



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Eighth periodic report submitted by Poland under
article 19 of the Convention, due in 2023^{*}, ^{**}, ^{***}**

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- * The present document is being issued without formal editing.
 - ** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CAT/C/POL/QPR/8).
 - *** The annexes to the present document be accessed from the web page of the Committee.



List of abbreviations

AŚ	a remand centre
CAT	the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPT	the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CZSW	the Central Board of Prison Service
ECHR	the European Court of Human Rights
IOM	the International Organization for Migration
KCIK	the National Consulting and Intervention Centre for Victims of Human Trafficking
KGP	the Chief Police Headquarters.
Kk	Penal Code
Kkw	Executive Criminal Code
Kpc	Code of Civil Procedure
Kpk	Code of Criminal Procedure
KSSiP	National School of Judiciary and Public Prosecution
MOW	centre for the social rehabilitation of young people
MRiPS	the Ministry of Family and Social Policy
MSW	the Ministry of the Interior
MSWiA	the Ministry of the Interior and Administration
MZ	the Ministry of Health
OOW	regional centre for social rehabilitation
PdOZ	detention room
PG	Prosecutor General
PK	National Prosecutor's Office
RP	the Republic of Poland
RPD	the Commissioner for Children Rights
RPO	the Commissioner for Human Rights
SDE	the Electronic Tagging System
SG	the Border Guard
SW	the Prison Service
Śpb	a direct coercion measure
TK	Constitutional Tribunal
UdsC	the Office for Foreigners
EU	the European Union
UoC	Foreign Nationals Act
UoOZP	the Mental Health Protection Act
UWRN	Act on Support for and Social Reintegration of Minors
ZK	penitentiary

Introduction

1. The previous, 7th Periodic Report of the Republic of Poland on the implementation of the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment covered the period from 15.10.2011 to 15.09.2017. Moreover, additional information regarding the period between September 2017 and July 2019 was presented to the Committee during the defence of the 7th Report, which took place on 23.07.2019 and 24.07.2019.
2. Therefore, special attention will be paid in this 8th report to the changes that took place in Poland between 25.07.2019 to 30.07.2023.
3. As some of the statistical information provided in the Report is collected on an annual basis, it was sometimes impossible to present information more up to date than that at the end of 2022.

Replies to the list of issues

Reply to paragraph 1 of the list of issues (CAT/C/POL/QPR/7)

4. In its previous conclusions, the Committee requested further information on the identified areas of particular concern. These included the independence, security and viability of the Commissioner for Human Rights, the prevention and prosecution of police brutality, as well as the clinical independence of medical staff and the improvement in the quality of medical care provided to prisoners. Detailed answers to the above questions were provided in a letter received by the Committee on 19.11.2020. Additionally, these answers are supplemented in this Report.

Reply to paragraph 2 of the list of issues

5. Although the Kk does not contain a separate torture crime, all the elements specified in the definition of torture in the CAT are penalised in Poland, as they meet the statutory definitions of various crimes described in the Kk. The use of torture and corporal punishment is prohibited by Art.40 of the Polish Constitution. War crimes and crimes against humanity are not subject to limitation (Art.43), and the limitation period for crimes not prosecuted for political reasons, committed by public officials or on their behalf, is suspended until these reasons cease to exist (Art.44). Art.105Kk provides: *No period of limitation shall apply to crimes against peace, crimes against humanity or war crimes, or the intentional offence of: homicide, inflicting serious bodily harm, causing serious detriment to health or deprivation of liberty connected with particular torture, perpetrated by a public official in connection with the performance of official duties.* Nevertheless, conceptual work is underway at the Ministry of Justice aimed at evaluating the legitimacy of introducing a legal definition of torture.

Reply to paragraph 3 of the list of issues

6. Art.244§2Kpk requires that each detainee be immediately informed about the reasons for the detention and about his rights, including the right to use the assistance of counsel and be heard. According to art.245Kpk, the detainee must immediately be enabled to contact his/her a lawyer and to talk to the lawyer directly, if this is requested by him/her. In exceptional situation, the detainer may require to be present during the talk. The detainee can obtain information about lawyers in a particular locality available to assist him/her. This is regulated by §87(3) of Guidance 3 issued by the Chief Police Headquarters (30.08.2017) *on the performance of certain detection and investigation activities by police officers.* According to this section, the procedure described in the Regulation of the Minister of Justice (23.06.2015) *on the method of providing the defendant with access to the assistance of counsel in accelerated proceedings* must be applied when access must be enabled for a

defendant to counsel A detainee without a sufficient command of Polish has the right of access to the free assistance of an interpreter (art.72§1Kpk). Art.612§2Kpk provides that when a foreign national is detained, that person must, if he/she so requests, be provided with an opportunity to contact the consular office or diplomatic mission of his/her country. Under art.244§5Kpk, the Minister of Justice specified in a regulation the form of the presentation of the rights and obligations of a detainee in criminal proceedings.

7. According to §87(6) of the aforementioned KGP guidance, the detention report must include the detainee's statement that he/she has been informed about the reasons for the detention and about his/her rights. When the presentation is a written notice, its content must be explained to the detainee. A copy of the notice must be included in the master file for the proceedings. According to §87(7) of the same guidance, a detainee who doesn't speak Polish must be provided with the notice translated into a language he/she understands. If the notice in such a language isn't available, it must be stated in the detention report that the notice has been translated to the detainee by an interpreter and the detainee must be informed about his/her right to request a written notice of rights in a language he/she understands.

8. The right of the detainee to require that his/her next of kin or another person named by him/her be notified of his/her detention is regulated in art.261Kpk. This section doesn't allow for such notification by the detainee himself. It is the detainer's responsibility.

9. According to §16(2) of the Regulation of MSW (4.06.2012) on rooms for persons detained or brought to sober up, transition rooms, temporary transition rooms and police emergency centres for children, the rules of the use of such rooms and other premises and the manner of handling video recordings from such rooms and premises, a copy of the rules of the use of a room for detained persons or persons brought to sober up room must be available, with a list of human rights protection institutions.

10. According to §1(1) of those rules, each person admitted to a PdOZ must immediately be informed about his/her rights and obligations by familiarizing him/her with those rules. A person who doesn't speak Polish must be provided with the opportunity to use the assistance of an interpreter to communicate about matters related to his/hers stay in that room (§1(2) of the rules). Additionally, each person admitted to a detention room must confirm, by signing a statement, that he is familiar with those rules.

11. Each foreign national when detained under immigration regulations is informed about the reasons for the detention, as well as about his/her rights, including the right to file a complaint to a court of law against the legitimacy, legality and correctness of the detention. The presentation of his/her rights to the foreign national is recorded in the detention report, which must be signed by him/her. The foreign national must also be given a *written notice of the rights of a detained foreign national*. This notice is available in 25 languages. If a foreigner national is placed in a guarded centre for foreigners, he must be provided with a *written notice of the rights of a foreign national placed in a guarded centre for foreigner*. This notice is available in 16 languages. If this notice isn't available in a language, he/she understands, a translation of the notice is prepared.

12. According to art.48UWRN (a new statute that comprehensively regulates the procedure for dealing with matters involving minors, (9.06.2022)), the police may detain and place, in a police emergency room for children, a minor who is reasonably presumed to have committed a punishable act and when there is a reasonable fear that the minor may escape, hide and/or obliterate the traces of the act, or when the his/her identity cannot be determined. The detained minor must immediately be informed about the reason for the detention and about his/her rights, including the right to make a statement to be included in the detention report, to receive a copy of the report, to contact his/her parent, guardian or counsel and the right of access to necessary medical assistance. If the minor is a foreign national, he/she must be informed about the right to contact the consular office or diplomatic mission of his/her country. A report of the detention must be issued, a copy of which must be given to the minor. The information recorded in this detention report must include a description of visible bodily injuries the statement that no such injuries are, a telephone number of the minor's parents or guardian, the date, time, place of and the reason(s) for the detention, any statements made by the minor, and the fact that the minor has been presented his/her rights. The police immediately notify the competent family court and the minor's parent(s) or guardian about

the detention, including the reason for the detention, and about his/her placement in the police emergency room for children. A minor, at his/her request, must immediately be enabled to contact his/her parent, guardian or counsel, and to talk to them directly. A minor has the right to contact a counsel without the participation of third parties.

13. According to art.15 of the *Police Act* (6.04.1990), a police officer performing operational and reconnaissance, investigative and/or administrative activities has the right to search persons in the manner and situations specified in Kpk and other statutes, to perform a body search and to carry out preventive checks.

14. Section 15§1 point 9b of the *Police Act* provides that a police officer has the right to carry out preventive checks for protection against unlawful attacks on the life or health of a persons or property, or for protection against unauthorized actions resulting in a threat to the life or health of a person or in a threat to public safety and order, or to find and collect objects the use of which may pose a threat to the life or health of a person or the safety of the activities carried out.

15. According to art.15g(1) of the mentioned act, a preventive check consists in a manual check of: a person, the contents of the person's clothing and items on the person's body and/or in his/her possession, a check with the use of technical means necessary to detect dangerous materials and devices or the possession of which is prohibited, a biochemical check or a check with the use of a dog to the extent necessary to achieve the purpose of the actions taken under the circumstances at hand and in a way that infringes, the smallest extent possible, the personal rights of the person subjected to such actions are performed. However, pursuant to art.15g(3) of the mentioned act, where a person is detained, being taken to a place or escorted by a police officer, a preventive check may also consist in requesting the person to remove his/her clothing and footwear, inspecting the body of that persons and checking the removed clothing and footwear, requesting the person to hand over an item or items specified in the Police Act for safekeeping or taking such items away from that person. This must be done in a way that allows the person to leave part of the clothing on the body and, when the removed clothing has been inspected by the officer, putting the same clothing back on before taking the remaining unchecked clothing off, and the conditions for this must be such that the intimacy of the person is respected (art.15d(4) of the mentioned act).

16. The rules for carrying out body searches during the activities of the SG are regulated in the *Border Guard Act* (12.10.1990). According to art.11aa of that Act, a body search, as a rule, consists in checking the content of the inspected person's clothes and shoes and objects on his/her body, without revealing the body surface covered with clothing, and person's mouth, nose, ears and hair. A body search that involves checking the private parts of the person subjected to the body search is allowed only in particularly justified cases, only for the purpose and to the extent necessary to collect weapons or other dangerous items, if it is impossible to collect such items in any other way.

17. According to art.15(5) of the *Police Act*, the detainee should be immediately subjected to a medical examination, where this is justified, or provided with first aid. Moreover, according to §1(1) of the MSW regulation (13.09.2012) on *medical examinations for persons detained by the police*, each detainee must be immediately provided with first aid in the event of a sudden threat to his health.

18. A person that has been detained must be subjected to a medical examination when he/she declares to suffer from a disease requiring treatment, if the interruption of which would pose a threat to that person's life or health, requests a medical examination or has visible bodily injuries, as well as in the event that the information held by the Police or the circumstances of the detention indicate that the detained person is: a pregnant or breastfeeding woman, a person with an infectious disease, a person with mental disorders or a minor who has consumed alcohol or another substance having a similar effect (§1(3)). The detainee's statements, including a description of and a statement of the causes of any injuries, must be included in the detention report.

19. According to §5 of that regulation, after the examination, the examining doctor must issue a certificate stating that there are no medical contraindications for such a person to stay in a detention facility, or that such contraindications exist and therefore the person should be referred to a medical facility. The doctor may also prescribe medication, including dosage.

At the initial stage of the activities following detention, the detainee's health condition is assessed by a person with the required qualifications, and further specialist consultations may be requested. According to §4(2), the doctor takes decision about the presence of a police officer during the examination.

20. A foreign national detained under immigration law must be examined by a doctor if the foreign national's condition threatens his/her health and/or life, when first aid was provided during the detention, if the foreign national declares to suffer from a disease requiring permanent or temporary treatment or when there is a suspicion that he/she suffers from an infectious disease. When a foreign national has been admitted to a guarded center, he/she is subjected to a medical examination and his/her medical history is taken. If traces are found on his/her body which may indicate that he has been a victim of violence or torture, the doctor must record this finding in his documentation. This issue must be given more attention during an in-depth interview.

21. According to art.147§1Kpk, each person participating in a procedural act to be so recorded must be advised beforehand. No consent of any such person is required for the procedural act to be recorded. Such recording is regulated by the Regulation of the Minister of Justice (11.01.2017) *on the recording of video or sound for procedural purposes in criminal proceedings*. Where possible, interrogation rooms are set up at police stations. These rooms are equipped with appropriate audiovisual equipment. Such rooms are a standard feature at newly built police stations.

22. According to art.246§1Kpk, a detainee may lodge a complaint with a court of law to decide whether detention is legitimate, lawful and correct.

23. Each foreign national detained under immigration law has 7 days within which to file a complaint to a district court against the legitimacy, legality and correctness of the detention. If a foreign national is placed in a guarded centre for foreigners based on a district court's order, he has the right to lodge a complaint against this decision with a regional court. The foreign national is informed about this right by district court.

24. According to article 85UWRN, a detained minor, his parents or guardian may lodge a complaint against the detention with the competent family court. In the complaint, they may demand that the legitimacy, legality and correctness of the detention be examined. The complaint must be examined immediately. The parties to the proceedings, their representatives and counsel must be notified of the date of the hearing. There are no statistics on the number of complaints about detention cases or how these complaints are decided.

25. Appendix 1 contains statistics for pre-trial proceedings concerning coerced testimonies (art.246Kk) and abuse of persons deprived of liberty (art.246Kk), but the statistics don't show the number of such crimes committed during detention. They include crimes against persons detained in all detention facilities and, in respect of art.247Kk, also by persons other than officers. Appendix 2 provides information on final convictions of the above-mentioned crimes, and Appendix 3 provides statistics on the application of preventive measures, namely suspension of duties, in relation to uniformed service officers. Appendix 4 contains data on examined complaints against the conduct of PS officers. Appendix 5 contains information on disciplinary action procedure against police officers.

Reply to paragraph 4 of the list of issues

26. The Office of the Commissioner for Human Rights has said that they will provide the Committee with their own report with information about the activities of this institution.

27. The unlimited access of the RPO to all detention facilities, including facilities operated by the police, SG and other services is granted in art13(1) point1 of the Act (15.07.1987) *of RPO*. According to that section, the Commissioner has the right to investigate, even without prior notice, any matter on the premises of the detention facility.

28. Whenever the RPO approaches a public prosecutor under art.14(5) of the *Act on the RPO* with a request for initiating pre-trial proceedings in the case of a crime prosecuted on an ex-officio basis, criminal proceedings are initiated. As a participant in criminal

proceedings initiated at his request, the RPO has the right to lodge a complaint if the public prosecutor decides not to initiate an investigation. This complaint is lodged with a court of law, and the RPO may participate in the court proceedings initiated to consider the complaint.

29. According to art.333(1)UoC, representatives of non-governmental or international organisations working to deliver assistance to foreign nationals may be present as observers during activities related to deportations. This provision is fully complied. SG responds the needs of such organisations and provides them, as needed, with training for representatives of these organizations who may potentially take part in deportation flights. Non-governmental and international organisations, as a rule, have access to guarded centres for foreigners. In accordance with the procedure in place and the internal rules and regulations for such centres, notice of such access must be given in writing, specifying the names of the visiting persons and the purpose of the visit, and then consent is granted.

30. To ensure the highest possible level of security during the COVID-19 pandemic, SW developed procedures to reduce the risk of spreading infectious diseases on the premises of correctional facilities. Neither access to prisons and pre-trial remand centres for representatives of authorised bodies that work to protect human rights nor the right to make monitoring visits has been restricted. The law also provides that associations, foundations, organisations and institutions, churches and other religious associations, as well as *trustworthy persons* may cooperate in the enforcement of penalties, penal measures and other measures related to deprivation of liberty.

31. No correspondence exchanged between the detained person and the RPO is subject to censorship. A temporarily detained person may submit any application or complaint to the RPO. When the Commissioner considers that a given situation needs to be clarified or that specific steps need to be taken, he will request the prosecutor's office to take appropriate action. The public prosecutor informs him about the outcome of the examination of the circumstances of the matter and the steps taken.

Reply to paragraph 5 of the list of issues

32. There are no separate provisions in the Polish legal system under which acts of violence against women only would be described as a crime. According to the Polish Constitution, men and women have equal rights in all areas of life. The principle of sex equality prohibits discrimination, i.e., differential treatment based on sex.

33. The Act (30.04.2020) *amending the KPC and Certain Other Acts*, which entered into force on 30.10.2020, introduced comprehensive solutions into the Polish legal system to allow for quick isolation of the offender from the person affected by domestic violence in situations where the offender poses a threat to the life or health of the household members. A separate section was added to that Act to regulate adjudication on an application for an order requiring a person using domestic violence to leave the home they share with the person(s) affected by domestic violence and to stay away from its immediate neighbourhood and an order prohibiting the offender from approaching these places. A one-month time limit for the court to decide has been introduced, and the court's decision must be enforced immediately. In addition, the formalities as regards the filing of motions, complaints and appeals in the proceedings have been simplified. Victims of violence are exempted from court costs.

34. A new instrument is the power granted to the police to issue an order to a person using domestic violence to immediately leave the home he/she shares with the person(s) affected by domestic violence and its immediate neighbourhood or an order prohibiting the offender from approaching these places, which is subject to judicial control. To ensure that court orders and decisions of the police are complied with, non-compliance with a court's ruling, and imposed order or prohibition, is penalised as petty offence. These proceedings are initiated as expedited procedures.

35. Instruments for the protection of victims of domestic violence have been further strengthened under the Act (13.01.2023) *amending the KPC and Certain Other Acts*, w, which will enter into force on 15.08.2023. A fundamental change in this new law is the

introduction of new civil law measures available in relation to domestic violence offenders. The purpose of these measures is to effectively isolate the offender from the person affected by the violence, not only in the person's home and its immediate neighbourhood, but in all places, especially those related to the person's daily life. The perpetrator of violence is prohibited from approaching the person affected by such violence within a distance specified in metres, from contacting the person affected by such violence and from entering and staying on the premises of a school, educational, care and artistic facility attended by the person affected by such violence or that person's workplace. All the above prohibitions are immediately imposed by the police when dealing with the perpetrator if he poses a threat to the life or health of other family members. Each of these prohibitions imposed by the police will remain effective for 14 days. During this time, the person affected by domestic violence will have access to legal and psychological support and assistance and may apply to a court of law for permanent orders requiring the perpetrator to leave the home they share with that person and prohibiting them from coming close to the home, coming close to or contacting that person and/or entering that person's home. The person affected by domestic violence may, during court proceedings, ask for an interim order extending or modifying any police order prohibiting or requiring particular action.

36. The person affected by domestic violence may, during court proceedings, ask the court for an order prohibiting the perpetrator from entering and staying in places where the person is usually or regularly present. When the perpetrator harasses the victim by means of remote communication or significantly violates the victim's privacy, the court will have the right to issue an order prohibiting the perpetrator from contacting the victim.

37. To provide proper protection for children, both when they are directly affected by violent behaviour and when they witness such violence against their relatives, the requirement to inform the competent guardianship court has been introduced, and this court will have to examine the situation and initiate appropriate guardianship proceedings.

38. The above-mentioned new civil law measures are supplementary to the criminal measures already available, both substantive and procedural criminal measures, namely:

(a) An order prohibiting the perpetrator from approaching the victim or an order requiring the perpetrator to leave the home they shared with the victim if the perpetrator has been convicted of a crime against sexual freedom or decency to the detriment of a minor, a crime against freedom or a violent crime (art.41aKk);

(b) An order requiring the perpetrator to refrain from contacting the person affected by domestic violence and/or approaching that person and to leave the home they share with that person as part of conditional suspension of the execution of the penalty imposed on perpetrator (art.72§1 point 7a-7bKk), conditional discontinuance of criminal proceedings (art.67§3Kk), conditional early release (art.159§1Kk), a preventive measure in criminal proceedings in the form of an order to leave the premises shared with that person or an order prohibiting the perpetrator from approaching that person (art.275aKpk), and an order prohibiting the perpetrator from contacting with that person or approaching them in the frame of police supervision (art.275§2Kpk).

39. On 15.08.2023, the amended art.156Kk will come into force. It will penalise acts such as (a) causing permanent, significant disfigurement or deformation of the body, (b) excision, infibulation or other permanent and significant mutilation of the female genital organ. The act of persuading other persons or forcing them through violence or unlawful threats to cause such injuries will also be penalised. The use of coercion through violence, an unlawful threat, abuse of a relationship of dependence, or the critical situation of a person to force that person to enter into a marriage or a relationship that corresponds to a marriage in the religious or cultural community of the perpetrator will be penalised as well.

40. In the Act (9.03.2023) *amending the Act on the prevention of family violence*, which came into force on 22.06.2023, the statutory definition of *family violence* has been replaced with *domestic violence*, which the Istanbul Convention defines as *all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether the perpetrator shares or has shared the same residence with the victim*. In addition, the amending provisions introduced a definition of a "person experiencing domestic violence", which includes: a spouse, also in the case when

the marriage has ended or has been annulled, siblings, a person who is adopted and their spouse, a person that cohabits or has cohabited with the perpetrator, a person living with and sharing a household with the perpetrator, as well as ascendants, descendants, siblings and their spouses of all the above categories of persons, as well as a person who is or has been in a permanent emotional or physical relationship with the perpetrator, whether or not that person lives with and shares a household with the perpetrator. The statutory definition of *person experiencing domestic violence* in that cct also includes a minor subjected to domestic violence or witnessing domestic violence.

41. On 6.12.2022, the PG issued a guidance on the rules of conduct of common organizational units of the prosecutor's office regarding the prevention of domestic violence. This guidance requires public prosecutors to take actions aimed at counteracting domestic violence in all their activities, including criminal proceedings, preventive measures, aiding the victims of domestic violence, as well as cooperation with local assistance centres for such victims. In addition, this guidance requires public prosecutors and police officers, in the case of crimes related to domestic violence, to provide the victim with detailed information, including information about their rights under the Act (29.07.2005) on the prevention of family violence, including (but not limited to) free medical, psychological and legal advice. If necessary, the public prosecutors, after obtaining the consent of the victim, must apply to the competent police chief to provide the protection and assistance appropriate in the situation, in accordance with the Act(28.11.2014) on the protection of and assistance for injured parties and witnesses.

42. In each district prosecutor's office, the head of the office or a prosecutor appointed by him/her acts as a consultant in matters relating to domestic violence, and this consultant must liaise with family courts, central government and local government authorities, non-governmental organisations and other agencies or institutions that work to prevent domestic violence.

43. If information is obtained indicating that a person convicted of a crime with the use of violence in relation to or unlawful threats against their next of kin or another minor living together with that person, uses violence or unlawful threats against these persons during the offender's probation period, a request must be submitted to the court to order the execution of the offender's conditionally suspended sentence, or to revoke the decision of conditional release from serving the full sentence.

44. If, in the case of a crime related to domestic violence, the victim is a minor, and there is a suspicion that the perpetrator is one or both parents, an application must immediately be filed with the competent guardianship court to appoint a guardian to represent him/her.

45. During pre-trial proceedings, the prosecutor may decide to impose preventive measures, including police supervision with prohibition from contacting the victim (art.275§2Kpk), police supervision on the condition of leaving the home shared with the victim (art.275§3Kpk) and an order to leaving the home shared with the victim (art.275aKpk). Any such measure may be imposed at the request of the police or ex officio. The victims may submit applications for such preventive measures at any time. These preventive measures are available to all victims of violence, including domestic violence, regardless of the sex of the victim.

46. Events called a Week of Assistance to Crime Victims are held annually by public prosecution authorities. Free legal and psychological advice is available to any person seeking such advice.

47. The RP Government doesn't intend to withdraw from the Istanbul Convention, and the Constitutional Tribunal has been asked to examine the constitutionality of its certain provisions (case K 11/20).

48. Appendix 6 contains statistics for pre-trial proceedings initiated under art.207Kk. Appendix 7 contains statistics for convictions under art.207Kk.

49. In domestic violence cases, the Polish Justice Fund provided assistance to approx.18,500 people, including 14,500 women, between the beginning of 2022 and May 2023. Support was also provided in the form of 53,300 hours of legal advice and 97,600 hours of psychological assistance.

Reply to paragraph 6 of the list of issues

50. The information contained in previous reports regarding the penalization of human trafficking, particularly about the statutory definition in art.115§22 point 1-6Kk, is still accurate.

51. The crime of human trafficking is penalized by art.189aKk. This provision was amended by an Act (7.07.2022) by increasing the severity of the penalty for this crime (art.1point71) from 3 years to 20 years of imprisonment. This amendment will come into force on 1 10 2023. The penalty for the preparation for the commission of this crime is 3 months to 5 years of imprisonment.

52. In 2003, the RP Government adopted the National Plan of Action Against Human Trafficking. The current version of the plan covers the period of 2022–2024.

53. The police measures described in KGP's Regulation 14 (22.09.2016) *on the performance of certain tasks by the police in the detection of human trafficking cases*, which is referred to in the previous, 7th Report, are still in valid.

54. The MSWiA Team for Counteracting Human Trafficking has developed an Algorithm for the conduct of law enforcement officers in the event of detecting the crime of human trafficking and an Algorithm for Police and SG officers for identifying and dealing with minor victims of human trafficking. In the first mentioned document the section that deals with victim interviewing contains a number of practical tips on dealing with a victim of human trafficking (e.g., the need to provide an appropriate interview setting, the assistance of an interpreter, the presence of a psychologist or a non-governmental organization representative). The other document, called Algorithm for Police and SG officers for identifying and dealing with minor victims of human trafficking, explains what the officer should pay attention to when the victim of human trafficking is a minor (the conditions to be provided during the questioning meeting/interview, what questions to ask and how to ask them, what intervention steps to take in relation to the minor, such as the provision of appropriate care). The document also explains that it is necessary to notify the National Consulting and Intervention Centre for Victims of Human Trafficking (KCIK) to prepare an offer of assistance and to transport the victim to a safe place. In addition, the Algorithm specifies what needs to be done to appoint a guardian for the minor and explains procedural issues regarding activities involving a minor who has been the victim of human trafficking.

55. The alleged victim of human trafficking is provided with accommodation and medical and psychological support by KCIK. If the victim refuses to use the assistance of KCIK, a list of other non-governmental organisations is offered. If the victim is a foreign national, they may exercise the right to voluntary return through the International Organization for Migration (IOM).

56. Coordinators have been appointed in specialist teams for human trafficking set up at the criminal departments of all provincial headquarters and the Warsaw Police Headquarters. These coordinators receive training on a specialist course on combating human trafficking. In 2021, the Police School in Piła, provided an online CEPOL course in *Trafficking in Human Beings: Labour Exploitation* for 24 participants from European countries. In reply to the on the assumptions provided for in the National Plan of Action Against Human Trafficking, inter-ministerial workshops and training courses for police officers, SG officers and prosecutors are provided annually. They focus on cooperation in the prosecution of perpetrators of human trafficking, an exchange of experience, best practices and an analysis of judicial decisions in cases of human trafficking. An electronic handbook on preventing and combating human trafficking has been prepared for police officers, as well as information and educational brochures on human trafficking and the rights of its victims.

57. Public prosecutors cooperate with foundations that work to prevent human trafficking, such as the La Strada Foundation Against Trafficking in Human Beings and Slavery or the ITAKA Centre for Missing People. PG collects information about all pre-trial proceedings in human trafficking cases, concerning e.g., the victims, their nationalities, ages, the circumstances of the act, the number and nature of the criminal charges, and the number of suspects. A representative of the PK is an expert and the national contact point of the Council

of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). He/she attends UN and OSCE conferences on this subject. The PK exchanges information with the ambassadors of the USA and the UK on an ongoing basis and takes an active part in meetings with representatives of the judiciary and state institutions of other countries.

58. A special prosecutor-coordinator for human trafficking has been appointed at the PK. Each regional and district prosecutor's office has a prosecutor-coordinator for human trafficking cases. In 2014, a *guidance on the conduct of proceedings in human trafficking cases* was distributed to public prosecutors dealing with such cases.

59. The mandatory training for candidates for consular officers that is provided by the Ministry of Foreign Affairs before such candidates take the consular examination and take up consular positions at RP diplomatic missions and consulates, includes a training module that focuses on counteracting human trafficking. In 2022, 118 people received such training.

60. Appendix 8 contains information about pre-trial proceedings that related to human trafficking, and Appendix 9 contains information about court judgments in human trafficking cases (art.189aKk) and art.203Kk (constraint to prostitution) and 204Kk (various forms of prostitution exploitation). Regarding the last two types of crime, statistics relating only to victims of human trafficking aren't available.

61. On 12.06.2019, an agreement was signed between the RP and US Governments on strengthening cooperation in the prevention and combating of serious crime, and this agreement contains references to the prevention of human trafficking. In addition, the European Union has signed agreements with Armenia, Australia, New Zealand, Kazakhstan and Mongolia. These agreements contain provisions dealing with human trafficking, and Poland is bound by these.

Reply to paragraphs 7–10 of the list of issues

62. The scale of migration events on the Polish-Belarusian border intensified in July 2021. The Belarusian regime encouraged foreigners from many countries (countries that the EU considers as typical sources of illegal migrants) to legally come to Belarus, allowing them to enter the country and supporting them in crossing the EU border illegally. On 26.10.2021, an Act amending *the Foreigners Act and certain other statutes* came into force. According to this law, when a foreign national is detained immediately after he crossed the EU's external border against the law, may be issued decision requiring the person to leave the territory of Poland, which is the basis for taking the person to the borderline. The foreign national may appeal against this decision. This law serves to prevent the abuse of international protection by foreigners who are not at risk in their current place of residence and are not refugees within the meaning of international and national laws.

63. The principle of non-refoulement is respected, as the provision of the Act *on granting protection to foreigners in the territory of the RP* are still in force. Each foreign national seeking protection has the right to apply for international protection at any time, even while staying in Poland illegally. However, the amendments made to the *Act on granting protection to foreigners in the territory of RP* are only supplementary to this approach. Where a foreign national has applied for international protection after crossing the border illegally, the Head of the UdSC has the option (not the obligation) to refuse to consider the application, unless the foreign national came directly from a territory where his life or freedom was/were in danger of being persecuted or the risk of suffering serious harm and unless he provided credible reasons for his illegal entry to Poland. So far, the Head of the Office has applied this provision in five cases.

64. According to art.304UoC, the authority conducting the procedure related to the deportation of the foreign national must inform him about his right to apply for international protection, and where the foreign national has applied for such protection, the procedure must be suspended as required by art.305UoC.

65. The decision to refuse to grant the refugee status and the subsidiary protection status doesn't contain require the foreign national to leave the territory of the RP. It is only when the final decision is issued that the obligation under art.299(6) point 1bUoC applies and the

foreign national is required to leave Poland within 30 days of being delivered a notice of the decision. It isn't before 30-day time limit ends that art.302(1) point 16aUoC comes into play as the legal basis for decision requiring the foreign national to leave Poland.

66. Whether or not the foreign national's application for international protection is considered, the decision to require the person to leave Poland may only be issued when the circumstances that may be relevant as regards the grounds for permitting the person to stay in Poland for humanitarian reasons (art.348UoC) and the basis for granting a tolerated stay permit to the person (art.351point 1UoC) are considered. The authority conducting the procedure should conduct ex officio activities to clarify whether there are grounds for granting these permits.

67. The SG pays particular attention to persons belonging to vulnerable categories, including those who may be victims of torture. Specific procedures for dealing with detained foreigners, and in particular those placed in guarded centres, were developed already in 2015 and modified in 2019. The *Rules of dealing with foreigners requiring special treatment* specify the categories of vulnerable persons and set out the steps to be taken when a person is classified as a requiring special treatment.

68. An important part of UdSC's prevention strategy is a facility for women, including single mothers, Dębak Podkowa Leśna. This facility is also open to victims of domestic violence, where they are separated from the perpetrators. Access for men to Dębak facility is limited, and the safety of residents and employees at all UdSC centers is ensured by qualified physical security personnel available on the premises on a 24/7 basis.

69. According to §5 of the MSW regulation (23.10.2015) *on the rules for staying in a centre for foreigners*, a foreigner national must be accommodated, as a rule, together with their minor and other family members.

70. The situation of minor foreigners, both in terms of the legal status of their stay in Poland and the living conditions in their places of residence, is monitored by RPD, which has stepped in on several occasions to help with such matters.

71. Access to healthcare by foreign nationals seeking or provided with international protection in Poland, including persons in a vulnerable position, are regulated in a number of statutes, including the Act (27.08.2004) *on healthcare services funded with public money*.

72. This Act distinguishes between two categories of persons seeking or provided with international protection. These are individuals covered by health insurance in Poland and the so-called uninsured beneficiaries. Both categories of beneficiaries have the right to use healthcare services funded with public money in Poland to the same extent as Polish citizens.

73. The benefit of health insurance in Poland may be enjoyed by immigrants (art.3(1)) staying in Poland on the basis of, among others, a residence permit for humanitarian reasons, a tolerated stay permit, a visa issued for the purpose of coming to Poland for humanitarian reasons, on the grounds of a state interest or international obligations, or where the person has been granted the refugee status in Poland or the subsidiary protection status or enjoys temporary protection, or if the person has applied for international protection in Poland, or the person's spouse if the person has applied for international protection on behalf of their spouse, provided that the spouse has obtained permission to work in Poland. An immigrant who is not required to be covered by compulsory health insurance or who cannot afford to take out such insurance voluntarily due to low income is eligible to receive healthcare services as an uninsured beneficiary. Healthcare services are available on this basis to any person that resides in Poland, has the refugee status or enjoys subsidiary protection, or resides in Poland based on a temporary residence permit granted for the purpose of family reunification, provided that the persons meet the income requirement under the provisions on social assistance or is under the age of 18 years, pregnant, giving birth or has recently given birth.

74. Under the Act (12.03.2022) *on assistance to Ukrainian citizens in connection with the armed conflict in the territory of Ukraine*, medical care in Poland is available to Ukrainian citizens who arrived in Poland with their immediate family after 23.02.2022 in connection with the military operations in Ukraine. According to art.37 of that Act, such persons have

the right to medical care on the same terms and to the extent that this right may be enjoyed to persons covered by health insurance in Poland.

75. Statistics for asylum applications and foreign nationals required to leave the territory of RP are contained in Appendix 10 and 11. No statistics are available for people turned back at the border, extradited or deported based on diplomatic assurances, but such assurances are, of course, obtained where necessary.

Reply to paragraph 11 of the list of issues

76. The following extradition agreements were concluded during the reporting period:

(a) the EU-UK Trade and Cooperation Agreement concluded between the EU and the UK on 30.10.2020, which came into force on 1.10.2021;

(b) an agreement with the UAE on legal cooperation in criminal matters, ratified by Poland on 2.05.2023 (not yet in force);

(c) an agreement with India on mutual legal assistance in criminal matters, ratified by both countries, in force since 13.05.2023;

(d) an agreement between the Polish Office in Taipei and the Taipei Representative Office in Poland on legal cooperation in criminal matters, in force since 23.02.2021;

(e) an extradition agreement with Argentina, ratified by Poland on 4.11.2020, but it is yet in force, as it has not yet been ratified by Argentina.

77. Provisions of these agreements which are the basis for extradition are general provisions. Among obligatory grounds for a refusal of extradition they mention the existence of reasonable grounds to believe that the person would or could be subjected to cruel, inhuman treatment in the territory of the other party. No such cases as referred to in the question have been identified.

78. According to art.110§2Kk, if a foreign national staying in Poland has committed a prohibited act outside Poland penalised under Polish law with a penalty of over 2 years' imprisonment and that foreign national has not been extradited, Polish criminal law applies. This means that in the event of extradition is refused in a case involving a crime related to torture, the criminal proceedings in this case will take place in Poland.

Reply to paragraph 12 of the list of issues

79. Appendix 12 contains a list of training events covered by the question, already provided and planned by KSSiP together with information about the topics and target participants.

80. All the topics referred to in the question are covered during vocational training sessions or courses as well as central continuing professional development in the form of specialist courses.

81. Since 2019, compulsory basic training and non-commissioned officer training for new SG officers have included the following:

- Training in *Professional ethics and the fundamentals of social communication*, which covers issues such as protecting human rights protection and fostering anti-discriminatory attitudes, as well as the fundamentals of intercultural communication;
- Respect for human rights by officers performing their duties;
- Theoretical and practical training in the use of direct coercion measures and firearms.

82. In addition, the officers attending these training events regularly meet the representatives of the commanding officer of the training centre, for protection of human rights and equal treatment. During these meetings, they discuss matters related to human

rights and the importance of human rights in the service of a SG officer, and issues related to equal treatment.

83. In 2019–2022, the above training was delivered to a total of 2,400 SG officers.

84. Training centres for SG officers also provide refresher courses to improve the officers' competence as regards the use of direct coercion measures and firearms. Examples include:

- Techniques of using direct coercion measures by the SG officers,
- Using objects intended to incapacitate people with electricity (tasers), or
- The use of direct coercion measures and firearms on duty.

85. In 2019–2022, the above training was delivered to a total of 4,760 SG officers.

86. In 2018–2022, training was provided in identifying victims of torture in accordance with the Istanbul Protocol with the assistance of Independent Forensic Expert Group experts. In 2019, a total of 22 SG representatives received such training. A similar training event was held in 2023.

87. Moreover, in 2022, the SG specialist training centre in the town of Lubań decided to include elements of the Istanbul Protocol in its workshops on *working as a social worker at a guarded centre* (12 people attended this course) and its refresher course in *vulnerable persons in administrative procedures* (17 people attended this course).

88. SG's mandatory non-commissioned officer training covers topics such as cultural determinants of interpersonal communication, religion and its impact on communication, as well as identification of potential victims of human trafficking.

89. Specialist training and refresher courses are designed to broaden the attendees' knowledge covering, for instance, human rights, counteracting discrimination, and cultural differences. The topics covered by these course include: fostering and improving intercultural competence, intercultural education, religious studies and cultural studies. They are also designed to improve attendees' knowledge of identifying potential victims of human trafficking, victims of torture, people subjected to mental or physical violence, including sexual violence, and people subjected to violence on the grounds of to gender, race, sexual orientation or gender identity. Separate training is provided in international protection of foreigners.

90. A variety of training opportunities is available at the SG specialist training centre in Lubań. In 2022, this centre delivered the following refresher courses:

- Prerequisites for granting protection to foreigners in the context of deportation decisions;
- Vulnerable persons in administrative procedures;
- Fostering and improving intercultural competence; and
- A series of courses in socio-cultural aspects of communication with foreigners from different regions of the world.

91. Since 2017, SG's e-learning platform has offered a refresher course called *Intercultural communication at the SG service*, targeted at officers and employees of SG's Foreigners and Border Department. Since 2021, SG's e-learning platform has offered a refresher course in *fundamental rights* for employees and officers of the SG service.

92. The introductory training delivered SW officers and personnel covers the requirement to comply with the basic obligations and provisions of the CAT, as well as the rules of professional ethics for SW officers and personnel.

93. The vocational training courses attended by SW officers include one part that looks at international standards for dealing with persons deprived of their liberty. This part includes a discussion of the functions of the judicial decisions of international courts and tribunals, implementation of ECtHR judgments, counteracting anti-Semitism, domestic violence, manifestations of radicalism, terrorism, protection of the rights of and dealing with migrants, refugees and national and ethnic minorities, people of different sexual orientation, cultural

and ideological diversity and people with disabilities requiring specialist rehabilitation activities. Attendees on this course specialising in healthcare are also introduced to guidelines contained in the manual for effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (the Istanbul Protocol).

94. In all the above areas, training as part of professional training for non-commissioned officers and warrant officers and as part of officer training was delivered to 1,288 officers in 2019, 833 officers in 2020, 2,512 officers in 2021, 2,166 officers in 2022, or an aggregate of 6,799 officers in 2019–2022.

95. Currently, 5,514 newly recruited officers (or approx. 20% of all SW officers) are waiting to receive such training. However, they have already received partial training in this subject as part of a preparatory course and will soon be provided with training covering all the relevant topics as part of their vocational training programme.

Reply to paragraph 13 of the list of issues

96. No significant changes in this regard were made in the reporting period, as the methods currently in use meet the requirements of art.11 of the Convention.

97. Interviewing minor witnesses who are under 15 years of age is subject to special protection in Polish criminal proceedings. The law provides for a special interviewing procedure intended for pre-trial proceedings and court proceedings, both for minors affected by crimes of a certain type (art.185aKpk) and for witnesses of these crimes (art.185bKpk). This special procedure is needed to protect witnesses under the age of 15 from the traumatic experience they may be exposed to if they are interviewed several times, during pre-trial proceedings and then court proceedings, as well as in the presence of the perpetrator. The main objectives of this interviewing procedures for minor witnesses are:

- To ensure that the witness is interviewed only once and that re-interviewing should only be considered in exceptional situations, such as when new and significant circumstances of the matter have emerged;
- To ensure that the witness is interviewed / examined by the court only, regardless of the stage of the proceedings;
- To ensure participation of psychology expert;
- To ensure absence of the defendant during the interview;
- To make an audio-visual recording of the interview to be used during the main court hearing;
- To ensure that the minor witness is, if requested, accompanied during the interview by an adult named by him.

98. It is also possible to interview of a minor victim using the special procedure described above, if the person were already 15 years old at the time of the interview, but there is a reasonable fear that interviewing the person under different conditions could have a negative impact on their mental state.

Reply to paragraph 14 of the list of issues

99. The numerous changes made to the executive criminal procedure include, in particular, the development of the Electronic Tagging System, the launch of the *Work for Prisoners* scheme (which created jobs for more than 90% of inmates capable of work), or the adoption of a set of statutes as part of the *Modern Prisons* scheme. The impulse for infrastructural changes was the Act (17.12.2021) *establishing a Modernization Programme for the Police, the SG, State Fire Service and the State Protection Service for 2022–2025, establishing a Modernization Programme for the SW for 2022–2025, and amending the Police Act and certain other statutes*.

100. The living conditions at correctional facilities meet the relevant regulatory standards. Due to the age of the buildings, architectural conditions and technical solutions, the standards of imprisonment and temporary detention are not the same at all correctional facilities. Therefore, efforts are made every year to improve and standardise the living conditions through repair and renovation, purchasing and investment projects, which helps to upgrade the existing infrastructure. Infrastructure standards are being raised, as exemplified by an increase in the number of walking areas where outdoor exercise equipment has been installed. This number increased from 590 in 2019 to 735 in 2022. The aforementioned amendment to Kkw of 2022 resulted in further changes that will help reduce the overcrowding of correctional facilities. On 1.01.2023, additions were made to the law on the community service obligation imposed in lieu of an outstanding fine as a criminal penalty. According to the amended provisions of art.45§2 and 5Kkw, the court may, at the request of the convict who is serving a prison sentence that is not a substitute prison sentence, and with the consent of the director of ZK, impose a community service obligation on the convict in accordance with the provisions of art.123aKkw (unpaid cleaning and auxiliary work). This enables convicts to perform work under prison conditions that can be counted as compliance with a community service obligation imposed on the convict in a different case. It also makes it easier for convicts to fulfil their duties resulting from the penalty imposed on them, helps to reduce the scale of substitute imprisonment sentences and the number of people placed in correctional facilities for minor crimes.

101. The available statistics and simulations indicate that if the living area is increased from the 3 square metres provided for in Kkw to 4 square metres per inmate, the number of accommodation places will be reduced considerably. Given the new provisions of the Act (5.08.2022) *amending the Kkw and certain other statutes*, under which the court may decide not to summon a convicted person to report to an AŠ on a specified date and instead order the person to be detained and brought to a remand centre if the person has been sentenced to imprisonment, and the high occupancy rate at correctional facilities (over 90%), it is currently impossible to increase the standard accommodation area per inmate.

102. Solution aiming to decrease overcrowding and improve the conditions of serving the sentences is the extension of possibilities to apply Electronic Tagging System, regulated in the Act (5.08.2022) *amending the Kkw and certain other statutes*. In addition to the requirement that the imprisonment sentence must not be longer than 18 months, on 1.01.2023, was introduced a new rule that regarding persons sentenced to a short period of imprisonment, the decision to allow such persons to serve the sentence in mentioned system may be taken by a penitentiary commission with control by a penitentiary court in relation to an inmate who already begun serving his sentence at a correctional facility, provided that the sentence isn't longer than four months. This decision had previously been reserved for the courts. As a result, the SDE may be used in the case of persons convicted of minor crimes and, therefore, this system is being expanded to cover thousands of new locations for electronically tagged inmates. Currently, the SDE has the capacity for 10,000 inmates. As at 31.03.2023, a total of 7,382 prisoners are serving their prison sentences through the SDE.

103. ZK and AŠ implement re-adaptation programmes targeted at groups of prisoners, including remand prisoners, separated based on shared needs, such as counteracting aggression and violence, counteracting addictions and alcohol or drug abuse, counteracting pro-criminal attitudes, occupational rehabilitation and promotion of employment, fostering social and cognitive skills, family integration, or preventing the negative effects of isolation. Approx. 70,000 prisoners participated in these programmes annually. These programmes involve activities designed to develop the participants' independence and to help them integrate with the external environment. Cultural, educational and sports activities planned and implemented in correctional facilities are proposal available to inmates on a voluntary basis.

104. Each correctional facility has a healing facility. These are outpatient clinics with infirmaries and, at some correctional facilities, in hospitals. The scope of medical care includes hospital wards and doctor's offices, dental care, diagnostic testing, medical rehabilitation and physical therapy treatments, as well as pharmacies. The prison healthcare providers cooperate with non-prison healthcare providers when it is necessary to deliver emergency services in health- or life-threatening situations or when specialist tests, therapy

or rehabilitation are needed. Apart from emergency support, such cooperation allows inmates to be provided with specialised services the delivery of which at prison-based medical care facilities is impossible or economically unjustified due to, for example, a small number of such cases per year. The shortage of qualified medical personnel is a systemic issue, as it is experienced by public healthcare providers as well as, and it is beyond SW control.

105. If it is not possible to communicate with the patient during the provision of medical services, translation technology equipment that enables communication in 29 languages is available at correctional facilities.

106. Additionally, each correctional facility provides prisoners with unlimited access to psychological support. Each SW facility has an in-house accessibility coordinator appointed in accordance with art.14 of the Act (19.06.2019) *on ensuring accessibility to people with special needs*. These accessibility coordinators are responsible for delivering support to people with special needs in accessing services provided by the facility, preparing and coordinating the implementation of an action plan to improve accessibility for such people, as well as monitoring the facility's accessibility-promoting activities.

107. The MZ has no direct supervision over physicians. According to the Act on medical and dental practitioners, these professionals are accountable to medical chambers. In their professional capacity, they may be subject to disciplinary actions, including civil and criminal liability.

108. No work is currently underway to make the medical personnel working at correctional facilities accountable to the MZ.

109. The requirement to enforce criminal penalties in a humane manner and with respect for human dignity is part of the training received by each officer, during which they acquire the skills they need to understand and put into practice the principles of counteracting all forms of discrimination. The officers are aware that being a member of a particularly vulnerable group (including an LGBT person) may be a reason for intolerance and aggression from others, including convicts, and they are prepared to provide the necessary support to all persons deprived of their liberty.

110. The requirements for rooms for detained persons or persons brought to sober up and police emergency centers for children are laid down in MSW's regulation (4.06.2012) *on rooms for persons detained or brought to sober up, transition rooms, temporary transition rooms and police emergency centres for children, the rules of the use of such rooms and other premises and the manner of handling video recordings from such rooms and premises*. This regulation doesn't provide for the provision of walking areas on such premises. However, §33(2) point 11 of the same regulation provides that each police emergency centre for children must have a place for outdoor recreation of juveniles, separated and secured in a way that preventing the juveniles from escaping and contacting outsiders. According to §8(1)point 10 of the rules for such centres (set out in an annex to the regulation), a juvenile placed in a detention facility must be provided with opportunities for physical activities in the open air for at least 1 hour a day, if the person is to stay at the centre for more than 24 hours, and in the event of bad weather, the manager of the facility may decide to arrange for physical activities for juveniles to be available in the common room (§ 8(2) of Annex 12 to the regulation).

111. Legislative work is currently underway to amend the above-mentioned MSW regulation to implement the provisions of the *Strategy for people with disabilities for 2021–2030* by adapting the conditions in rooms for detainees and police emergency centres for children to the needs of people with disabilities, in particular those with physical disabilities. The idea behind this amendment is to ensure that each Police garrison has at least one room for detainees and that at least 5 police emergency centres for children in Poland will meet the technical requirements to be used as detention facilities for people with disabilities. Currently, inter-ministerial consultations on a draft have been completed.

112. Compliance with appropriate standards is ensured at detention facilities for foreign nationals. SG has six guarded centres for foreigners. Foreigners are provided with food, clothing, shelter, including access to sanitary facilities, as well as medical care. They can also move freely on the premises and have access to outdoor areas.

113. Rooms in the guarded centres are generally twin, triple and quadruple rooms, depending on the centre. In the centres for families, most of them are family rooms for parents with children (there is currently one such centre). The centres for male detainees have mainly twin and triple rooms. In the centres for families, foreigners are accommodated in rooms with their family members. In the centres for single men or single women, foreigners are accommodated by nationality or according to their preferences. Requests for room changes are acceptable if justified.

114. In response to the sudden increase in the number of migrants in Poland in 2021, it became necessary to change the law by reducing the minimum space size per foreigner from 4 sq.m. to 2 sq.m. This reduction is only temporary and applies to certain facilities only if this is necessitated by the migration situation. To increase the detainee reception capacity of the guarded centres, the decision was made to build a new building complex next the guarded centre in Lesznowola. Currently, all construction works have been completed, and formalities related to putting the buildings into use are underway. In March 2023, the guarded family centre in Kętrzyn became a centre for male detainees, which was directly related to the change in the profile of migrants arriving in Poland and the need for more space at centres for male detainees, while closing the family centres. On 5.06.2023, the location of the centre for unaccompanied minors was moved from Kętrzyn to Biała Podlaska. As a result, the only family centre is the one, in Biała Podlaska, with accommodation places for unaccompanied minors.

115. The guarded centres are upgraded on a regular basis and equipped as needed. In addition to the obviously needed accommodation equipment, recreational equipment is provided (including equipment for outdoor gyms, professional treadmills, rowing machines, table tennis tables, chess tables for outdoor use), as well as computer equipment and other machines and appliances (washing machines, induction cookers, microwave ovens and water dispensers).

116. In recent years, as the centers have been upgraded, barred windows have been replaced with security windows. Currently, such windows can be found in the guarded centres for foreigners in Lesznowola, Kętrzyn and Biała Podlaska. Air conditioning systems are gradually installed in buildings of the centres.

117. Whenever medical assistance is needed to save a foreigner's life, assistance is provided regardless of the person's status (whether they are staying in Poland legally and whether they are covered by health insurance).

118. Foreigners placed in guarded centres for foreigners have full access to healthcare services. After admission to a guarded centre, each foreigner is immediately subjected to a medical examination. While in the centre, each foreigner has the right of access to medical care and hospitalisation, if this is necessitated by their health status. Foreign nationals are offered specialist assistance and therapeutic support to the extent available to Polish nationals. The centres have in-house psychologists. If necessary, external psychologists are also hired.

119. The support of a professional interpreter during a specialist medical examination is provided to foreigners as a rule. The medical personnel that take care of foreigners at the guarded centres speak English and Russian, which is usually sufficient for communication during basic medical examinations. Moreover, some guarded centre officers attend language courses, including oriental languages, which also facilitates communication.

120. A health record is created for each foreign national. Each medical examination is confirmed with an entry in the foreigner's health record; the entry is made by a member of the centre's medical personnel.

121. Foreign minors must receive compulsory vaccinations according to their age. An immunisation card is created for each foreign child. In addition, following the Covid-19 pandemic, each foreigner is offered the opportunity to be vaccinated against Covid.

Reply to paragraph 15 of the list of issues

122. SW doesn't use items intended to incapacitate people with electricity as "electric weapons" within the meaning of the provisions of art.25(5) of the Act (24.05.2013) *on means of direct coercion and firearms*, but only as a means of direct coercion. According to art.19(3) of the *Prison Service Act* (9.04.2010), the use of direct coercive measures and firearms and the documentation of this use must comply with the provisions of the Act *on means of direct coercion and firearms*. The application of the measure in question is subject to constant control carried on the level of AŠ and ZK, as well as by supervisory units. All SW officers are trained in this area. The head of the security department of each basic facility is investigate each case of the use of direct coercion measures (audio-video materials and documentation), followed by the submission of a memo to the director of the facility, in which the legality and correctness of the use of such measures by particular officers is assessed. After studying all the materials, the director of the AŠ or ZK talks to the inmate and informs him them about his right to lodge a complaint with a penitentiary court. In addition, officers of regional SW inspectorates are required to randomly inspect the use of direct coercion measures at least once a month, one case from each correctional facility where such measures have been used.

123. Such an inspection must cover all aspects of the situation at hand, including the purposefulness and proportionality of the measures used, the correctness of the documentation of the measures taken, as well as the scope of assistance provided to the victims. This supervision is performed with the use of all the available documents and materials, including the use of recordings from body-worn cameras and surveillance cameras. Inmates against whom such a measure has been used may assert their rights in court.

Reply to paragraph 16 of the list of issues

124. According to the provisions of Kkw as amended by the Act (5.08.2022) *amending the Kkw and certain other statutes*, an inmate may be placed, as a disciplinary penalty, in a solitary confinement cell for up to 28 days only if he has committed the act of violating the bodily integrity or an active assault on an officer or employee of the ZK or has otherwise seriously violated the order and discipline at the ZK. Before the amendment, this penalty could be imposed on a convicted person who seriously violated the order and discipline at the ZK.

125. The same Act introduced the rule that if there is a lack of the fitness to serve this disciplinary penalty (certified by an opinion of a physician or a psychologist), this disciplinary penalty may be waived, suspended for up three months, replaced with a less severe penalty or cancelled.

126. This penalty consists in placing the inmate alone in a cell and preventing him/her from contacting other convicts. While in a solitary confinement cell, the prisoner may not be visited by anyone and must not use payphones. He/she has no access to any cultural, educational and/or sport activities, except for books and newspapers.

127. When imposing a disciplinary penalty on an inmate, the degree of his/her fault, the type and circumstances of the violation, his/her attitude to the violation, his/her conduct so far, his/her personality traits and health status, as well as the educational goals are considered. Before the disciplinary penalty of solitary confinement is imposed on an inmate, a doctor or a psychologist issues a written opinion about the inmates' fitness for this penalty. This penalty doesn't apply to pregnant women, breastfeeding or taking care of their own children in care facilities for mothers with children. The disciplinary penalty of solitary confinement may not be imposed for a term exceeding 14 days unless with the approval of a penitentiary court.

128. Only one disciplinary penalty may be imposed for each violation. If the inmate has committed more than one violation before being punished for any of them, only one penalty may be imposed for all the violations, but correspondingly more severe. A new disciplinary penalty may not be a direct extension of the same penalty previously imposed unless the total duration of the imposed penalties doesn't exceed the prescribed limit of the duration of this

penalty. Where the disciplinary penalty of solitary confinement is imposed on an inmate, he/her has the right to lodge a complaint with a prison court.

Reply to paragraph 17 of the list of issues

129. The SW's programmes and activities are reported to be particularly effective: preventing aggressive and self-aggressive behaviour (including programmes for perpetrators of violence, psycho-correction, constructive coping with tension and negative emotions, stress work workshops), targeted at people who are addicted or at risk of addiction, conducive to maintaining mental health (including the use of selected relaxation techniques), preparing for life after prison (active job seeking), educational activities (including legal and health-related topics), and educational activities to teach prisoners about human rights, tolerance and ways to counteract discrimination.

130. Each case of violence is investigated on an ex officio and following complaints from inmates, in the *Treatment by fellow inmates* complaint category. The allegations made in inmates' complaints are divided, for investigation purposes, into the following categories: assault and battery, extortion, abuse, sexual excesses, racial and ethnic discrimination, religious discrimination, sexual orientation discrimination and other forms of mistreatment. According to statistics, a total of 1,965 such allegations were recorded in 2018–2022. The investigations did not confirm the complaints as legitimate.

131. Information regarding complaints about the behaviour of SW officers, which includes complaints about failure to respond to cases of violent behaviour between inmates, is part of the answer to question 21.

132. As regards the deaths of inmates, each case is investigated in detail by an authority superior to the correctional facility. As part of each investigation, instructions closely connected with the incident and recommendations regarding any irregularities identified during the investigation are formulated. In 2018–2022, each inmate's death was reported by the correctional facility to the competent local public prosecutor. Each case of inmate's death was followed by an investigation concluded with a written report with information such as the actions taken after the death, the causes of the death, any findings, regarding shortcomings or irregularities identified, with the names of the persons responsible, and actions taken to prevent similar events in the future. Appendix 13 contains statistics for deaths at correctional facilities. Referring to the issue of protecting people at risk of suicide, the Director General of SW to monitor and protect prisoners, as well as to provide them with appropriate assistance issued Instruction No. 10/2020 (5.11.2020) on *preventing suicides of persons deprived of liberty*. This Instruction contains the principles of general suicide prevention and suicide prevention procedures.

133. SW doesn't collect statistics for the sex, age, ethnicity or nationality of deceased inmates, or statistics for damaged paid to their families.

134. Referring to the information about inmate's deaths, the following table shows the number of deaths in PDOZs in 2018–2022.

	2018	2019	2020	2021	2022
Number of deaths in detention rooms	14	10	15	21	16

135. It needs to be noted that each death in a detention room is regarded as an extraordinary event. According to §23 of KGP's Internal Regulation 130 (7.08.2012) on the methods and forms of performing tasks in a room for detained persons or persons brought to sober up", the police officers perform their tasks in PDOZ take increased precautions to prevent extraordinary events included using direct coercion measures or placing the person admitted to a detention room in a place where no other people are present.

136. However, according to §4 of the regulation, if an extraordinary event is identified, a police officer performing tasks in the detention room must immediately take action to

mitigate the effect of the event, in particular, activating the alarm system, delivering first aid to the injured, informing the police station duty officer, securing the scene of the event, drawing up an official memo about the event and handing it over to the direct superior or duty officer of the police station. A copy of the memo must be sent immediately by the duty officer of the police station for the area where the event occurred to the relevant department for escorting inmates at the provincial police headquarters (or the Warsaw police headquarters). After studying the memo, the head of this department must immediately send it to the KGP inmate escorting unit. If video surveillance equipment operates in the detention room, the head of the relevant department of the unit must immediately secure the video recordings.

137. According to §25 of the regulation, the causes and circumstances of the event are each time investigated by police officers appointed by the head of the unit. A report on the investigation is issued and, within 7 days of the event, must be sent to the relevant department for escorting inmates at the provincial police headquarters (or the Warsaw police headquarters). The causes and circumstances of the event are reviewed by the police officers of this department, appointed by its head, and these officers must prepare an analysis of the causes and circumstances of the event. This analysis is submitted for approval to the provincial chief of police (or the chief of police for Warsaw) or his deputy within 14 days of the date of the event, and then sent to the KGP departments for inmate escorting and control matters, the relevant department for control at the provincial police headquarters (or the Warsaw police headquarters) and the police station where the event occurred. Within 2 months of the date of the event, the head of the relevant department for escorting inmates at the provincial police headquarters (or the Warsaw police headquarters) must send, to KGP, a report as an addition to the analysis to report on how the conclusions and recommendations contained in the analysis were dealt with. The Inmate Escorting Department of KGP's Prevention Bureau does not collect statistics for the sex, age, ethnicity or nationality of deceased inmates, or statistical information about the amounts of damages for their families.

138. In 2018–2022, one death was occurred at a guarded centre for foreigners (the guarded centre in Białystok, 2019, a citizen of Ukraine died in hospital due to sepsis).

139. For information about damages and assistance to the family members of deceased inmates see the answer to question 24.

Reply to paragraph 18 of the list of issues

140. According to art.6UWRN, educational measures, a therapeutic measure and a corrective measure may be used in relation to a minor, and a penalty may be imposed only in cases defined in the law, if other measures are insufficient to ensure his/her rehabilitation. Educational measures include a reprimand, an obligation to act in a specified manner, and in particular to remedy the damage caused fully or partially, to pay compensation for the harm caused, to do community work, to apologize to the victim, to take up a job or to take up a course of study, to participate in appropriate educational, therapeutic or training activities, to keep away from certain communities or places, to refrain from contacting the victim or other persons in a specific way, or refrain from using a psychoactive substance, or to be placed under the supervision of the parent(s) or guardian. Non-isolation measures are used before any other measures.

141. According to §13 of the Ordinance of the Minister of National Education of November 2, 2015 on the types and detailed rules for the operation of public institutions, the conditions for the stay of children and young people in these institutions and the amount and principles of payment by parents for the stay of their children in these institutions MOWs are operated for socially maladjusted children and youth requiring special teaching conditions, working methods, upbringing, psychological and pedagogical assistance, as well as social reintegration, including those with mild intellectual disabilities. These centres work to eliminate symptoms of social maladjustment and to preparing young people to live independent and responsible after leaving the centre, respecting social and legal norms.

142. According to art.14UWRN, a family court may order a juvenile who has committed a punishable act to be placed in a regional centre for social rehabilitation (OOW), if this is justified

by the degree of demoralization of the juvenile and the nature of the act, the manner and circumstances of its perpetration, especially when other educational measures have proved ineffective or are unlikely to reintegrate the juvenile into society.

143. The applicable provisions of law don't permit the placement of juveniles in solitary confinement cell if have been placed in a MOW or OOW centre. While placed in a MOW or OOW centre, juveniles can continue their education at the next educational stage at the centre and to complete their education at a given stage before reaching the full legal age, and measures are taken to reintegrate them into society.

144. ZK dedicated specially for juvenile offenders have been set up within SW structures. Juveniles with convictions placed in these facilities must be under the age of 21 years. In justified cases, a juvenile at the age of 21 or older may be placed in this institution.

145. According to art.16(1) of the *Act on means of direct coercion and firearms*, a straitjacket may only be used where other špb's cannot be used or may be ineffective and only in strictly defined exceptional situations.

146. The straitjacket may be used to immobilize a person's arms, provided that its use doesn't impede breathing or obstruct blood circulation. If a straitjacket is used for a minor or a visibly pregnant woman, that person must be provided with medical assistance immediately, and further use of this measure depends on the opinion of the person providing this assistance (art.16(2) and 16(4)-(5) of that Act).

147. According to art.51 of the same Act, the police officer must record the use of a špb in an official memo and must deliver this memo to their superior officer, if the use of the measure resulted in the death of or injuries to the person or there are other visible signs indicating that the person's life or health was at risk. At the same time, if a direct coercion measure has been used in relation to a minor placed in, for example, a police emergency centre for children, the police officer must deliver the memo to their superior officer in each case, regardless of what špb was used and with effects (art.51(1)-(3) of that Act).

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148. As a rule, foreign nationals seeking international protection aren't placed in guarded centres, except in the situations strictly defined in the Act (13.06.2003) *on granting protection to foreigners in the territory of the RP*. Unaccompanied minors seeking international protection must not be placed in detention facilities under any circumstances.

149. Families with children seeking international protection are directed to a reception centre and, subsequently, to open centres administered by the Head of UdsC. Families with children not seeking international protection and not placed in guarded centre have access to what is known as institutional support. This includes services provided in accordance with art.400aUoC which requires the Commander-in-Chief of SG to ensure that a foreigner has not been placed in or has been released from a guarded centre on the grounds that his life and/or health would be in danger in such a centre or the grounds of their psychophysical condition is provided with social assistance, medical and psychological care.

150. These social assistance services include:

- Accommodation in a place specified in the decision to provide social assistance, medical and psychological care services;
- Full board;
- Care services to meet the daily living needs, including hygienic care;
- A supply of necessary cleaning and personal hygiene products;
- A supply of necessary clothes, underwear and shoes;
- Travel by public transport in the aim to receive medical treatment services or where to take part in proceedings related to an official procedure of their deportation or an application for a residence permit for humanitarian reasons or a tolerated stay permit.

151. As regards the provision of medical care and psychological support, the following services are available:

- Consultations with a primary care physician and specialist physicians;
- Hospitalisation or access to other medical care institutions;
- A supply of medicinal products and sanitary products, including dressings;
- Psychological consultations and psychotherapy.

152. Since 2021, such services have been provided under an agreement with the Dialog Foundation from Białystok. Foreigners are always picked up by the employees of the Foundation and taken to Saint Maria Magdalene Night Shelter in Białystok. Unaccompanied minors, regardless of whether they are covered by the refugee procedure, are placed in care and education facilities, similarly, to Polish children. Only in exceptional cases, when the circumstances of detention and the psychophysical condition of an unaccompanied minor at the age of 15 years or older justify placing them in a guarded centre, a court may take such a decision and the minor will be placed in a separate area of the guarded centre in Kętrzyn.

153. The detention facility in Wędrzyn was a temporary facility only and was closed on 18.08.2022. All the foreigners placed there were transferred to other centres. No minor has ever been placed in the Wędrzyn.

154. Appendix 14 contains relevant statistics.

155. There are special procedures for children in place in guarded centres since 2018. As a result of cooperation with the Dajemy Dzieciom Siłę Foundation, a policy called *Protecting children in guarded centres*, which contains *intervention procedures in the event of child abuse in guarded centres*, was implemented. This is an operation algorithm in the case of suspicion of child abuse in the guarded centre and includes definitions of *harm to a child* and *emotional harm to a child*. The procedures described in that document refer to situations where there is a threat of harm to a child or where there is suspicion of a crime against child committed by parent(s), a member of the personnel of a guarded centre or any other person, including another child.

156. According to art.165 of the *Education Law* (14.12.2016), a persons who aren't a Polish citizens have access to education and care in public and non-public kindergartens or other pre-school education facilities, as well as pre-school departments in non-public primary schools, and those subject to compulsory schooling – in public primary schools, art schools and other educational institutions, including art institutions, similarly, to Polish citizens. Person who aren't a Polish citizens and who are subject to compulsory education shall have access to care and education provided by public secondary schools similarly to Polish citizens, until the age of 18 or secondary school graduation.

157. In its regulation (23.08.2017) on the education of persons who are not Polish citizens and Polish citizens who attended schools operating in the education systems of other countries, the Minister of National Education defined the procedure for allocating students to appropriate school years or semesters in order to support the adaptation of people coming to Poland in a new educational environment and the requirements for the establishment, organisation and operation of preparatory departments in schools and the method of providing additional Polish language education and additional compensatory education as well as opportunities to study the language and culture of the student's country of origin.

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158. The preventive measure of placing a person in an appropriate psychiatric facility (art.93gKk) may be ordered by a court after the criminal proceedings respecting all procedural guarantees for the accused in criminal proceedings. A preventive measure may be ordered only when it is necessary to prevent the perpetrator from committing a forbidden act again and only if any of the other measures provided for in Kk or other statutes are insufficient (art.93b§1Kk). Moreover, the preventive measure of placing a person in an appropriate psychiatric facility may be ordered only if it is highly probable that the perpetrator against

whom criminal proceedings were discontinued on the grounds of a state of complete insanity will commit forbidden act of significant social harmfulness again, due to his/her mental illness and/or intellectual disability (art.93g§1Kk). Such a perpetrator doesn't commit a criminal offence and therefore no penalty is imposed on them, but, if necessary, a preventive measure is applied. In addition, such a measure may be imposed on an offender sentenced for an offence committed in a state of limited sanity or in connection with sexual preference disorders, to imprisonment without conditional suspension of its execution, or to life imprisonment, if there is a high probability of the new commitment of the offence of significant social harmfulness due to mental illness and/or intellectual disability, or off the crime against life, health or sexual freedom in connection with a sexual preference disorder (art.93§2 and 3Kk). In relation to these categories of offenders, this measure may be implemented before or after the execution of a penalty or when the execution of a penalty is interrupted temporarily. The period of the execution of the measure counts towards the penalty (art.202aKkw).

159. The duration of the placement in a psychiatric facility as a preventive measure isn't determined in advance, but the legitimacy of maintaining the measure effective is reviewed on an ongoing basis. At least every six months, the head of the psychiatric facility must send his opinion to the court about the offender's health condition and the progress of his medical treatment and therapy, and the court decides whether to maintain the measure. The decision is made at a hearing attended by a public prosecutor, the perpetrator's counsel and, with some exceptions, the perpetrator himself (art.203 and 204Kkw). In addition, the head of a psychiatric facility must send such an opinion to a court at its request and immediately if, due to a change in the perpetrator's health condition, he considers that his/her stay in facility is no longer necessary. If such an opinion is received the court must immediately decide whether to maintain the measure (art.203§1 and 203§2Kkw, and art.204§1Kkw).

160. The measure of placing a person in a psychiatric facility is imposed only on the most dangerous perpetrators of offences with a high level of harmfulness to society. In other cases, a wide range of non-detention measures is available: electronic monitoring of perpetrator's place of stay, therapy, therapy of addictions, ban of holding specific positions and/or practising specific professions, ban to contact with certain communities and/or ban to access to certain places, or ban of contacting individuals, or ban of operating motor vehicles.

161. The National Centre for the Prevention of Antisocial Personality Disorders in Gostynin operates under the Act (22.11 2013) *on dealing with persons with mental disorders posing a threat to the life, health or sexual freedom of other persons*. This law is temporary and applies to individuals convicted of an offence committed before 1.06.2015, i.e., before the criminal law reform, which fundamentally changed the system of preventive measures. This law applies, also, to individuals sentenced to death, which was replaced with 25 years' imprisonment as result of abolition of that penalty.

162. The centre in Gostynin isn't a correctional facility, but a medical treatment facility that reports to the MZ (art.4 and 5 of that Act).

163. In the centre may be placed individuals who are serving a prison sentence or a 25-year prison sentence in a therapeutic system, as well as individuals who – during their criminal enforcement proceedings – experienced mental disorders in the form of mental retardation, personality disorders or sexual preference disorders and if these disorders are of such a nature or severity that it is very highly probable that the individual will commit an offence with the use of violence or the threat of its use against life, health or sexual freedom for which the upper limit of imprisonment is at least 10 years. All these criteria must be met cumulatively (article 1 of Act). The decision to place a person in that centre is made by a court composed of three judges, at the request of the director of the prison, after familiarizing with the opinions of experts: two psychiatrists and a psychologist and/or a sexologist and/or a sexologist-psychologist (art.9, 10 and 15 of Act). The decision is made after a hearing with the obligatory participation of a public prosecutor and the offender's counsel and/or the offender, who has the right to participate in the proceedings (art.15 of Act). The court's order is appealable. At least once every six months, a review must be conducted to decide whether the placement in the centre should be maintained. This review is based on the same criteria that apply to reviews of preventive measures (art.46 and 47 of Act).

164. A non-detention measure alternative to placement in a centre is *preventive police supervision*, which can be applied if the probability of the offender committing an offence is only high, but not very high. This alternative measure may be combined with the imposition of an obligation to undergo a course of therapy (art.14 and 16 of Act).

165. A decision to incapacitate a person due to mental illness, mental retardation or other types of mental disorders only results in the person's capacity for legal acts within the meaning of civil law (art.12 and 15Kc) being removed or limited, and, consequently, the appointment of a guardian for a fully incapacitated person (art.13§2Kc) or a curator for a partially incapacitated person (art.16§2Kc). This decision doesn't result in compulsory placement in a psychiatric hospital or other similar facility. The placement in such an institution requires separate and independent proceedings, as described below.

166. Proceedings for incapacitation takes place before a regional court composed of three judges; and are conducted in accordance with the provisions of Kpc on non-contentious procedure. As part of these proceedings, the person to be incapacitated must be heard immediately in the presence of court-appointed experts (art.547§1Kpc) and examined by an expert psychiatrist and/or an expert neurologist and a psychologist, and an opinion on his/her mental state must be obtained (art.553§1 and 2Kpc) and a main hearing must be held (art.555Kpc). If the experts deem it necessary, the person may be placed under observation in psychiatric hospital for up to six weeks, and in exceptional situations, for up to three months (art.554§1Kpc). A complaint may be lodged against the decision to place the person under observation. The court's order to incapacitate a person may be appealed against, and the court must not reject the appeal merely because not all the filing formalities have been completed (art.560Kpc). In proceedings for incapacitation, the court may appoint an ex officio lawyer as counsel for the person concerned, even without his/her application (art.560¹Kpc). Anyone who filed a petition for legal incapacitation in bad faith or recklessly is liable to a fine (art.545§5Kpc). Following an application (including an application by the incapacitated person) or on an ex officio basis, the court must revoke the incapacitation order or change it from complete incapacitation to partial incapacitation, or, if the mental state of the incapacitated person has deteriorated, from partial incapacitation to complete incapacitation, if there are grounds for it.

167. UoOZP (Mental Health Protection Act) provides for procedures for placing a patient in a psychiatric hospital against his/her will, namely upon request (art.29) and in an emergency (art.23 and 24). The case is always examined by a guardianship court to determine whether it is necessary to place the patient in a psychiatric hospital without his/her consent. These procedures aren't connected with criminal proceedings and/or the commission of a criminal offence within the meaning of criminal law.

168. A person may be placed in a psychiatric hospital on an emergency basis (art.23UoOZP) if it determined that his/her conduct indicates that the person directly threatens his/her own life or the life or health of any other person because of the mental illness. The placement decision is made by a physician after a personal examination of the patient and, if possible, after obtaining the opinion of another psychiatrist or psychologist. The physician must explain to the patient the reasons for the placement in a psychiatric hospital without the patient's consent and inform about his/her rights. Within 48 hours the placement must be approved by the head of the hospital department, and the guardianship court must be notified within 72 hours. The above actions must be entered in the patient's medical records.

169. When notified, the guardianship court will initiate proceedings regarding the placement into a psychiatric hospital (art.25UoOZP). If a person placed in the psychiatric hospital without his/her consent agrees to the placement, the guardianship court, after hearing the person, will discontinue the proceedings initiated based on the notification (art.26UoOZP).

170. When a person is placed in a psychiatric hospital on an emergency basis, the judge visiting the hospital must hear the person within 48 hours of being notified by the hospital. If it is determined that the placement is evidently unjustified, the judge immediately orders the patient's release and discontinuation of proceedings.

171. When the guardianship court makes an order regarding the placement, it must immediately notify the hospital where the person is placed about its substance (if decides that

there are no grounds for the placement, the hospital must release the person immediately after receiving the court's decision).

172. If, however, the person placed in a psychiatric hospital revokes his/her consent(art.28UoOZP) and if it is determined that his/her conduct indicates that the person directly threatens their own life or the life or health of any other person because of mental illness, the provisions above must be applied accordingly.

173. As regards the *upon request* procedure (art.29UoOZP), a person may be placed in a psychiatric hospital if it is determined that his/her conduct indicates that lack of placement in a hospital, their mental health will deteriorate significantly or that he/she is incapable of living independently, and it is reasonable to expect that his/her treatment in a psychiatric hospital will improve his/her health. Whether or not a person needs to be placed in a psychiatric hospital is decided by a court following a request by the person's spouse, direct line blood relative, brother or sister, statutory representative or by a person with actual custody of that person. When the person is provided with social support, the request may also be made by the social support institution. This request must be accompanied by a certificate from a psychiatrist with a detailed justification of the placement in a psychiatric hospital.

174. In the above-mentioned cases, the guardianship court must (art.45UoOZP) make an order immediately after the hearing, which must be held not later than within 14 days from the date of its receipt of the application or the date of receipt of the notification from the hospital. On the basis of the legitimate interest of the person directly affected by the proceedings, the court must hold the hearing in the hospital.

175. In addition, the court must appoint a lawyer (an advocate or *radca prawny*) on ex officio basis for the person directly affected by the proceedings, even without the person's application, if that person is unable to submit such an application due to his/her mental health situation, provided that the court considers participation of lawyer necessary.

176. The decision to discharge a person placed in a psychiatric hospital without his/her consent is, generally, made by the doctor in charge of the placement department, if he/she decides that the statutory grounds for the placement of the person in a psychiatric hospital without consent have ceased to exist. However, this person may, with his/her consent, choose to continue the placement in the psychiatric hospital if the doctor considers it expedient. The head of the psychiatric hospital notifies the guardianship court of release of the patient or to permit the placement to continue.

177. An application for discharge may also be made by the person placed in the psychiatric hospital, even if the person is incapacitated, in which case the application may be made in the hospital and in any form, and this fact must be entered in the patient's medical records. This application may also be submitted in any form by the person's statutory representative, spouse, siblings, direct line blood relative or by a person with actual custody of that person. This application, too, must be entered in the patient's medical records.

178. If the application for discharge is rejected, the patient or any other person duly authorised to act for the patient may apply to a guardianship court for a release order. The application to the court must be filed within 7 days of the patient or such other person being notified of the rejection and informed about the limit and way to the filing an application.

179. The main basis for placing a person in a care home is a referral and placement decision issued under art.59 of the *Social Assistance Act* (12 03 2004). The administrative procedure will, as a rule, be initiated based on an application by the person concerned. The application may also be submitted by the legal representative of the person concerned or by another person with the consent of the person concerned or their legal representative (art.102(1) of that Act).

180. According to art.38UoOZP, a person who, because of his/her mental illness or intellectual disability is unable to meet basic living needs and has no access to care by other people and needs constant care and nursing, but doesn't require hospital treatment, may be placed in a care home with his/her or their statutory representative's consent.

181. The Act (24.11.2017) amending the UoOZP, introduced changes regarding the placement of persons in care homes and the requirement for periodic examinations of placed

persons. No person may be placed in a care home without their consent and only with the consent of their statutory representative unless such a placement is ordered by a guardianship court.

182. A minor or a completely incapacitated person may be placed in a care home with the written consent of his/her statutory representative. The statutory representative may give such consent after obtaining the consent of a guardianship court.

183. If the person to be placed in a care home is older than 16 years or a completely incapacitated adult who is capable of making a consent statement for himself, that person's consent is required for the placement. If the person's statement isn't the same as their statutory representative's statement, a guardianship court will make the decision.

184. A person placed in a care home under the provisions of UoOZP is subject to periodic mental health examinations to the extent necessary to verify whether the placement should continue. Such examinations must be carried out at least once every six months.

185. According to UoOZP, a person placed in a care home, including an incapacitated person, their statutory representative, spouse, direct line blood relative, siblings or a person with actual custody of that person may apply to a guardianship court for an order amending the placement order. Such an order may also be applied for by the head of the care home if he/she considers that the circumstances have changed.

186. If a person wishes to leave the care home and has not been placed there based on a guardianship court's order, that person or their statutory representative, spouse, direct line blood relative, sibling, a person with actual custody of that person, or the head of the care home may apply to a guardianship court for an order cancelling the placement.

187. To ensure the best possible therapeutic interactions for minors with intellectual disabilities, juveniles with a moderate degree of disability may be placed in MOWs since 6.04.2023, and these places provide them primarily with special education, tailored to their needs and psychophysical capabilities, and upbringing.

188. Before MOW operated as social reintegration and rehabilitation facilities for socially maladjusted children and young people with mild intellectual disabilities.

189. Compulsory conversion therapy doesn't exist in Poland.

190. There are two committees appointed by the MZ to provide a suitable place where preventive measures may be implemented. The two committees are:

(a) the Psychiatric Committee for Preventive Measures and the Execution of Preventive Measures at Psychiatric Facilities gives opinions to courts or other institutions on the placement, release or transfer of perpetrators placed in a psychiatric facility as a preventive measure. It also reviews records and documents, including medical records, and information about the number of places available at psychiatric facilities where preventive measures may be implemented, visits psychiatric facilities and assess the conditions there;

(b) the Committee for Therapeutic Measures for Minors ensures that juveniles are referred to appropriate therapy facilities for appropriate treatment, rehabilitation and therapeutic procedures. This committee gives opinions to courts, reviews records and documents and information about the number of places available at such therapy facilities for juveniles and visits such facilities. The organisational and technical work for this committee is managed by the National Centre of Forensic Psychiatry for Juveniles in Garwolin. The method of delivering therapeutic measures to juveniles at treatment facilities with basic, enhanced or maximum security measures is specified in UWRN.

191. Currently, 3,295 beds are available for people with mental disorders, while the number of people waiting for admission is 511 (as at 1.06.2022). Psychiatric facilities can be organized as basic, enhanced, or maximum security facilities. According to information from the Psychiatric Committee for Preventive Measures, approx. 2.5 thousand decisions are issued annually.

Reply to paragraph 21 of the list of issues

192. The right to submit petitions, proposals and complaints is a civil right guaranteed by Art.63 of the Constitution. A person deprived of liberty has the right to submit petitions, proposals and complaints to the authority competent to consider them and submit them, without the presence of other persons, to the administrators of ZK, the heads of SW units, penitentiary judges, public prosecutors and the RPO. According to art.8a§3Kkw, the correspondence of a convicted person deprived of liberty with law enforcement authorities, the judiciary and other state authorities, local government authorities, RPO, RPD, international human rights protection bodies, with a defence lawyer or other representative, must not be subject to censorship, supervision or seizure and must be delivered to the addressee immediately.

193. In addition to the provisions of Kkw, the procedure for submitting and considering applications and complaints is set out in the Regulation of the Minister of Justice (14.09.2022), issued under Kkw, *laying down the methods of dealing with applications, complaints and requests of persons detained in prisons and detention centres*. According to its §8(1) the authority competent to deal with the complaint must notify the complainant in writing of the determination of the complaint.

194. The information contained in the 7th Report on the procedures applied by public prosecutors in cases involving the deprivation of life, the use of torture is and other inhumane treatment by police officers of other public officials is fully up to date.

195. In criminal proceedings, the aggrieved party has the right to lodge a complaint with the court against the decision refusing to initiate or discontinuing the pre-trial proceedings, and in some situations, the right to file, instead of the prosecutor, the so-called subsidiary indictment.

196. There is no central register of complaints about mistreatment by public officials. General statistics for complaints and disciplinary procedures initiated in response to such complaints are collected by each institution. General statistics for criminal proceedings are collected as part of a court statistics system.

197. Appendix 5 shows statistics for disciplinary procedures against police officers and Appendix 15 contains such statistics for SW officers. Statistics for complaints against SG officers are given in Appendix 16.

Reply to paragraph 22 of the list of issues

198. Any complaints about the conduct of public officials and reports about offences (committed both by public officials and other persons) to the detriment of any persons are carefully examined using the standard procedure provided for in the applicable regulations. No separate statistics are collected for procedures based on complaints the victims or complainants are persons classified as particularly vulnerable. Any procedural, disciplinary and administrative activities of the police, other uniformed services and other public officials in relation to such persons are undertaken in connection with supposed violations of the law and public order by such persons, including offences committed by them. However, such activities aren't undertaken in connection with gender identity, sexual orientation, views and social commitment or other characteristics of the categories of persons covered by the question.

Reply to paragraph 23 of the list of issues

199. The investigation referenced RP II Ds.16.2016 conducted by the Regional Prosecutor's Office in Krakow with regard to abuse-of-power cases occurring in various places in Poland and involving public officials where the offences consisted in such officials permitting the operations of places of detention where, in violation of the law, people suspected of terrorist activities were detained for more than seven days, i.e. offences under art.231§1Kk and 189§2Kk, in conjunction with art.11§2Kk and other offences, was

discontinued on 30.10.2020. On 7.09.2021, the Regional Court in Warsaw (case: XVIII Kp 923/21) upheld the prosecutor's decision.

200. The remaining part of the investigation was suspended, based on the prosecutor's decision of 26.02.2021. On 5.12.2022, the Regional Prosecutor's Office in Kraków resumed the suspended investigation, which was assigned a new reference (2004-4.Ds.12.2022). The subject of the investigation is the use of torture techniques against detainees and their deprivation of liberty in Poland by US officers. This investigation is pending.

Reply to paragraph 24 of the list of issues

201. In the years 2018–2022, the General Counsel to the RP received over 2,800 court cases filed against correctional facilities. Slightly more than a half of them were handed over to the correctional facilities concerned to be managed by them because they were similar in nature. The total amount of claims accepted in the cases that were not handed over for independent management by the correctional facilities and which were conducted by the General Counsel to the RP amounted to over PLN 1.5mln until their completion.

202. The Polish Justice Fund is a state special-purpose fund tasked with delivering assistance to victims of crime, witnesses and their relatives, counteracting the causes of crime and providing post-correctional assistance. Any person injured by a crime, including the use of torture or other inhumane treatment, regardless of his/her sex, age or nationality, may obtain assistance from the Fund, primarily in the form of legal, psychological, psychotherapeutic and financial assistance. It can be obtained at one of the district centres or local offices within the nationwide Crime Victims' Support Network. Statistics for on the number of people provided with assistance by the Fund and the hours of such assistance are given above. No separate statistics for assistance delivered to victims of torture or mistreatment are collected.

203. Appendix 17 shows the available statistics for the amounts of damages awarded for wrongful pre-trial detention or wrongful convictions.

Reply to paragraph 25 of the list of issues

204. Art.168aKpk provides that evidence shall not be considered inadmissible solely on the grounds that it was obtained in violation of procedural provisions or by means of the prohibited act under art.1§1Kk, unless the evidence was obtained in connection with the performance of official duties by a public official, because of homicide or intentional damage to health or imprisonment. The admission, in a trial, of evidence obtained by torture would make the trial unfair within the meaning of art.6(1) of the EKPC. In its judgment of 26.06.2019 (Case: IV KK 328/18), the Supreme Court finds that art.168aKpk must not constitute a legal basis for taking evidence obtained in violation of procedural provisions or by means of a prohibited act."

205. Statistics for cases under art.246Kk (evidence obtained by force) are given in Appendix 1 and 2. No statistics for cases where confessions, testimony and explanations were obtained by torture are collected.

Reply to paragraph 26 of the list of issues

206. Each public prosecution office monitors hate crime cases by collecting and reviewing materials. Every six months, a report is prepared by a designated public prosecutor on the conduct of criminal investigations for this category of cases. These reports are submitted to PG and subsequently forwarded to subordinate public prosecution offices together with subject-matter recommendations.

207. Each pre-trial investigation in a hate crime case is treated with special care, and the prosecutor in charge of the investigation must inform superior prosecutor about the commencement and progress of the investigation. If a case is specially supervised, the superior public prosecutor provides guidance to the public prosecutor conducting or

supervising the investigation, regarding the directions of the investigation and efficient conduct of procedural activities. In addition, the case files for such investigations are examined by superior public prosecutors. This allows for eliminating any irregularities in the conduct of such cases. Moreover, those cases of hate crime for which public prosecutors refused to commence or discontinued a pre-trial investigation are reviewed by superior public prosecutors on a regular basis, after each half year, to assess the validity of the reasons for the decisions. The results of such assessments are shared with the subordinate public prosecutors, together with instructions for resuming those investigations which were refused or discontinued without a valid reason.

208. Appendix 18 shows statistics for pre-trial hate crime investigations, and Appendices 19 and 20 contain statistics for convictions by district and regional courts for such crimes.

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209. In its judgment of 22.10.2020 (case: K 1/20), the Constitutional Tribunal held that art.4a(1) point 2 of the Act (7.03.1993) on *family planning, protection of the human foetus and the grounds for the termination of pregnancy* was in conflict with art.38 in conjunction with art.30 and art.31(3) of the Constitution. According the provision of that section, the termination of pregnancy was permitted if prenatal tests or other medical reasons indicated a high probability of severe and irreversible foetal impairment or an incurable disease threatening the life of the foetus.

210. That provision ceased to have effect on the date of the publication of the judgment in Journal of Laws of the RP (i.e., on 27.01.2021). However, it needs to be noted that the grounds for the termination of pregnancy set out in art.4a(1) point 1 of that Act (when the pregnancy threatens the life or health of the pregnant woman) and art.4a(1) point 3 of that Act (when there is a reasonable suspicion that the pregnancy resulted from a prohibited act) remain in effective as originally worded. The assessment whether the pregnancy threatens the life or health of the pregnant woman is reserved for the doctor on a case-by-case basis. The main objectives of medical care delivered to pregnant women are to ensure the proper course of pregnancy and to identify risk factors as early as possible, enabling the pregnant women to receive care services that meet their health needs.

211. In addition, on 7.11.2021, a notice was published on the website of the MZ, to draw attention to the law that applies to situations threatening the life or health of pregnant women (e.g., suspected infection of the uterine cavity, haemorrhage, etc.) and that – in accordance with the Act on *family planning, protection of the human foetus and the grounds for the termination of pregnancy* – the pregnancy may be terminated immediately in any such situation. This grounds for abortion clearly specified in that Act are a threat to the life of the mother and/or a threat to the health of the mother, and these two grounds are separate and independent. More specifically, even if only of them exists, the doctor may respond. It is obvious that the patient must be kept informed throughout the pregnancy about any risk to her health and/or life. The notice emphasized that doctors need not be afraid to take obvious decisions based on their experience and available medical knowledge.

212. On 12.06.2023, the MZ issued an internal regulation to appoint a team to develop guidelines for healthcare providers regarding pregnancy termination procedures.¹

213. The team is tasked with developing guidelines for healthcare providers regarding pregnancy termination procedures to be followed when the grounds set out in art.4a of the Act on *family planning, protection of the human foetus and the grounds for the termination of pregnancy*. The guidelines should specify, in particular:

- How to assess and confirm the existence of the statutory grounds for pregnancy termination;
- The grounds for referring the patient for additional medical consultations to assess the patient's health status;

¹ (Official Journal of the Ministry of Health, item 42).

- How to deal with a pregnant woman whose life and/or health is/are found to be at risk;
- Training materials for the medical personnel of gynaecology and obstetrics departments of hospitals.

214. When the guidelines are ready, the personnel of all hospitals with gynaecology and obstetrics departments will receive training based on that guidelines. The training will be delivered by the Commissioner for Patients' Rights in cooperation with a national consultant in the field of gynaecology and obstetrics, who is the chairperson of the team.

215. Termination of pregnancy in the situations described in that Act is a guaranteed healthcare service and as such is provided by hospitals that have contracts with the National Health Fund for the provision of services in the field of obstetrics and gynaecology. No legislative work is currently underway to amend the law on pregnancy termination.

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216. The Act (9.11.2018) amending *the Police Act and certain other statutes* established a counter-terrorist service within the police responsible for conducting counter-terrorist activities and supporting the activities of other police units where there is a high risk of terrorism or where the use of specialised forces, resources and tactics is required.

217. By the Act (9.09.2018) *on the processing of passenger name data* were implemented the provisions of the directive on the use of passenger name record data (PNR data) for the prevention, detection and investigation of terrorist offenses and serious crime, where the terms and conditions for the provision of passenger name record data by air carriers are specified.

218. The National Unit for Passenger Name Record Data was set up at the General Headquarters of the SG. In addition, a Competent Authorities Application was implemented. It is a secret system allowing for the exchange of information on PNR data between authorised services and authorities.

219. On 12.01.2022, the Act (17.12.2021) *amending certain statutes* in connection with the establishment of the *Central Bureau for Combating Cybercrime* entered into force, which provides for the establishment of a new police unit, namely the Central Bureau for Combating Cybercrime. Considering that the scale of cybercrime has increased in recent years, which is manifested, among others, in more hybrid terrorist threats which are politically and ideologically motivated, it was necessary to establish this specialised unit. In 2018–2022, no action was taken against the offenders referred to article 2 point of the *Anti-Terrorism Act* (10.06.2016). Therefore, no complaints were received about non-compliance with national and international standards when applying measures to respond to terrorist threats.

220. For information about training see Appendix 12.

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221. To ensure the epidemiological safety of correctional facilities and the delivery of proper medical care to persons deprived of liberty in connection with the state of epidemic, procedures have been developed in consultation with the Chief Sanitary Inspectorate in the event of suspected or actual infection with the SARS-CoV-2 virus, and they were updated on an ongoing basis as the situation developed.

222. Correctional facilities were supplied with personal protective equipment (protective equipment sets comprising overalls, protective goggles, FFP 3 masks, shoe covers, visors, disposable gloves, disposable aprons, hand sanitisers, protective masks), a supply of sanitisers, also used for disinfection potentially infected surfaces. Visits were suspended and facility personnel were ordered to use personal protective equipment when dealing with inmates directly. External hiring was suspended, and the movement of inmates between facilities was limited to what was necessary. SW also established two isolation rooms for mildly symptomatic and symptomatic patients who didn't require hospitalisation, and *home isolation rooms* for asymptomatic patients were set up in each district SW inspectorate.

223. In order to minimise the risk of negative feelings surging within inmates and to ensure that the recommendations of both the WHO and national public health authorities competent in matters of public health were followed, the inmates' access to running hot water and the number of baths were increased, the time of telephone calls was extended (in justified situations also at the expense of SW, the number of telephones was increased at some correctional facilities and additional telephone cards were made available to inmates, in particular those who didn't have their own cash. Inmates' access to instant messaging applications was increased, as were the frequency of calls and Internet network bandwidth. The time of permitted access to electricity for residential purposes was extended, and the range of cultural and educational activities was changed according to Covid-19 restrictions.

224. The effectiveness of the measures is evidenced primarily by the relatively small number of cases of confirmed infections at correctional facilities, as well as the limited spread of the SARS-CoV-2 virus at facilities where infections were confirmed.

225. During the COVID-19 pandemic, the following measures were taken at guarded centres:

- When detained, each person was examined by a doctor before they were placed in the centre. This examination included a Covid-19 test;
- Separate quarantine rooms, generally available hand sanitisers, masks, gloves, and preventive body temperature measurements (once a day) were provided;
- Visits via the Internet.

226. During the COVID-19 pandemic, special sanitary restrictions were in place at MOWs. To increase the safety of the residents and personnel, visits were suspended, and restrictions were imposed regarding the residents' time off the centres. The centres were supplied with disinfectants.

227. Care homes and facilities providing 24-hour care for the people with disabilities, chronically ill or the older people were particularly exposed to the transmission of the Covid-19 virus among residents and personnel, becoming hotbeds of infection.

228. Therefore, any restrictions on the activity of residents outside the facility were imposed to minimise the risk of infections, and where infections occurred, to reduce the spread of the virus. The Ministry of Family and Social Policy issued recommendations in this regard, which were not absolutely binding and were limited only to aspects related to protection against infections. However, it should be emphasized that decisions to restrict contact between residents of care homes and people from outside the homes were taken by the administrators of the homes or voivods in consultation with local sanitary agencies, depending on the epidemic situation in a given area.

229. Art.11(1) of the Act (2.03.2020) on special solutions related to the prevention, counteracting and combating Covid-19, other infectious diseases and crisis situations caused by them authorised the voivods to issue orders binding local government authorities.

230. The Minister of Labor and Social Policy provided care home administrators with guidance recommending that care home residents should be provided with opportunities to contact their families and the support network outside the facility by means of communication equipment. The Minister of Labor and Social Policy also informed the voivods that, if it is necessary to maintain restrictions at care homes, as part of their supervision, they should pay special attention to whether residents had access to equipment they could use to contact their relatives, family members, local communities and whether they could use the equipment.

231. In practice, implementing the recommendations regarding changes in the operation of care homes helped reduce the number of infections and to increase epidemic safety at these facilities, which was the main purpose of all the measures taken in response to the epidemic.

232. In addition, the Ministry of Labor and Social Policy took measures throughout the pandemic to help local governments counteract Covid-19. This included supplying protective equipment as well as additional funds intended to ensure proper care for people locked in their homes due to the epidemic.

233. In addition, care home residents and personnel were vaccinated against Covid-19 on a priority basis vaccination was made available to the public.

234. A well-conducted vaccination campaign at care homes made it possible to restore the organisation and operation of the homes from before the epidemic.

235. When the epidemic situation at care homes became stable, the Ministry of Labor and Social Policy, in cooperation with the MZ and the Chief Sanitary Inspector, prepared guidelines designed to gradually increase the activity of the vaccinated residents of care homes outside off the premises, and to enable residents to be visited by relatives (the first such guidelines were issued as early as in March 2021). The final decisions regarding the activity of residents off the premises of care homes and visits by relatives were made by the administrators of the homes, considering, in particular, the epidemic situation in a given area and the progress of vaccination at the care homes.

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236. Since 2017, the Police has been implementing a training programme for the purpose of implementing the Convention called *Counteracting the use of torture in the Police*, addressed to all officers of uniformed services. The main parts are introduced during the basic training that all police officers must receive. Each person joining the police is trained in these topics. The police are implementing a horizontal project called *Retrospective education in the Police*. The focus of the project is to provide police officers with training in places of torture and genocide by Nazi Germany, e.g., at the Auschwitz-Birkenau Memorial and Museum, or working with artifacts related to the torture and genocide of the Stalinist regime (Katyn Museum in Warsaw). The police service is in permanent cooperation with the POLIN Museum of the History of Polish Jews. As part of measures to ensure extensive protection of the rights of children, RPD decided on 6.12.2020 to launch a 24h helpline and online chat service for children and adolescents as a free psychological support service. Users of the chat service do not need to sign or install any applications. The service is delivered through RPD's website (brpd.gov.pl).

237. Launched in 2008, the helpline was available on weekdays for years, and after office hours it was possible to leave a message, to which experts replied the next working day. Currently, psychologists and educators work are available to talk to on the Children's Helpline (phone: 800 121 212) service. In addition, the RPD Office's personnel also provide support on the Children's Helpline.

238. An important part of the work of the Children's Helpline is the availability of experts in law, social affairs, education and upbringing, health protection as well as matters concerning foreigners and refugees. Specialists are also available to talk to via the chat service (czat.brpd.gov.pl). When talking to a lawyer, the user may obtain information that explains his or her legal situation and instructions for action.

239. In addition, due to the dramatic situation of children from Ukraine, RPD decided on 2.03.2022 to expand the activities of the Children's Helpline team for refugees from Ukraine who are staying in Poland. Psychologists fluent in Ukrainian and Russian are available via RPD's Children's Helpline.

240. From 1.01.2022 to 31.12.2022, the Children's Helpline received a total of 42,828 calls and 10,871 chats.

241. It is also important to note the international cooperation that RPD is engaged in with the European Network of Ombudsmen for Children (ENOC), as part of which, after the outbreak of the war in Ukraine, a meeting was held on the initiative of RPD to develop a common position and plan actions aimed at protecting minor refugees, including protection and counteracting trafficking people in the context of the influx of unaccompanied minor refugees.