau is responsible for combating government, business, and financial corruption and may investigate any matter involving public funds. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

In response to the extraordinary inflow of refugees from Ukraine, on March 12, President Andrzej Duda signed a law on assistance to Ukrainian citizens in connection with armed conflict, a significant step to ensure their rights and access to services were protected in Poland. The new regulations entered into force the same day and were retroactively applied from February 24. The law guaranteed the legality of stay for Ukrainian citizens for up to 18 months, as well as spouses without Ukrainian citizenship, who had entered Poland from Ukraine since the beginning of the Russian invasion. Children born in Poland to Ukrainian women who fled the war were also granted legal status. Poland has been the largest refugee host since the Ukraine crisis began in February; in the first few months of

the war more than four million persons crossed into Poland from Ukraine. As of the end of December there were over eight million border crossings from Ukraine into Poland. More than 1.5 million refugees from Ukraine registered with the government in Poland for temporary protection and access to government-provided services. UNHCR commended the Polish government's response and quick, decisive actions to protect refugees from Ukraine.

Significant human rights issues included credible reports of: problems with the independence of the judiciary; restrictions on freedom of expression including criminal defamation and offending religious sentiment laws; reports of mistreatment of irregular migrants from third countries; substantial barriers to accessing sexual and reproductive health services; crimes involving violence or threats of violence targeting members of ethnic minorities, and crimes motivated by antisemitism.

The government took steps to investigate, prosecute, and punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person

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

According to the Helsinki Foundation for Human Rights, there were fewer reports than previous years that the government or its agents committed arbitrary or unlawful killings. Media reported one case.

On September 12, a man died during a police intervention in a grocery store in the town of Radymno. The intervention was the result of a telephone report that the man was aggressive and may have been carrying dangerous objects. According to witnesses, during the intervention, police knocked him down and choked him until he lost consciousness. Police who participated in the intervention were suspended, and the prosecutor's office initiated an investigation into the case. The investigation is ongoing.

b. Disappearance

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

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

The constitution and law prohibit such practices, and there were no credible reports that government officials employed them. The law lacks a clear legal definition of torture, but all actions that could be considered torture are prohibited under the law and prosecuted, consistent with the country's obligations under international treaties and conventions prohibiting torture. The law outlines disciplinary actions for police, including reprimand, demotion in rank, and dismissal. According to the Helsinki Foundation for Human Rights, there was a concern over cruel, inhuman, or degrading treatment or punishment of persons taken into police custody. The foundation indicated police may lack sufficient knowledge of proper techniques to use against persons under the influence of drugs or other intoxicants, which may lead to excessive use of force against detainees.

On August 31, the Nowy Dwor Mazowiecki prosecutor's office opened an investigation into an alleged case of abuse of powers and causing bodily harm by two police officers during a police intervention in Warsaw. In late July, the officers intervened in a case of a man who allegedly drank alcohol in a public place. A video recording of the intervention showed one of the police officers brutally kicking the man. Both police officers were suspended from their duties.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

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

Administration: Authorities investigated credible allegations of inhuman conditions and made their findings publicly accessible. According to prison authorities, during the COVID-19 pandemic, some prisons reduced access to in-person religious services for prisoners, although access to virtual or broadcast

services of their choice was generally retained.

Independent Monitoring: The government allowed on a regular basis independent monitoring of prison conditions and detention centers by local human rights groups and the National Labor Inspectorate. Prison authorities limited access to prisons during the COVID-19 pandemic due to sanitary restrictions, making visits less frequent than in previous years. Some visits took place virtually. Helsinki Foundation for Human Rights reported visits returned to normal towards the end of the year as COVID-19 restrictions ended.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The constitution and law require authorities to obtain a court warrant based on evidence to make an arrest, and authorities generally complied with the law. The constitution and law allow detention of a person for 48 hours before authorities must file charges and an additional 24 hours for the court to decide whether to order pretrial detention. The law allows authorities to hold terrorism suspects without charges for up to 14 days. The law sets a five-day limit for holding a juvenile in a police establishment for children if the juvenile escaped from a shelter or an educational or correctional facility. It allows police to hold for up to 24 hours in a police establishment a juvenile who is being transferred to a shelter or an educational or correctional facility, in the case of a “justified interruption of convoy.” These rights were respected.

The law provides that police should immediately notify a detained person of the reasons for his or her detention and of his or her rights. Usually, this information is initially delivered orally; later, at the police station, the detainee signs a statement that he or she has been advised of his or her rights and duties. Police give the detained person a copy of the report on his or her detention. Authorities generally respected these rights. According to the Helsinki Foundation for Human Rights, detained persons often were given several sheets of paper in small print and

asked to sign a statement; in the Foundation's opinion, this practice meant detained persons often were not informed of their rights in an effective way. Only a court may order pretrial detention.

There was a functioning bail system, and authorities released some detainees on bail. The law states defendants and detainees have the right to consult an attorney at any time. According to the Helsinki Foundation for Human Rights, in practice most persons detained do not have access to legal assistance from the moment of apprehension. The Helsinki Foundation for Human Rights argued the binding legal regulations do not guarantee prompt and free contact with a lawyer immediately after arrest. The government provided free counsel to indigent defendants at the judicial stage of proceedings.

Pretrial Detention: According to the Helsinki Foundation for Human Rights and Court Watch Poland, lengthy pretrial detention is a problem in the country. Experts noted it continued to be used as the default preventive measure, and judges often deferred to prosecutors' motions to place detainees in pretrial detention without considering the use of other preventive measures such as bail, passport seizure, or police supervision.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, although the government continued to implement judiciary-related measures that drew strong criticism from the European Commission, some legal experts, nongovernmental organizations (NGOs), and international organizations. The government argued reforms were necessary to improve efficiency in the judicial system and accountability. Some legal experts and human rights groups expressed concern that the government's ability to transfer judges without their consent could be used to punish or deter certain rulings and erode judicial independence. Some legal experts and human rights groups expressed concern that the same individual held the position of minister of justice and prosecutor general, allowing that individual to have authority for personnel matters for both judges and prosecutors. Legal experts and NGOs criticized this structure for insufficient protections from political influence over criminal cases.

The government attempted to address European Commission concerns through new legislation. On July 15, a revised law on the Supreme Court abolishing the Disciplinary Chamber and establishing a Professional Liability Chamber entered into force. The judges from the abolished chamber either joined one of the Court's other chambers or retired. The new Professional Liability Chamber is composed of 11 judges elected by the president out of a list of 33 judges drawn from the Supreme Court. Some legal experts and human rights groups expressed concern that the disciplinary system for judges still undermined judicial independence, despite reforms to the chamber implemented in July. The European Commission stated judges suspended by the dismantled Disciplinary Chamber should be provided with a mechanism to review the suspensions and that the country still should reform disciplinary regulations for changes to narrow the scope of potential disciplinary offenses related to judges' rulings.

According to the EU Justice Scoreboard published in May, during the year only 24 percent of respondents perceived that the judiciary is independent.

Trial Procedures

The constitution and law provide for the right to a fair and public trial and the judiciary generally respected this right. Defendants enjoy a presumption of innocence and the right to a prompt and detailed notification of the charges against them throughout the judicial process, with free interpretation for defendants who do not speak Polish. They have the right to a fair and public trial without undue delay and the right to be present at their trial. In practice, civil society observers noted concern regarding the growing delays in court proceedings, infringing on the right to a timely trial. Delays were attributed to several factors, including the government's judicial reforms, which they said increased judicial vacancies and lowered morale among judges, and a lack of sufficient alternative dispute mechanisms to handle simple cases. According to the current EU Justice Scoreboard, wait times for cases to be resolved by the first instance court in 2020, the year of the most recently available data, generally increased.

Trials are usually public, although the courts reserve the right to close a trial in some circumstances, including divorce proceedings, cases involving state secrets, and cases whose content may offend public morality. Since May 16, when the

government announced the end of the COVID-19 pandemic in the country, courts have gradually returned to allowing audiences to participate in court hearings.

The 2021 revision to the civil proceedings code, according to Court Watch Poland, limited public access to court hearings. Under the revised legislation, judges may arbitrarily decide to hold civil hearings in camera, i.e., in private. Neither journalists nor persons asked for support by the parties to the dispute nor civil society groups monitoring the work of the courts would be able to participate in such hearings. Defendants have the right to legal representation, and indigent defendants may consult an attorney provided without cost. The government must provide defendants and their attorneys adequate time and facilities to prepare a defense. Defendants may confront and question witnesses and present witnesses and evidence on their own behalf. Prosecutors may grant witnesses anonymity if they express fear of retribution from defendants. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations. The government's implementation of court orders, particularly for payment of damages, remained slow and cumbersome.

After they exhaust remedies available in the domestic courts, persons have the right to appeal court decisions involving alleged government violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR).

Property Seizure and Restitution

The government has laws or mechanisms in place, but NGOs and advocacy groups reported that the government did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. The law provides for restitution of communal property, such as synagogues and cemeteries, seized under

Nazi occupation or during the Communist era, but the process proceeded slowly. Heirless property reverts to the state.

No comprehensive law addresses the return of, or compensation for, private property. The 2021 revision to the Code of Administrative Procedure significantly restricted the ability of individuals to seek the return of private property seized under Nazi occupation or during the Communist era. The law made it impossible to challenge any administrative decision issued more than 30 years ago and ended any pending administrative challenges to those decisions. The legislation limited the primary process by which claimants can seek restitution or compensation for expropriated property, according to NGOs and lawyers specializing in the matter. More information about Holocaust era property restitution or compensation can be found in the Department of State's 2020 Justice for Uncompensated Survivors Today (JUST) Act report to Congress, available on the Department's website at <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution and law prohibit such actions but allow electronic surveillance with judicial review for crime prevention and investigation, and there were no new reports that the government failed to respect those prohibitions.

A case alleging the government accessed, collected, or used private communications arbitrarily and employed technology including spyware is ongoing. In December 2021, the Associated Press, citing findings from a Canadian research institution named Citizen Lab, reported that the Pegasus spyware system had been used to hack three individuals' mobile phones in the country at various points beginning in 2019. The information was independently confirmed by Amnesty International. The reports stated targets were an opposition politician and two lawyers strongly critical of the Law and Justice (PiS) government. Other reports noted that some PiS officials may also have been targeted. In January media reported that PiS Chairman and then Deputy Prime Minister Jaroslaw Kaczynski acknowledged "Polish services" bought Pegasus spyware from Israeli surveillance software maker NSO Group. In an interview published on January 10, Kaczynski said it was normal for authorities to use such software to monitor

criminal groups and investigate corruption. Kaczynski denied Pegasus was being used to target political opponents and denied his party used the surveillance software or any information that may have been obtained from it in the 2019 elections.

Section 2. Respect for Civil Liberties

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

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Freedom of Expression: The law prohibits 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.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Experts reported concern that state-controlled energy company PKN Orlen's March 2021 purchase of regional publishing house Polska Press, which owned most of the country's regional newspapers, would unduly influence the editorial policies of regional media. On June 7, the Warsaw District Court for Competition and Consumer Protection rejected a human rights ombudsperson's complaint regarding the decision of the Office of Competition and Consumer Protection, which allowed PKN Orlen to acquire and control privately held Polska Press. The court's decision followed the March 2021 request to the court by a former human rights ombudsperson to halt the takeover. The court ruled that the free market should decide whether consumers would or would not continue to read Polska Press. The ombudsperson did not appeal the Court's ruling.

On April 27, the Warsaw Provincial Administrative Court ruled in favor of TVN Discovery Group, determining there was an inaction of the National Broadcasting

Council (NBC) that had the character of gross violation of the law. The court ordered the Council's Chair to pay the amount of 597 zloty (\$120) as a reimbursement of the costs of the court proceedings. The ruling refers to an October 2021 complaint filed by the TVN Discovery Group with the Warsaw Provincial Administrative Court regarding the excessive length of the NBC's proceedings to approve an extension of news channel TVN24's broadcast license. The proceedings to extend the license continued more than 19 months, with approval granted four days before TVN24's license was to expire. The Code of Administrative Procedure obliges the NBC to issue a decision "immediately," and within 60 days in particularly complicated cases. On July 22, the Chair of the National Broadcasting Council appealed the Provincial Administrative Court's decision, which was pending at the end of the year.

On July 1, the Minister of Internal Affairs and Administration lifted the temporary stay ban in 183 towns in the border area of Podlaskie and Lubelskie provinces. The stay was introduced in September 2021 in response to an extraordinary increase of forced irregular border crossings by third-country migrants from Belarus. The December 2021 law on the protection of state borders, which allowed limited media access to the border zone, remains in force. Under the rules, media representatives were permitted to visit the Poland-Belarus border with permits issued by the commander of the relevant border guard post. The visits took place in an organized format and under the care of border guard officers. Some journalists criticized the restricted nature of the visits.

Violence and Harassment: There were reports that journalists were subjected to violence, harassment, or intimidation by authorities due to their reporting. On January 18, the Supreme Court acquitted three journalists who entered the state of emergency zone near the Poland-Belarus border in September 2021. The court determined that the provisions on the state of emergency resulted in disproportionate interference with the freedom of movement and a choice of place of stay, which led to a violation of the constitution. The court also stated the government provisions on the state of emergency violated constitutionally guaranteed freedom of the media, as journalists were not included in the numerous exceptions to the ban on entering the zone under the state of emergency. Journalists have the right to be present in places where events important for the

community are taking place, according to the ruling.

The court's ruling referred to the case from September 2021, when police detained two reporters working for the French-German television station ARTE and a journalist working for Agence France-Presse, all of whom claimed they mistakenly entered the area covered by the state of emergency near the Poland-Belarus border. Police seized their computers and mobile phones and detained them overnight.

According to the Committee to Protect Journalists (CPJ), in November 2021, police detained and allegedly violated the rights of at least seven journalists attempting to cover the situation at the border. For example, according to CPJ, in November 2021, near the village of Wiejki (located outside of the emergency zone) a group of soldiers detained for an hour and searched a car carrying journalists Maciej Nabrdalik, Maciej Moskwa, and Martin Divisek. On February 7, the Bialystok-North Local Prosecutor's Office refused to open an investigation into the soldiers' conduct, arguing the soldiers' behavior did not constitute an offense. On August 11, the Military District Court in Warsaw overturned the prosecutor's decision, arguing the prosecutor's decision came too early and the circumstances of the case have not been sufficiently clarified.

On April 8, the Zielona Gora prosecutor's office discontinued an investigation into *Gazeta Wyborcza* journalist who was suspected of sending criminal threats to a member of parliament from the governing party. According to *Gazeta Wyborcza*, the journalist was ordered to hand over his work laptop, which contained material protected by journalistic confidentiality. Police also seized the journalist's other laptops and his mobile phone. On June 10, the Zielona Gora local court rejected the journalist's complaint over the seizure of his laptop, determining that police action was legal.

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: Laws regulating broadcasting and media prohibit, 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 requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values." Critics alleged persistent progovernment

bias in state-owned television news broadcasts.

Libel/Slander Laws: Defamation by print and broadcast journalists is a criminal offense punishable by up to a one-year prison term. Defamation outside media is punishable by a fine and community service. In addition to defamation laws, laws cover public insult or slander of the president, members of parliament, government ministers and other public officials, the nation, foreign heads of state and ambassadors, and private entities and persons, as well as insult or destruction of the national emblem, the flag, other state symbols, monuments, and sites that commemorate historical events or persons. The criminal code also criminalizes offending religious sentiment by publicly insulting an object of religious worship or a place dedicated to public observance of religious services. Penalties for public insult range from a fine and community service for insulting a monument to up to a three-year prison term for slandering the president, foreign heads of state, the Republic of Poland, and the nation. The courts rarely applied maximum penalties, and persons convicted of defamation and public insult generally faced fines or community service. Even if a court case ended with a conviction without punishment or with a small penalty, the person convicted had an official criminal record, which limited the person's ability to hold public positions or access public funds. According to the Helsinki Foundation for Human Rights, a considerable number of defamation and public insult cases, especially with respect to offending religious sentiment, posed a real risk of limiting freedom of expression and stifling free public debate. According to the Helsinki Foundation for Human Rights, the criminal defamation law has a chilling effect on journalists, especially in local media, because local authorities may use the law against journalists. Media owners, particularly of small local independent newspapers, were aware that potentially large fines could threaten the financial survival of their publications.

According to the Helsinki Foundation for Human Rights and other civil society actors, there was a continuing problem with strategic lawsuits against public participation (SLAPPs), which are used by public institutions and officials, media companies, politicians, and individuals to suppress opposing opinions. The civil society organizations claim the use of SLAPPs created an unfriendly environment for media to operate and had a "chilling effect" on journalists, who may be reluctant to tackle sensitive topics for fear of being prosecuted.

There were slander cases related to the ongoing irregular migration on the Poland-Belarus border that may result in restricted public discussion. For example, on July 21, the Warsaw District Prosecutor's Office indicted Marta Lempart, the leader of Women's Strike, on charges of slandering border guard officers and the military. The indictment refers to two incidents: one from October 2021, when Marta Lempart indicated the border guard officers were "murderers" who "threw children into the forest," and the other one from December 2021, when she referred to the border guard officers and Polish soldiers as "murderers in Polish uniforms."

On September 30, the Warsaw Appeals Court upheld January 10 Warsaw District Court's decision to dismiss a case against Jakub Zulczyk for publicly insulting the president by posting a message on a Facebook account in which he referred to the president as a "moron." The court ruled the criminal provisions referring to insulting the head of the state should not exclude the right to formulate critical, even very harsh assessments, if they serve the public debate. On February 11, the Warsaw District Prosecutor announced they appealed the January 10 judgment of the court, arguing the court's judgment has several flaws and should be struck down.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications or email without appropriate legal authority. The law authorizes the Internal Security Agency to block websites without a prior court order in cases relating to combating, preventing, and prosecuting terrorist crimes; to shut down telecommunications networks when there is a terrorist threat; and to conduct surveillance of foreign nationals for up to three months without a court order.

On August 6, Human Rights Ombudsperson Marcin Wiacek sent a letter to Prime Minister Mateusz Morawiecki highlighting the problem of numerous cases of website blocking during the year. According to the ombudsperson, the process of blocking websites and verifying the legitimacy of blocking remains opaque. The ombudsperson pointed out that while website blocking itself is permissible in certain cases, it should be used only in strictly defined situations and be subject to

strict control to avoid its arbitrary use by authorities. Wiacek reminded the prime minister that the European Court of Human Rights in Strasbourg considers wholesale blocking of websites an “extreme” measure that may infringe on freedom of expression.

The law against defamation and all other public insult laws apply to the internet.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law permits restrictions on public assemblies in situations of elevated terrorist threats. During the year there were no cases of the prohibition of a public assembly due to such a threat, but the government banned all public assemblies in the area covered by the state of emergency near the border with Belarus, which ended in November 2021. During the year the government gradually lifted restrictions on public assemblies related to the COVID-19 pandemic.

c. Freedom of Religion

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

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

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

In-country Movement: The ban on entry to the portions of two provinces near the Belarus border expired on June 30. In November 2021, the Minister of Interior and Administration issued a regulation on a temporary ban on entry to the area in portions of two provinces near the border with Belarus, which prohibited travel to the affected areas by nonresidents, including journalists and civil society representatives. The regulation replaced the state of emergency introduced in September 2021 in response to an extraordinary increase of third-country migrants

being irregularly forced across the Poland-Belarus border as part of what credible media outlets and nongovernmental organizations characterized as a migrant smuggling operation by the Belarus government intended to destabilize the EU.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The Helsinki Foundation for Human Rights and other human rights organizations expressed concern that asylum seekers and other persons of concern on the Poland-Belarus border did not have adequate access to protection and assistance.

In response to the extraordinary inflow of refugees from Ukraine due to Russia's February full-scale invasion, on March 12, President Duda signed a law on assistance to Ukrainian citizens in connection with armed conflict, a significant step to ensure their rights and access to services were protected in Poland. The new regulations entered into force the same day and were retroactively applied from February 24. The law guaranteed the legality of stay for Ukrainian citizens for up to 18 months and provided the same protections for spouses without Ukrainian citizenship who had entered Poland from Ukraine since the beginning of the Russian invasion. Children born in Poland to Ukrainian women who fled the war were also granted legal status. Under the new law, after nine months, those who fled from Ukraine had the right to apply for a temporary residence permit for a period of three years, although amendments approved at the end of the year will remove access to residency. Under the law, Ukrainians acquired the right to work and had free access to healthcare and education. In the first few months of the war, more than four million persons escaped Ukraine into Poland. As of the end of the year the Polish Border Guard reported that 8.8 million individuals had crossed into Poland with more than 1.5 million refugees from Ukraine officially registered in the country for temporary protection and access to government-provided services. UNHCR commended the Polish government's response and quick, decisive actions to protect refugees from Ukraine.

On April 1, PM Mateusz Morawiecki appointed Deputy Interior Minister Pawel

Szefernaker Government Plenipotentiary for War Refugees from Ukraine. The new plenipotentiary is responsible for coordinating activities undertaken by government ministries to assist refugees, as well as for cooperation with local authorities, NGOs, and IOs. On June 22, PM Morawiecki created a minister-level position in his chancellery to upgrade the coordinating role, and appointed Agnieszka Scigaj as minister.

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

According to the Office of Foreigners, 7,400 individuals applied for international protection in the country from January 1 to September 30, approximately 40 percent more than during the same period of 2021. The main countries of origin of applicants were Belarus (2,400); Ukraine (1,500); Russia (1,500); Iraq (600); and Afghanistan (300). The government granted international protection between January 1 and November 30 to 979 persons given refugee status and 1,018 given subsidiary protection.

While EU leaders expressed support for the country's handling of the crisis on the Poland-Belarus border, human rights organizations stated that pushbacks violated international obligations regarding protection of asylum seekers in the country's territory. In September 2021, parliament adopted a revision of the law on foreigners that legalized this practice, and the president signed the bill into law in October 2021. During the year, the government continued to use 2021 legal changes permitting the Border Guard to return to Belarus migrants who crossed the border irregularly. In May, however, the Warsaw Administrative Court ruled that the Border Guard acted illegally when sending a group of Yemenis and Iraqis over the border into Belarus, from where they had previously made an irregular crossing into Poland.

In a press statement issued on July 28, Felipe Gonzales Morales, the UN's special rapporteur on the human rights of migrants, praised Poland for its efforts to protect and integrate Ukrainian refugees. Nonetheless, he also criticized the country for "violating international law" by pushing back large numbers of persons – mostly from the Middle East, Asia, and Africa – seeking to cross the border from Belarus and called for detained children to be moved out of guarded detention centers.

Refoulement: There were allegations that the country expelled back to Belarus individuals seeking asylum from third countries, where they were likely to face abuse, including severe beatings. For example, on September 15, the Bialystok Provincial Administrative Court ruled that the Border Guard violated the law by turning back a group of illegal migrants at the border. The case involved three adults and four children from Iraq who were turned back to the Belarusian border, even though the family had declared their intention to apply for international protection. Before pushing the family to the Belarusian side, the Border Guard failed to investigate whether they would be victims of violence by officers there (which later occurred).

There were no reports or allegations that the country expelled Belarusian citizens seeking asylum back to Belarus or expelled individuals from third countries back to the countries from which they sought asylum.

Abuse of Migrants and Refugees: In February and March, civil society and international organizations reported that non-white refugees fleeing Ukraine may face discrimination in Poland. They noted refugees without Ukrainian passports received a lower level of support and encountered a more difficult situation than Ukrainian citizens. Media reported several racist incidents that occurred near the border at the beginning of the refugee crisis. For example, on March 1, police reported three Indian citizens were attacked by a group of five men in the town of Przemysl near the Polish-Belarus border. One of the victims needed medical assistance. Police were looking for perpetrators. Media, civil society, and international organizations also noted cases of discrimination of Roma Ukrainians at the border. IOM has partnered with the Roma Council on the humanitarian response to address the community's needs.

Many of the problems related to unequal treatment were reportedly related to additional security checks that often happened on the Ukrainian side of the border. Prime Minister Morawiecki's office stated, "Refugees fleeing war-torn Ukraine are entering Poland regardless of their nationality." The Polish Border Guard service reported some third-country nationals could experience delays confirming their identity but argued Poland's policy precluded sending anyone back to a country where there was war.

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

Freedom of Movement: Authorities placed some asylum seekers in guarded centers for foreigners while they awaited deportation or decisions on their asylum applications. Border guards may place an individual in a guarded center only by court order. According to the Legal Intervention Association and human rights ombudsperson's office, courts automatically approved most legal motions of the border guards, resulting in many vulnerable migrants, including families with children, being placed in guarded centers. According to the association, the courts also automatically extended detention beyond the initial three months, which in practice meant many migrants stayed in guarded detention centers for extended periods of time. Children placed in guarded centers did not have access to public education and could participate only in limited educational activities organized on site. The law prohibits the placement of unaccompanied minors younger than 15 in guarded centers. Border guards typically sought to confine foreigners who attempted to cross the border illegally, lacked identity documents, or committed a crime during their stay in the country.

Temporary Protection: On March 3, the EU invoked Temporary Protection Directive to offer quick and effective assistance in European countries to those fleeing Russia's invasion of Ukraine. According to the EU statistical office (Eurostat), as of July 31, Poland had a total of 1.3 million Ukrainians benefitting from temporary protection. The government also provided temporary protection to other individuals who may not qualify as refugees. According to the Ministry of Foreign Affairs statistics, 19,272 Belarusian citizens entered the country under special "humanitarian visas."

f. Status and Treatment of Internally Displaced Persons

Not Applicable.

g. Stateless Persons

According to a UNHCR report on global trends on forced displacement released in June 2020 (the most recent report available), the government's Office for Foreigners officially registered 1,328 stateless persons at the end of 2019. UNHCR reported that because the government did not implement a formal procedure of identifying stateless persons, it was possible many stateless persons did not encounter authorities and were unreported in official statistics.

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

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: According to a report of the Organization for Security and Cooperation in Europe (OSCE) on the first round of the 2020 presidential election, the decision to continue with the election during the pandemic necessitated legal and practical adjustments that put at risk "the stability and clarity of the otherwise suitable election legislation." The report stated the changes "had practical implications for candidate registration, campaigning and campaign finance, voting methods, and resolution of election disputes." The report stated the election campaign was characterized by "negative and intolerant rhetoric further polarizing

an already adversarial political environment.” It also stated the public broadcaster “failed to ensure balanced and impartial coverage, and rather served as a campaign tool for the incumbent.” The OSCE noted that the second round of the presidential election was well managed, and candidates were “able to campaign freely in a competitive runoff, but hostility, threats against media, intolerant rhetoric, and cases of misuse of state resources detracted from the process. The polarized media environment, and particularly the biased coverage by the public broadcaster, remained a serious concern.”

According to the OSCE report, the 2019 parliamentary elections were well prepared and there was overall confidence in the election administration, but media bias – particularly in the public media – and intolerant rhetoric in the campaign, including instances of nationalist and homophobic rhetoric, were of significant concern. According to the OSCE, the dominance of the governing Law and Justice Party in public media (via changes made in 2015 and 2016 allowing for more direct political influence over the country’s public broadcasters) amplified its electoral advantage.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Women’s political participation and leadership remained low, with women accounting for 8.7 percent of ministerial positions, and 26 percent of national legislature (Sejm and Senate) positions.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and criminal prosecutions for official corruption occurred. There were no reports of high-profile government corruption during the year.

Corruption: On January 28, the Central Anti-Corruption Bureau announced that it detained a former PiS Sejm deputy. He was charged with accepting bribes in connection with performing a public function in the years 2016-2018. He was a PIS Sejm deputy between 2005-2019.

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

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were rarely cooperative and responsive to their views.

Government Human Rights Bodies: The constitution and the law entrust the ombudsperson with defending human and civil rights. The law states that the children's rights ombudsperson is responsible for protecting the rights of children. The law entrusts the government plenipotentiary for equal treatment with the task of "implementing the principle of equal treatment," and the government plenipotentiary for persons with disabilities is responsible for monitoring the activities aimed at inclusion of persons of disabilities into the society. Both ombudspersons are appointed by the Sejm and confirmed by the Senate, while the plenipotentiaries are appointed by the prime minister. Civil society observers continued to assess the office of the human rights ombudsperson as independent and effective in defending human and civil rights, but the children's rights ombudsperson was not. Civil society observers considered government plenipotentiary for equal treatment ineffective and not independent. Human rights experts considered the plenipotentiary for persons with disabilities effective and competent.

In cooperation with NGOs, the ombudsperson processes complaints, conducts investigations, institutes and participates in court proceedings, undertakes studies, provides other public bodies with advice, appeals to authorities to take legislative or legal action, and conducts public information campaigns. The ombudsperson has no authority to mediate disputes between private entities, even in cases of racial discrimination. The ombudsperson presents an annual report to the Sejm on the state of human rights and civic freedom in the country.

The children's rights ombudsperson serves as a guardian of children's rights, in particular the right to life and health, the right to being brought up in the family, the right to decent social living conditions, and the right to education. The

children's rights ombudsperson processes complaints, conducts investigations, participates in court proceedings, and may demand concrete actions to be taken by public institutions to protect children's rights.

The government plenipotentiary for equal treatment has a mandate to counter discrimination and promote equal opportunity for all. The plenipotentiary implements the government's equal treatment policy, develops and evaluates draft acts, analyzes and evaluates legal solutions, and monitors the situation within the scope of application of the principle of equal treatment. The sitting plenipotentiary serves as a deputy minister in the Ministry of Family and Social Policy. As such, the position does not have the same institutional independence as the human rights ombudsperson and does not have a separate budget.

The government plenipotentiary for persons with disabilities monitors activities aimed at vocational and social inclusion and employment of persons with disabilities. Tasks include initiating and monitoring the implementation of projects aimed at inclusion and employment of persons with disabilities, developing standards for the implementation of tasks aimed at persons with disabilities, and drafting government programs for solving the problems of persons with disabilities. The plenipotentiary is also responsible for cooperation with civil society organizations that work on the rights of persons with disabilities. The plenipotentiary serves as a deputy minister in the Ministry of Family and Social Policy.

Both chambers of parliament have committees on human rights and the rule of law. The committees serve a primarily legislative function and consist of representatives from multiple political parties.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of a person, regardless of gender, including spousal rape, is illegal and punishable by up to 12 years in prison. While domestic violence is illegal and courts may sentence a person convicted of domestic violence to a maximum of five years in prison, most of those found guilty received

suspended sentences. The law permits authorities to place restraining orders without prior approval from a court on spouses to protect against abuse. On December 2, the President signed into law a revision of the criminal code that increases the maximum penalty for rape up to 15 years. The law also introduces from a three- to 20-year prison term for a group rape, a rape of a family member, rape with the use of a gun, rape of a pregnant woman, or recording the rape. In addition, the criminal code includes increased penalties up to a life sentence for rape of a minor and rape with particular cruelty. All these changes will enter into force on March 12, 2023.

Under the 2020 revision of the civil procedure code, which also introduced amendments to several other laws regarding domestic violence, the perpetrator must immediately leave the location where the violence took place. According to the deputy justice minister, between the entry into force of the law in November 2020 and end of December, police used the new mechanism in almost nine thousand cases. The Women's Rights Center reported that police were occasionally reluctant to intervene in domestic violence incidents, sometimes arguing there was no need for police intervention. The law requires every municipality in the country to set up an interagency team of experts to deal with domestic violence.

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

Sexual Harassment: The law prohibits sexual harassment, and violations carry penalties of up to three years' imprisonment. According to the Women's Rights Center, sexual harassment continued to be a serious and underreported problem, and according to women's rights activists, the government did not enforce the law effectively.

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

The law obliges both central and local governments to provide citizens with access

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

The law does not permit voluntary sterilization. Although women have the right to comprehensive medical services before, during, and after childbirth, home birth, while legal, is not subsidized by the National Health Fund. Women legally had access to emergency health care, including services for the management of complications arising from abortion. Civil society reported some women preferred to receive care in foreign countries for late-term abortions due to concerns about the standard of care. According to the Childbirth with Dignity Foundation, standards for perinatal and postnatal care written into the laws are adequate, but the government failed to enforce them effectively.

In the latest report published by the European Parliamentary Forum for Sexual and Reproductive Rights on February 10, emergency contraception was rated as “being unavailable” because it was available only by prescription. According to women’s rights groups, in practice this makes emergency contraception inaccessible for many women. The report also pointed out the lack of sufficient access to gynecologists, especially in small towns and villages, a lack of reliable sexual education in schools, and high costs of contraceptives.

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

According to a 2021 report by the Council of Europe Expert Group on Action

against Violence against Women and Domestic Violence, the country lacked rape crisis and sexual violence centers offering medical care, high-quality forensic examination, and immediate short- and long-term trauma support delivered by trained professionals.

Civil society reported restrictive laws on comprehensive sexual and reproductive care may have resulted in a chilling effect on medical practitioners and harmful outcomes for women; however, by the end of the year there was no legal certainty that medical decisions were linked to this chilling effect. In one case, a pregnant woman, known as Izabela, and her fetus died in September 2021 in a hospital. Her family attributed her death to “the rules in effect limiting the possibility of a legal abortion.” In September prosecutors pressed charges against three doctors for endangering the patient's life, and two of them additionally are under charges of manslaughter. On January 25, a woman known as Agnieszka T died in the hospital, several weeks after the death of her two fetuses. Her family accused the doctors of waiting too long to perform a medically necessary abortion on the two fetuses and linked her death to the 2020 Constitutional Tribunal’s ruling, which introduced a near total ban on abortion. An investigation into possible medical malpractice is ongoing.

The plight of refugee women from Ukraine who fled to the country during the year heightened challenges in accessing sexual, reproductive, and maternal health care as well as a difficult operating environment for civil society service providers. A Human Rights Watch report noted that no protocols for the clinical management of rape were in place at reception points. The prevalence of pregnant refugee women, refugee women seeking modern contraceptives, and survivors of gender-based violence has strained the existing resources to a degree and highlighted the limitations around access to comprehensive care, some of which are associated with the perceived chilling effect on practitioners due to restrictive laws on comprehensive reproductive care and possible punitive legal measures for doctors providing services. According to civil society, the chilling effect extends to reservations about treating pregnant refugee women who may have a higher risk of complications.

Discrimination: The constitution provides for the same legal status and rights for men and women and prohibits discrimination against women, although few laws

exist to implement the provision. The constitution requires equal pay for equal work, but discrimination against women in employment existed (see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination in political, social, and economic life “for any reason whatsoever.” The law on discrimination in employment covers nationality, ethnic origin, and race. The law also bans discrimination of members of national and ethnic minorities and penalizes incitement to hatred, public insult, and violence against others on the grounds of national, ethnic, and racial differences. The government did not enforce these laws effectively.

In June the majority of the members of the Joint Committee of the Government and National and Ethnic Minorities, which represents national and ethnic minorities in relations with the government, suspended their participation in its work because the government cut support for language classes for the German minority (see section on Children’s Rights).

Romani leaders complained of discrimination in employment, housing, banking, the justice system, media, and education. During the year the government continued to implement a 10-year program on social and civic integration of Roma persons, with particular focus on education and living conditions of the Romani community. The Ministry of Education helped finance school supplies for Romani children. The Ministry of Interior and Administration provided school grants for Romani high school and university students, postgraduate studies on Romani culture and history in Krakow, and Romani-related cultural events.

Although a small percentage of the country’s non-Polish Slavic minorities continued to experience some harassment and discrimination, most of these communities were treated with equality under the law. In January the Torun District Court convicted three men for using violence and making threats against others on the grounds of their national identity. The court sentenced them to six to 14-month prison terms and payment of victims’ compensation. In June the same court convicted the fourth perpetrator to a 12-month prison term and the payment of victims’ compensation. The conviction concerns a February 2020 incident in which several men verbally and physically attacked a group of five foreigners from

Ukraine, Belarus, and Russia in the city center of Torun.

On July 21, a group of teenage girls attacked two Ukrainian women in one of the Warsaw parks. According to media reports, a group of approximately 10 persons approached the Ukrainians and physically attacked them. One of the Ukrainians was taken to the hospital. Police identified six teenagers who participated in the incident and handed their cases over to family courts. Police suspected the women were attacked due to their nationality.

Children

Birth Registration: A child acquires citizenship at birth if at least one parent is a citizen, regardless of where the birth took place. Children born or found in the country whose parents were unknown or stateless are also citizens. The government has a system of universal birth registration immediately after birth.

Education: On April 6, the Association of German Social and Cultural Associations announced they filed a complaint with the European Commission against the actions of the government which, in the opinion of the Association, discriminate against the German minority. This is in response to the Education and Science Minister's regulation issued in February, which cut teaching German classes as a national minority language. The move followed a decision by parliament to cut funding for German teaching and instead allocate the money to teaching the Polish language in Germany.

Child Abuse: The law bans all forms of violence against children and requires the ombudsperson for children's rights to undertake actions aimed at protecting children from violence, cruelty, exploitation, demoralization, neglect, or other ill treatment. The ombudsperson's office also operated a 24-hour free hotline for abused children.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18, although courts may grant permission for girls as young as 16 to marry under certain circumstances.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, including child sex trafficking.

Child pornography is illegal. The production, possession, storage, or importation of child pornography involving children younger than 15 is punishable by three months to 10 years' imprisonment. During the year police conducted several operations against child pornography and alleged pedophiles.

The law prohibits sexual intercourse with children younger than 15. The penalty for statutory rape ranges from two to 12 years' imprisonment.

According to the government and the La Strada Foundation, a leading NGO assisting trafficking victims, trafficking of children for sexual exploitation remained a problem.

Antisemitism

The Union of Jewish Communities estimated the Jewish population at 20,000, while other estimates, including by Chief Rabbi of Poland Michael Schudrich, put the number as high as 40,000. Isolated antisemitic incidents continued to occur involving desecration of significant property, including Jewish cemeteries, and sometimes involving antisemitic comments on television and social media. Some Jewish organizations expressed concern regarding the physical safety and security of their members. During the year there were several attacks on Jewish properties and houses of worship.

In March unknown perpetrators seriously damaged the historical Jewish cemetery in Legnica. They broke into the prefuneral house and broke several matzevahs (sacred Jewish pillars) which were located within the cemetery.

In August a family court decided that two teenagers, who in June 2021 vandalized 67 tombstones in the Jewish cemetery in the town of Bielsko-Biala, would be placed in a correctional education facility. The third teenager would stay under the supervision of the court's guardian.

The investigation against three men who organized an antisemitic demonstration in the city of Kalisz in November 2021 continued at year's end. During the demonstration, participants burned a book symbolizing the Statute of Kalisz, a 13th-century document that regulated the legal status of Jews in Poland and granted them special protections. Some march participants also chanted "Death to

Jews.” The men were charged with public incitement to hatred, public insult on national grounds, and public incitement to commit crimes against persons based on their national and religious identity. In August prosecutors pressed additional charges against one of the organizers of the Kalisz demonstration for promoting the Nazi totalitarian regime and incitement to hatred on national grounds during demonstrations in Bydgoszcz, Warsaw, and Siemianowice.

According to the Never Again Association, antisemitic discourse appeared in the public sphere and on social media., On May 31, the Wodzislaw Slaski regional court sentenced six persons for promoting fascism by organizing a celebration of Hitler’s birthday in 2017. The case started with an investigative television report broadcast by private TV station TVN that showed members of the Pride and Modernity Association dressed in Nazi military uniforms and celebrating Hitler’s birthday in April 2017. The court sentenced the six men to prison sentences ranging from three months to up to one year; all the sentences are suspended. The court verdict is subject to appeal.

Trafficking in Persons

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

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

Criminalization: The law does not criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ persons: Media did not report on physical and verbal attacks against members of the lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) community, but civil society contacts reported concerns about their physical safety. According to the latest report published by the Campaign against Homophobia in December 2021, which described the social situation of the LGBTQI+ community in the years 2019-2020, almost 69 percent of survey participants admitted they were victims of violent behavior on the grounds

of their sexual orientation (59 percent for verbal violence, and 22 percent for sexual violence). At the same time, only 2.5 percent of respondents declared they reported violence to law enforcement. The report was based on the on-line survey completed by 23,000 participants.

Discrimination: The law does not specifically prohibit discrimination by state and non-state actors based on sexual orientation, gender identity or expression, or sex characteristics, except for in employment, and does not recognize LGBTQI+ individuals, couples, and their families. Nonetheless, the constitution prohibits discrimination “for any reason whatsoever.” Laws on discrimination in employment cover sexual orientation and gender identity but hate crime and incitement laws do not. However, discrimination and lack of equal rights for LGBTQI+ persons continued to be a problem. LGBTQI+ advocacy groups criticized the plenipotentiary for equal treatment’s office for a lack of interest and engagement in LGBTQI+ questions; the human rights ombudsperson, however, continued to work on LGBTQI+ human rights cases.

During the year some government officials made discriminatory, anti-LGBTQI+, or homophobic public statements. The leader of the ruling PiS party, Jaroslaw Kaczynski, made transphobic statements. On September 28, the Sejm Ethics Committee reprimanded Kaczynski for specific statements made on June 27, describing his words as “disgraceful mocking of transgender people.” On September 28, Education and Science Minister Przemyslaw Czarnek formally retracted his June 13 social media post in which he said LGBTQI+ persons were “not equal to normal people;” however, he said he stood by his views.

The law does not allow LGBTQI+ couples to adopt. Single persons may adopt, but the law prioritizes married couples, and the background investigation during the adoption process may not favor LGBTQI+ singles. The legal system does not recognize surrogate agreements and same-sex parenthood. On February 16, the Supreme Administrative Court ruled that a child born by a surrogate in Canada, who has two fathers registered as parents, including one who is a Polish citizen, has the right to Polish citizenship. The Polish administration bodies and the Warsaw Provincial Administrative Court had previously refused to confirm the child's citizenship due to the so-called public order clause.

The law does not recognize same-sex marriage. In August the Supreme Administrative Court denied an appeal to register the marriage of a same-sex Polish couple, which took place in Portugal. Prior to this appeal, the couple attempted to register their marriage with the Warsaw Registry office and Mazovia provincial governor.

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

The commission expressed concerns the declarations may violate EU law regarding nondiscrimination on the grounds of sexual orientation. By year's end, many of the resolutions had been repealed or replaced, considerably reducing the geographic area of the resolutions given all provincial legislatures have dropped them. The human rights ombudsperson called for all remaining local authorities to repeal or replace the resolutions voluntarily and is prepared to systematically challenge in court any that remain.

Availability of Legal Gender Recognition: The law provides for legal gender recognition, but according to LGBTQI+ NGOs the process is lengthy, cumbersome, and cost prohibitive for many persons. A person who wants to change their legally recognized gender must sue his or her parents through a civil procedure, and if the parents are deceased, the court must appoint someone to represent their interests. To change identity documents, a transgender person must present the final verdict of the court which legalizes the change of gender.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: The practice of so-called conversion therapy is offered on a voluntary basis by Christian-affiliated psychological centers, priests and pastors, and individual psychologists and psychotherapists. They include psychotherapy and religious practices, such as individual and group prayers and

religious rituals.

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

During the year, there were no media reports of the government restricting the rights of expression, association, or peaceful assembly of those speaking out about LGBTQI+ issues. Reduced but still extant local government nonbinding resolutions with exclusionary language against the LGBTQI+ community were still in force in some local areas. The national government directed all local authorities to review resolutions and remove any discriminatory language. NGOs reported that anti-LGBTQI+ rhetoric in the public sphere caused a chilling effect on expression, especially in education.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. The law states that buildings should be accessible for persons with disabilities, but many buildings remained inaccessible. Public buildings and transportation generally were accessible, although older trains and vehicles were often less so, and many train stations were not fully accessible. A 2018 report by the Supreme Audit Chamber, the latest report available, noted there are still many technical barriers that prevent persons with disabilities from freely accessing museums, libraries, or cultural centers. The report also noted regulations regarding access to public buildings were imprecise and not properly enforced.

The 2019 accessibility law requires all public institutions to provide access for persons with special needs, including persons with disabilities, in three main areas: access to buildings, digital services, and information and communication services. During the year the government continued implementing the Accessibility Plus program for the years 2018-25, whose main goal is to ensure unlimited access to goods and services and to create the possibility of full participation in social and public life for individuals with special needs. According to the 2021 report on implementation of the program, during the year, the government continued to implement programs aimed at improving access to schools, universities, public health institutions, and door-to-door transportation services. The government plenipotentiary for persons with disabilities, who also serves as deputy minister in

the Ministry of Family and Social Policy, monitors the implementation of the government's policy regarding vocational and social inclusion and employment of persons with disabilities.

In February 2021, the government adopted the *Strategy for Persons with Disabilities for the years 2021-2030*, which includes a comprehensive, cross-sectoral approach of public policy to support persons with disabilities, considering their needs for independent living and social inclusion. The main goal of the strategy is to include individuals with various types of disabilities in social and professional life.

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

In August the Szczecin District Court announced the trial of three persons, including a well-known YouTube user and his two acquaintances, will have to begin again due to the prolonged absence of the adjudicating judge. In April 2021 the man posted a video showing himself and his two acquaintances abusing a man with an intellectual disability by ordering him to perform degrading and humiliating tasks.

The law states that education is obligatory for all children, including those with disabilities. Children with disabilities may attend schools where they are integrated with children without disabilities, or parents may choose to send them to segregated schools, depending on the significance of the disability.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and provides legal measures under which workers fired for union activity may demand reinstatement. Individuals who are self-employed or in an

employment relationship based on a civil law contract are permitted to form a union.

Government workers, including police officers, border guards, prison guards, and employees of the Supreme Audit Office, are limited to a single union.

Trade unions are registered when at least 10 eligible persons adopt a resolution to form a trade union. Newly established trade unions must appoint a founding committee consisting of three to seven persons. A new trade union must register with the National Court Registry within 30 days of the resolution. The court may remove a trade union from the registry only if a trade union adopts a resolution to dissolve; is no longer able to operate due to the bankruptcy, liquidation, or reorganization of the company in which the trade union operated; or if a trade union has fewer than 10 members for more than three months.

The constitution protects, and the law provides for, the right to bargaining collectively, with some restrictions. The law prohibits collective bargaining for key civil servants, appointed or elected employees of state and municipal bodies, court judges, and prosecutors.

Legal strike ballots require the support of a majority of union voters. The law requires mandatory mediation, so a strike may not be called fewer than 14 days after workers present their demands to an employer. The law obligates employers to report workplace group disputes to the district inspection office in their region. Cumbersome procedures made it difficult for workers to meet all the technical requirements for a legal strike. The law limits 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, do not have the right to strike. These workers have the right to protest and to seek resolution of their grievances through mediation and the court system.

According to trade unions, existing legal provisions regarding freedom of association and the right to collective bargaining are adequate but there are concerns with enforcement. The government did not effectively enforce applicable laws. The penalties for obstructing trade union activity range from fines to community service. They were not commensurate with the penalties for other laws

related to the denial of civil rights. 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 and were rarely imposed against violators. Administrative and judicial procedures were subjected to lengthy delays and appeals.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. Nevertheless, forced labor occurred.

The government effectively enforced the law. Penalties for forced labor violations were commensurate with those of other serious crimes. In 2021 the most recent year for which statistics were available, the government assisted in removing 87 victims from forced labor.

There were reports that foreign and Polish men and women were subjected to forced labor in agriculture, restaurants, construction, domestic work, and the garment and fish processing industries, and that children were subjected to forced begging.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The law prohibits the employment of children younger than 16, with exceptions in the cultural, artistic, sporting, and advertising fields when parents or guardians and the local labor inspector give their permission. The labor inspector issues a permit based on

psychological and medical examinations. Child labor is not allowed if the work may pose any threat to life, health, or physical and mental development of the child, or may conflict with the child's education. The government effectively enforced applicable law prohibiting employment of children younger than 16, and penalties were commensurate with those of other serious crimes and were sometimes applied against the violators.

Some children younger than 18 engaged in hazardous work in agriculture, primarily on private family farms. Romani children, primarily from Romania, were subjected to forced begging. Commercial sexual exploitation of children also occurred (see section 6, Children).

d. Discrimination with Respect to Employment and Occupation

The labor code prohibits discrimination with respect to employment or occupation in any way, directly or indirectly, on the grounds of race, sex, color, religion, political opinion, national origin, ethnic origin, disability, sexual orientation, age, or trade union membership, and regardless of whether the person is hired for definite or indefinite labor contracts, or for full- or part-time work. The labor code does not specifically prohibit such discrimination based on language, HIV-positive status, gender identity, or social status. According to the Polish Society for Antidiscrimination Law, the law places the burden of proof on the accused to prove that discrimination did not take place. In the case of labor contracts that are protected by law, antidiscrimination measures are adequate, and judges know how to apply them.

Civil contracts are protected under antidiscrimination law, which prohibits unequal treatment in employment based on gender, race, ethnic origin, nationality, religion, belief, viewpoint, disability, age, or sexual orientation. According to the society, it is relatively straightforward for claimants to assert discrimination occurred during court proceedings; however, very few employees come forward and report discrimination at the workplace. The government enforced applicable law, but penalties for violations were not commensurate with those of similar laws related to civil rights, and they were rarely applied against the violators.

On February 4, the Krakow regional court acquitted a human resources manager at

an IKEA store for dismissing an employee after the employee posted quotes from the Bible on the company's intranet website to imply gay persons deserved death. In May, prosecutors appealed against the court's decision. On December 6, the Krakow District Court upheld the July ruling. In a separate proceeding, on December 22, a labor branch of the Krakow court finalized a labor dispute case against IKEA that was initiated by the fired employee, who demanded compensation and the right to return to work. The court decided the employee could go back to work for the company, although the court ruled there was no discrimination on religious grounds and refused to award any compensation to the employee.

On December 9, the Supreme Court rejected the Minister of Justice's extraordinary complaint intended to overrule the Warsaw District Court's rule in the case of a transgender woman who was required by her employer to wear a male uniform at work. The woman was in the process of changing her legally recognized gender when she applied for a job in a security company. She presented herself as a woman and dressed as a woman, but her legal documents indicated she was a male. When she got the job, the employer tried to force her to wear a male uniform. She refused and as a result, she never started the job. She sued the company, demanding compensation based on the antidiscrimination law. In September 2020 the Warsaw District Court ruled the employer discriminated against her by requiring her to wear a male uniform and awarded her 1,480 zloty (\$297) compensation. The Supreme Court indicated that the freedom of business activity is not absolute and can be limited on the grounds of an important public interests. The Court explained that the protection of gender identity covers also deep individual perception of social gender which may be different than the biological gender defined at birth and in documents.

According to trade union representatives, discrimination in employment and occupation occurred with respect to gender, age, and trade union membership. According to NGOs, sexual harassment at the workplace was an underreported problem, and police statistics showed a low number of identified offenses. Discrimination against Romani workers also occurred (see section 6).

According to the most recent report on earnings prepared by the Central Statistical Office (GUS) published on February 7, women earn less than men in the same

positions. Based on the latest data collected, the average monthly gross salary of men was 14.7 percent higher than that of women. The median wages of men were 9.5 percent higher than the median wages of women. Among the highest earners, 65.3 percent were men. In the public sector, women earned 2.3 percent less than men for an hour of work and, in the private sector, 12.9 percent less.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national monthly minimum wage and the minimum hourly wage for formal work agreements met the social minimum monthly income level. Monthly and hourly wage regulations cover all categories of workers who have labor agreements.

Occupational Safety and Health: The law defines strict and extensive minimum conditions to protect worker health and safety. Occupational safety and health (OSH) standards are appropriate for the main industries in the country. According to trade unions, OSH experts actively identified unsafe conditions, and most companies provided adequate protective equipment against COVID-19.

Employers routinely exceeded exposure standards for limits on chemicals, dust, and noise. According to the Central Statistical Office's 2021 report, most work-related accidents occurred in mining and quarrying, water supply, sewage and waste management, and ecological reclamation. According to the NLI's 2021 report, which investigated 1,924 work-related accidents that happened in 2021, most accidents occurred in industrial processing companies, at construction sites, and in the trade and repairs sector. The report noted some of the leading causes of workplace accidents were human error (inadequate behavior of employees, lack of knowledge of OSH rules), poor organization of work processes, and technical causes (such as malfunction of machines). The Central Statistical Office reported 68,777 victims of workplace accidents, including 218 fatal accidents, during 2021.

Wage, Hour, and OSH Enforcement: The National Labor Inspectorate (NLI) is responsible for enforcement of wage, hour, and OSH laws. Labor inspectors have the authority to make unannounced inspections and initiate sanctions. According to trade union representatives, the NLI is 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 is not able to ensure compliance with existing laws. Penalties were commensurate with those for similar crimes and were regularly applied against the violators.

According to trade union representatives, the most common labor rights violations concerned failure to pay wages, delayed payment of wages, and failure to formally register and pay for overtime work. According to the National Labor NLI's 2021 annual report, most wage payment violations occurred in trade and repair services as well as in industrial processing industries and transport and storage services. Seasonal and migrant workers were particularly vulnerable to such violations. 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 are not covered by wage, hour, and occupational safety and health laws and inspections.

Informal Sector: The Main Statistical Office's definition of the informal economy included unregistered employment performed without a formal contract or agreement and where wages do not count as contributions to social security or have income taxes deducted. There is no minimum wage for informal work agreements. There were reports of employers withholding wages or underpaying laborers under informal work agreements, particularly Ukrainian migrant workers in the construction and agriculture industries. While the NLI's powers are limited to the formal economy, one of its responsibilities is to inspect legality of employment, which can contribute to limiting work in the informal economy and ensuring employees who are hired in the informal economy are provided with appropriate occupational health and safety conditions. According to trade union representatives, many migrant workers from Ukraine work in the informal economy.