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Poland

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I. Methodology

1. This report was compiled for the purposes of the fourth Universal Period Review (UPR) of Poland. It focuses on the development of the human rights situation in Poland since the last review and the status of the implementation of the recommendations received during the third UPR Cycle in 2017. The material was prepared by the Ministry of Foreign Affairs on the basis of consultations held with other ministries. A draft had also been forwarded to the office of the Commissioner for Human Rights and the office of the Commissioner for Children's Rights. The Commissioner for Human Rights prepared a document referring in detail to the various recommendations from the third UPR adopted by Poland. An information meeting was also held with representatives of non-governmental organizations. As an innovation in the process of leading up to this report, its final version was made publicly accessible to all citizens and interested parties through the MFA website.

II. Achievements, best practice, challenges and limitations in the human rights situation in Poland during the reporting period

2. The reporting period for the human rights situation in our country coincided with Poland's membership in the UN Human Rights Council in 2020-2022, presidency in the Organization for Security and Co-operation in Europe in 2022, and membership in the UN Security Council in 2018-2019. Poland's activity in the aforementioned bodies was marked by a consistent pursuit of priorities both geographic (human rights situation and democratization aspirations in Central Europe and Eastern Partnership states), and thematic (protection and promotion of human rights as a key factor in achieving sustainable development; promotion of freedom of religion or belief, including the protection of religious minorities; protection of the persons in the most vulnerable situations, such as children and persons with disabilities; and promotion of democracy and principles of good governance) in nature.

3. Works on the report coincided with a period of unprecedented efforts in the human rights area undertaken by the government of the Republic of Poland and Polish society relative to the Russian Federation's aggression against Ukraine on 24 February 2022. It must be noted that out of 8.5 million people leaving Ukraine due to war, more than 4.5 million (as at 13 July 2022) came to Poland – more than any other country. In the height of the refugee influx, 41 reception points and 148 information points were launched for refugees.

4. Complex solutions for the benefit of Ukrainian refugees were introduced by the Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict in the Territory of that State. Among other things, the statute legalized the stay of Ukrainian citizens in Poland, opened the country's labour market to them, and established financial and social-support mechanisms for Ukrainian citizens, as well as extending financial support to those providing them with accommodation and food. This legislation guarantees access to the public health-care system for Ukrainian refugees on the same terms as Polish citizens, as well as access to the education system for pupils with Ukrainian citizenship who are refugees from war, unpaid preschool education for children from 2.5 to 5 years of age, and transport for pupils to school. Moreover, Polish and Ukrainian students until-then pursuing higher education in universities in Ukraine were guaranteed the ability to continue their studies in Polish universities and Ukrainian researchers the ability to continue their work in Polish academic and scientific institutions, along with funds for salaries and research grants under a special programme administrated by the National Science Centre.

5. Since the onset of the war, citizens of 179 states (not including citizens of Ukraine or Poland) crossed the Polish-Ukrainian border. Any foreign national fleeing Ukrainian territory may apply for international protection in Poland.

6. From the very beginning of the Russian aggression against Ukraine, Poland has been engaged in providing humanitarian relief. The Governmental Strategic Reserves Agency has furnished Ukraine and Ukrainian citizens in Poland with 11,458 tonnes of aid and assistance products. A government website was launched to enable broad humanitarian co-ordination (for the benefit of individuals and NGOs). Moreover, Poland actively collaborates with

international partners specializing in humanitarian assistance, such as ICRC, IOM, UNHCR, as well as EU member states and other states.

7. An important challenge in the area of human rights was also to deal with the consequences of the COVID-19 pandemic, including by the introduction of telemedicine and computerization of healthcare. In this context, activities focused on supporting the persons in the most vulnerable situations – children and persons with disabilities – deserve to be highlighted. The year 2020 saw the implementation of a project, as part of which computers and software for remote schooling and personal protective equipment were procured (33,000 alternative-care providers were covered). Assistance instruments were also created in order to maintain threatened jobs for persons with disabilities and ensure the continuity of employment and rehabilitation.

III. Development of human rights promotion and protection – implementation of third-UPR recommendations accepted by Poland

8. During the last five years Poland has campaigned actively for the development and promotion of human rights, simultaneously with implementing in whole or in part a number of recommendations from the third UPR. In the last UPR Poland received 185 recommendations and agreed to implement 163 out of them. The mid-term report for 2019¹ also discussed the progress made on each of the recommendations from the third UPR.

A. Human rights in the institutional-organizational dimension (recommendations 27–32, 78, 111–113)

9. Pursuant to Article 80 of the Constitution of the Republic of Poland, all people have a right to approach the Commissioner for Human Rights, on terms defined by statute, with a request to assist them with the protection of their freedoms or rights violated by public authorities. It has to be added that the function of the Commissioner for Human Rights enjoys independence from other organs of the state and the holder is accountable only before the Sejm, on terms defined by statute.

10. The period from 2017 to 2021 shows a trend for the expenditure on the Commissioner for Human Rights' operations to increase year-to-year. In the individual years that expenditure was as follows: 2017: PLN 37.182 million; 2018: PLN 39.433 million; 2019: PLN 40.883 million; 2020: PLN 45.214 million; 2021: PLN 51.187 million; 2022: PLN 59.144 million.

11. Moreover, as a result of the amendment of the budget statute in 2021, salaries and mandatory social-insurance contributions in the Office of the Commissioner for Human Rights were bolstered with an additional PLN 1.792 million. The latter was primarily earmarked for the employee motivational fund. It is also worth adding that the Commissioner for Human Rights' budget received additional funds from the budget reserve in 2021 at PLN 316 thousand monthly, to be allocated to the financing of increased salaries in the Office of the Commissioner for Human Rights and special allowances for employees particularly burdened with additional taskloads.

12. Since 2017, Polish development assistance has been characterized by a steady upward trend, including with regard to contributions to international organizations (such as Poland's contribution to the financing of the European Union's Official Development Assistance via the member-state contribution to the EU budget) and loans under tied aid. In 2017-2021 Poland's spend on development co-operation was as follows: 2017: PLN 2.6 billion; 2018: PLN 2.8 billion; 2019: PLN 3 billion; 2020: PLN 3.2 billion; 2021: PLN 3.7 billion.

¹ <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session27/PL/ImplementationPoland.docx>

13. Concerning the activities and financing of non-governmental organizations in Poland, it needs to be remarked that multiple fund-raising options are available. NGOs can obtain the status of a public-benefit (public-utility) organization and thereby become eligible for the allocation of 1% of a natural person's income tax. On 15 October 2017, the Sejm adopted the Act on the National Freedom Institute – Centre for Civil Society Development, with the latter becoming the first executive agency in the history of Poland to be tasked with assisting the development of the civil society, public-benefit organizations and volunteering.

B. The justice system in Poland (recommendations 84–98, 101)

14. The independence of courts and judges is guaranteed by the Constitution of the Republic of Poland and guarded by a watchdog in the form of the National Council of the Judiciary – a collegial body equipped with the standing to petition the Constitutional Court to review the constitutionality of normative acts affecting the independence of courts and judges.

15. In the recent period reforms have been initiated in Poland with a view to improving the functioning of the justice system. The legislative process in this regard is still in progress. Polish judicial reforms are consistent with the relevant European standards. When designing the new legislation, the opinions of international institutions, such as the Venice Commission, referring to these reforms are taken into account.

16. The Constitutional Court is an independent institution in Poland. The legislation dealing with its functioning, as adopted by Parliament near the end of 2016, conforms to the relevant European standards. Those provisions regulated the activities of the Constitutional Court in a complex way and follow numerous recommendations from the Venice Commission, such as those concerning the number of justices of the Constitutional Court needed for an *en-banc* panel and the majority required for the taking of a decision.

C. Freedom of the media, press and assembly, and the right to privacy (recommendations 104–110, 122–123)

17. Polish Constitution and the legal system guarantee the freedom of the press, freedom of expression and prohibition of censorship. Constitutional principles are supplemented by the provisions of the Act of 26 January 1984 – Press Law, which safeguards the freedom of the press and journalistic freedom.

18. The Act of 22 June 2016 on the National Media Council guarantees the exclusion of political control over the public media. The Council is the competent authority for the appointments and dismissals of members of the bodies of the various public broadcasters and Polish Press Agency. The particular method of election of the Council's own members is intended to safeguard the balance in the organ selecting the management in public media, so as to ensure protection from potential political control to the fullest extent possible. The National Media Council is required to submit written information about its activities to the Sejm, Senate, President, President of the Council of Ministers (Prime Minister) and National Broadcasting Council. That information is also communicated to the public.

19. No organ of the public administration in Poland is allowed to influence the functioning of TV broadcasters; the latter are left with the freedom to select their own programming. The law in force prevents not only political control but also any form of control over or censorship of the mass media. On the basis of the Act of 29 December 1992 on Broadcasting, a broadcaster enjoys independence in the programming along with responsibility for its contents. The obligation or prohibition to disseminate any specific programme or content may be imposed only by statute, which precludes unlawful external pressure or censorship.

20. As regards the recommendation concerning the Constitutional Court's judgment in *K 13/16*, of 13 December 2016, concerning the Act of 30 December 2015 amending the Act on Broadcasting, it must be noted that the amending act transferred the powers relating to the appointments and dismissals of members of the management and supervisory boards of the public media to the minister competent for the Treasury. It needs to be emphasized that the

forementioned legislation was temporary and replaced by the Act of 22 June 2016 on the National Media Council. Due to the coming into force of the latter act, the disputed law had been changed already prior to the Constitutional Court's judgment. The mechanism for the filling of positions in the management and supervisory boards of public broadcasting companies by the minister competent for the Treasury, as originally contemplated by the amending act, was completely replaced with a procedure providing for the participation of a newly established organ of the state — the National Media Council. For this reason, the Constitutional Court discontinued its proceedings in respect of those disputed provisions of the amending act.

21. The legislation on media ownership in force in Poland conforms to EU law. It must be emphasized that the Act on Broadcasting was amended in August 2021 to expand the scope of mandatory disclosures by Polish broadcasters. As a result, a broadcaster must provide easy, direct and stable access to the names of the members of its various bodies.

22. The freedom of assembly is safeguarded by Article 57 of the Constitution, which guarantees to everyone the freedom to organize and participate in peaceful assemblies. Any limitations on this freedom are only possible by statute.

23. The Act of 15 January 2016 amending the Act on the Police and certain other acts has implemented in Poland's legal system the Constitutional Court's judgment in *K 23/11*, of 30 July 2014, which is of key importance to safeguarding to the right to privacy. The solutions adopted in that act were evaluated by the Venice Commission. In its opinion 839/2016, of 13 February 2016, the Venice Commission welcomed Polish legislature's efforts in the implementation of the Constitutional Court's judgment in *K 23/11*. It has to be remarked that the powers of the services reporting to the minister competent for internal affairs do not extend to requiring telecommunication-service providers to engage in unlimited mass transfers of retained data.

D. Economic and social rights; fighting homelessness (recommendations 1, 2, 26, 125–127)

24. Poland works to ensure the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights and recommendations of the Committee on Economic, Social and Cultural Rights. Information about the implementation of the Pact and of the Committee's recommendations is provided in the reports submitted by Poland to the Committee. The last such report was filed in October 2021.

25. Poland's legal system also guarantees the ability to enforce the rights stipulated in the Pact in litigation before a court of law. As a ratified international agreement, following its promulgation in the *Journal of Laws*, the Pact is part of the domestic legal system and is directly applicable unless its application requires the enactment of a statute.

26. The years 2009-2018 saw the programme titled 'State assistance with supplementary nutrition', replaced in 2019 by the 'A meal at school and home' programme extending financial support to communes for the purpose of providing supplementary nutrition in order to reduce the malnutrition of children in families with low incomes or facing difficult situations, as well as adults, especially the lonely and elderly. A total of PLN 550 million p.a. is allocated to the programme.

27. Poland is an active campaigner in the fight against homelessness, also among children. The *ad-hoc* solution is for parents with children finding themselves in a crisis situation to be able to stay for 3 months with a crisis-intervention centre, from which they can also obtain assistance and support.

28. During the nationwide count of homeless persons during the night from 13 to 14 February 2019, a total of 30,330 homeless persons were identified, among them 992 homeless children (3.3%; 1201 children in 2017). The vast majority (946 children) were staying in shelters under the care of their parents, especially in maternity homes, as well as homeless shelters and crisis-intervention centres.

29. A programme titled ‘Overcoming homelessness. Assistance programme for homeless persons’ supplements the statutory duties of communal self-governments in the area of homelessness prevention and supports the activities of welfare providers. The main objective of that programme is to inspire and support initiatives to prevent and overcome homelessness, and to inspire the implementation of new methods of working with homeless persons and programmes for their social and professional activation.

E. Right to family life (recommendation 124)

30. Family policy is one of the main fields of government action. The Act of 11 February 2016 on State Assistance with the Education of Children introduced the child-support allowance (‘Family 500+’ Programme) at PLN 500 monthly, available for the second and later children in a family, from birth to the eighteenth birthday. Since 1 July 2019 the allowance has been based on the premise of universal eligibility and is available for every child in a family, irrespective of the family’s income level. The assistance currently covers 7.04 million children, including half a million children of refugees from Ukraine. The child-support allowance is not included in the calculation of the family’s income for the purposes of eligibility for family allowances, support fund, welfare benefits, housing allowances or scholarships. Thus, families receiving the child-support allowance do not forfeit their eligibility for assistance through other systems.

31. Introduced in 2018, the ‘A Good Start’ programme provides for an annual allowance (PLN 300) for every child in education (from 7 to 20 years of age or 24 years for children with disabilities), which assists families to cover their expenses relating to the beginning of the school year. The allowance is available irrespective of a family’s income level.

32. Since 1 January 2022, payments relating to the family care capital have been available; their goal is primarily to cover part of the expenses relating to the care of a second and later child between the 12th and 35th months of age. The family care capital is available at PLN 12 thousand per child and can be paid in the monthly amount of PLN 500 for 24 months or PLN 1000 for 12 months.

33. The development of institutions providing care for children of up to 3 years of age is facilitated by the Act of 4 February 2011 on the Care of Children up to 3 Years of Age, and the ‘LITTLE ONE+’ development programme for care institutions for children up to 3 years of age. The relevant capacity in nurseries, children’s clubs and providers of day-care increased from 32 thousand in 2011 to 212.9 thousand in 2021, and the percentage of children up to 3 years of age receiving care increased from 4.4% to 29.2%.

34. Since 1 April 2022, the parents of children attending a nursery, children’s club or day-care provider may apply for co-financing for the placement (up to PLN 400 monthly), as long as the family care capital is not being paid for the relevant child.

35. The systematic increase of the minimum salary and minimum hourly wage also has a pro-family dimension, similarly to the prohibition of trade on Sundays, introduced in 2018 and enabling families to relax together.

F. Right to health, including access to sexual education (recommendations 128–136)

36. An important element of the health-care system is prenatal care. In Poland, women during pregnancy, childbirth and recovery (puerperium) are under special protection ensured to them by domestic legislation, including the Constitution and international agreements ratified by Poland.

37. The organization of healthcare in health-care establishments providing maternity care is governed by the Regulation of the Minister of Health of 16 August 2018 concerning the organizational standard of maternity care. This includes healthcare during pregnancy, childbirth and puerperium, and neonatal care. To ensure appropriate care, the first preventive care, diagnostics and consultations referred to above had best be performed already prior to the 10th week of the pregnancy.

38. The list of guaranteed services from the scope of preventive health programmes and conditions for their implementation includes a prenatal-diagnosis programme. The programme contains a precise description of the scope of procedures falling within the guaranteed services, as well as eligibility criteria for the patient and for the provider.

39. The Act of 7 January 1993 on Family Planning, Protection of the Human Foetus and Conditions for the Lawful Termination of Pregnancy recognizes everyone's right to make responsible decisions about having children, as well as the right to information, education, advice and means to enable the exercise of this right. In line with Article 4a(1) of the aforementioned act, in the wording following the entry into force of the Constitutional Court's judgment of 22 October 2020, the termination of pregnancy may be performed only by a physician in a case when: (a) the pregnancy poses a threat to the life or health of the pregnant woman; or (b) there is a justified suspicion that the pregnancy results from a criminal act. In accordance with the act, persons covered by social insurance and persons eligible for unpaid healthcare under separate provisions are eligible for the termination of pregnancy in health-care establishments free of charge.

40. The effective legal remedy for women denied an abortion is the patient's right to object to the physician's opinion or decision, introduced to Polish legal system by the Act of 6 November 2008 on the Patient's Rights and on the Commissioner for Patient's Rights.

41. The right to object to the physician's opinion or decision was introduced into Polish legal system in order to comply with the judgment of the European Court of Human Rights in *Tysic v. Poland*.

42. Besides the right to object, a pregnant woman denied a procedure which she is eligible to receive may also contact the Commissioner for Patient's Rights in that matter; if the information provided at least establishes the probability that the patient's rights have been infringed, the Commissioner may commence an inquiry.

43. Since November 2018, a Telephone Patient Information Service is available in all voivodeship offices of the National Health Fund throughout the country – one telephone number for the National Health Fund and the Commissioner for Patient's Rights. The new single number for the whole country replaces more than ten numbers previously operated in the Fund's voivodeship offices. This guarantees the availability of quick, comprehensive and transparent information about the functioning of the health-care system in Poland.

44. Additionally, it must be remarked that sexual education has consistently maintained its presence in the general-education curriculum in Polish schools. The objectives and contents of instruction in this subject are specified by the core curriculum and cover a broad range of topics; those are accordingly dealt with under different education areas and subjects.

G. Combating discrimination, racism and hate speech (recommendations 41–45, 48–70)

45. In Polish legal system, the prohibition against discrimination for any reason whatsoever in political, social or economic life holds constitutional rank.

46. The National Action Plan for Equal Treatment 2022-2030 includes without limitation initiatives for the more comprehensive gathering of data by the various institutions of the public administration and Statistics Poland concerning the discriminated groups, as well as review of existing solutions in anti-discrimination law.

47. The aforementioned document provides *inter alia* for activities to promote knowledge about stereotypes, prejudices and discrimination, as well as options available for opposing them; social campaigns to oppose discrimination and promote tolerance; awareness-raising activities addressed to society as a whole, highlighting the dignity of a person and sensitizing to the phenomenon of physical, psychic and economic violence especially targeting women, children, older persons and persons with disabilities; promotion of equal treatment in sport and by sports events; promotion of respect-based language and reliable sources of information in order to contain the spread of 'hate speech'.

48. Due to the significant degree of social harmfulness in them, crimes propagating racially motivated hate, xenophobia and other forms of intolerance are the subject of constant interest by the Police and are monitored on a continued basis.

49. Since 2004, Police has operated and developed a network of human rights representatives. Greenlighted for implementation in 2016 was a document systematizing the works undertaken by the Police for the protection of human rights. The document was developed upon and continued in 2019-2020 and is being implemented in years 2021-2023.

50. Also in the process of implementation is the Police action plan for 2022-2025 (previously 2018-2021) for counteracting hate speech, crimes of incitement of hatred on national, ethnic, racial or religious grounds or on the grounds of lack of religion, as well as counteracting the propagation of fascism and other totalitarian systems is also being executed. A specialist course has been introduced in the Police for trainers in preventing and fighting hate crime.

51. All voivodeship Police Headquarters and Warsaw Metropolitan Headquarters have co-ordinators appointed in them to assist the fight on hate crime. In monthly reports, such co-ordinations notify the National Police Headquarters of hate-crime investigations conducted by the Police throughout the country.

52. Furthermore, the National Prosecutor's Office co-ordinates actions aimed at the effective prosecution of hate crimes and protection of victims' rights. To that end, prosecutors' offices above the district level and the Department of Investigations of the Office of the National Prosecutor engage in constant case monitoring; data on proceedings are gathered and analysed cyclically and reports are made.

53. Proceedings concerning hate crimes motivated by national, ethnic and religious differences are conducted by specially designated specialized prosecutors. In prosecutor's offices above the district level and below the national level, dedicated consultants and co-ordinators deal with crimes belonging to this category, which enables the harmonization of the practice and elimination of errors.

54. The National Prosecutor's Office continues to engage in activities having the goal of effective counteraction of hate speech on the Internet. On 29 October 2012 the Attorney General issued guidelines on the public prosecutor's participation in privately prosecuted cases. Those deal with the prosecution of hate speech on the Internet (viz. crimes consisting in defaming or insulting a specified person for various motives, including discriminatory) not belonging to the group of publicly prosecuted offences but rather privately prosecuted. The guidelines recommend that following the identification of the perpetrator's personal data enabling the victim to bring a private indictment, the prosecutor re-evaluates the existence of a public interest in bringing a public prosecution.

55. The amendments of the Act on Counteracting Family Violence, as drafted by the Office of the Government Plenipotentiary for Equal Treatment, provide for the recognition of harassment via the Internet and other forms of distance communication as a manifestation of domestic violence. On the initiative of the Ministry of Justice, *travaux* are underway to adopt a bill on the Protection of Free Speech in Internet Social Media.

56. The existing legal framework and organizational solutions provide the realistic possibility of delegalization of political parties encouraging racial discrimination, and prosecutorial authorities take initiative to determine whether the constitutional grounds for this type of intervention by the state are satisfied. In years 2017-2022 no such circumstances were determined to exist as would provide grounds for taking action with a view to the delegalization of any of the political parties existing in Poland on the ground of propagation of racism.

H. Combating discrimination against women (recommendations 137–140, 158–159)

57. The National Action Plan for Equal Treatment 2022-2030 provides for numerous initiatives with a view to the equal treatment of women and men, especially in the area of

employment and social security. In this particular scope one needs to distinguish tasks such as promoting the equalization of women's and men's opportunities in the labour market, promoting women in management positions, reinforcing the potential and social standing of women and girls, awareness raising addressed to society as a whole to highlight the dignity of a person and increase sensitivity to physical, psychic and economic violence, especially against women, children, older persons and persons with disabilities.

58. For many years, Polish government has consistently introduced solutions for the equal treatment of women and men in the various spheres of public and private life. In particular, the economic independence of women and balance between family life and professional life are facilitated by a one-off childbirth allowance, as well as multiple extensions of maternity, paternity and parental leave; retirement pension irrespective of the length of the period during which contributions were paid for women having given birth to 4 or more children; and the eligibility of self-employed women for maternity allowance.

59. Currently, Poland is among European leaders in the lowest compensation disparity between women and men. Since 1989 the percentage of women in both houses of Parliament has been increasing, as well as European Parliament and collegial bodies of local governments, although not all of these bodies are covered by the 2011 amendment of the Election Code introducing the principle of a quota of at least 35% for each sex on the candidate lists.

60. Poland enables women to enter the professional military service, which includes serving in combat roles, and the list of works prohibited to women is limited to extremely dangerous tasks or tasks potentially harmful to pregnant employees.

I. Combating violence against women and domestic violence (recommendations 141–157, 161–162)

61. Resolution no. 183 of the Council of Ministers of 21 December 2021 on the National Action Plan Against Family Violence 2022 implements the objectives of the international law instruments binding on Poland.

62. On 30 November 2020 the provisions of the Act of 30 April 2020 amending the Code of Civil Procedure and certain other acts came into force, empowering a police officer to order a person whose conduct consisting in the use of domestic violence threatens the victim's life or health to leave the joint residence and its immediate vicinity immediately, or to issue an order to stay away from the residence and its immediate vicinity.

63. A number of training activities were undertaken in order to prepare police officers to make appropriate use of this new power, and especially officers having direct contact with victims of family violence. In July 2020 twelve video-conferences intended for all organizational units of the Police throughout the country and representatives of Police academies were delivered with the participation of representatives of the Ministry of Justice and Office of the Commissioner for Children's Rights, during which 28,421 officers were trained.

64. Works on a bill amending the Act on Counteracting Family Violence and certain other acts are currently pending. The purpose of the amendment is to adapt the existing provisions to the changing circumstances and introduce comprehensive solutions to the legal system in order to counteract domestic violence more effectively and reduce its scale. When counteracting domestic violence, those resorting to it cannot be left out; hence, the amendment will provide for the existing corrective-educational programmes for perpetrators of domestic violence to be expanded by a new form of impact, viz. psychological and therapeutic programmes.

65. In 2017, Article 207 of the Criminal Code was amended by expanding it to include the offence of abusing a person who is helpless on account of age or health. The legislative activities undertaken in the area of criminal and civil law, as well as the activities of the Justice Fund are elements of the strategy for counteracting domestic violence.

66. In 2020 Poland filed a report on the implementation of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The report was evaluated by the Group of Experts on Action against Violence against Women and Domestic Violence – GREVIO. The latter, in a report of 16 September 2021, took a favourable view of Poland’s legal and organizational solutions in the area of counteracting violence and family violence. The existence of a multi-sectoral, inter-institutional system for preventing and fighting family violence – the ‘blue card’ procedure – was given a particularly high note. GREVIO emphasized the aptness of the existing solutions ensuring multidirectional co-ordinated action to protect and support victims of family violence and dealing with work with the perpetrator. Moreover, GREVIO took a positive view of solutions in the area of criminal policy introduced in recent years – *ad-hoc* orders (positive and negative, i.e. to act or refrain), the implementation of which is supported by extensive training courses for the relevant services; changes in the area of criminal law and procedure, such as the *ex-officio* prosecution of rape (without waiting for charges to be pressed), prosecution of harassment, including via the Internet, limits on the number of interrogations of rape victims, increased sentencing limits, and prevention of secondary victimization of victims of sexual violence.

J. Rights of the child, including the alternative-care system (recommendations 3–7, 160)

67. Poland constantly monitors the procedure provided for by the optional protocol to the Convention on the Rights of the Child.

68. The 18 March 2016 amendment of the Family and Guardianship Code introduced the principle that a child may only be placed in alternative care if other means and forms of assistance already extended to the child’s parents have not resulted in removing the threat to the child’s interests, except where an immediate need for alternative care arises from a serious threat to the child’s interests, especially to life or health. It is not lawful to place a child in alternative care solely on account of poverty, against the parents’ wishes.

69. The process of transforming the alternative-care system to ground it in family-based forms is underway. Starting from 1 January 2020, the Act of 9 June 2011 on Family Support and Alternative-Care System only allows children above 10 years of age to be placed in caretaking-and-educational facilities. Moreover, since 1 January 2021 no more than fourteen children are allowed per facility.

70. The percentage of children in alternative care has decreased from 0.99% (2012) to 0.86% (2020), and children’s participation in institutional alternative care out of all children in alternative care has fallen from 26.1% (2012) to 23.0% (2020).

71. Furthermore, the de-institutionalization process promotes the development of preventive services, i.e. services provided in the local environment with a view to strengthening the potential of the family and limiting the probability of the child’s separation from the family, or, in the event of such separation, facilitating the earliest possible reunification of the child with the family environment; actions are also taken to increase the effectiveness of the emancipation of those leaving alternative care.

72. Within the scope of competence of the Commissioner for Children’s Rights, apart from 24/7/365 psychological and crisis support, office hours are held by experts in the areas of law, social affairs, education and healthcare. As from 2 March 2022, the Commissioner for Children’s Rights has expanded the scope of the Child’s Helpline activities to include psychological and legal assistance provided in Ukrainian and Russian.

K. Rights of persons with disabilities (recommendations 7, 16–19, 163–165)

73. Poland constantly monitors the procedure envisaged by the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

74. In recent years, the government has taken a number of actions relating to the situation of persons with disabilities, in the areas of family policy, education, as well as architectural, digital and informational-communicational accessibility, and mobility.

75. The amounts of benefits intended to compensate for the additional costs due to disability are regularly increased or access to them is extended to new groups of persons. The welfare pension for persons whose disability arose in childhood and who have never paid social-insurance contributions and are fully incapable of work has been increased by almost 40%.

76. In 2018, a Solidarity Fund was created in order to provide social, professional, healthcare and financial support for persons with disabilities. The Fund provides financing for programmes delivered by local governments and NGOs in the area of personal assistance, relief care, caretaking-and-residential centres, as well as caretaking services for persons with disabilities. Since 2019, a supplementation allowance is provided for persons incapable of independent existence.

77. The Act of 4 November 2016 on ‘Pro-Life’ Support for Pregnant Women and Families provides comprehensive regulation of support for pregnant women and their families, emphasizing women with complicated pregnancies and in situations of obstetric failure, as well as children with diagnosed severe irreversible impairment or incurable life-threatening illness arising during the prenatal development period or during childbirth. Among other things, the support includes:

(a) co-ordinated health-care services for the woman during pregnancy, childbirth and recovery (puerperium), emphasizing women with complicated pregnancies and in situations of obstetric failure;

(b) one-off PLN 4000 benefit due to the birth of a child with diagnosed severe irreversible impairment or incurable life-threatening illness having arisen during the prenatal development period or during childbirth;

(c) co-ordinated health-care services for the child, with emphasis on a child with diagnosed severe irreversible impairment or incurable life-threatening illness having arisen during the prenatal development period or during childbirth;

(d) access to co-ordination-caretaking-rehabilitation services;

(e) access to advice on family-support solutions.

78. The purpose of the ‘In favour of life’ comprehensive family-support programme developed in accordance with the requirements of the Act is to enable the real and full social integration of persons with disabilities, as well as providing psychological, social, functional and economic support for their families. A total of PLN 3.1 billion was allotted to the implementation of the programme in 2017-2021.

79. In 2021 a review of ‘In favour of life’ Programme was carried out, as a result of which new actions were added with a view to:

(a) providing access to advice on available support options for pregnant women and their families and families with a child with a disability or other person with a disability;

(b) assisting young persons with disabilities to enter the workforce;

(c) increasing the accessibility of legal assistance, citizen advice and legal education for families bringing up children with disabilities;

(d) assistance for students above the primary-school level to prepare for future spousal and parental roles.

80. Expenditure on implementation of the programme in the 2022-2026 period was also increased to PLN 5.96 billion.

81. In 2021, the government adopted a Strategy for Persons with Disabilities 2021-2030. The purpose of the Strategy is to include persons with disabilities in social and professional life by comprehensive action to be taken in eight priority areas — independent living,

accessibility, education, employment, living conditions and social services, healthcare, awareness raising, and co-ordination.

82. A wide-scale de-institutionalization of the care of persons with disabilities is underway; this includes without limitation the expansion of the network or protected housing enabling persons with disabilities, in so far as possible, to live an independent life and maintain social contacts. Solutions guaranteeing the greater individualization of the services provided in such housing are in the process of adoption. Day-care homes and community self-help homes for persons with mental disorders are being expanded and improved.

83. One of the important aspects of the National Housing Programme, pursued since 2016, is the preferential treatment of families with children with disabilities; the Programme facilitates their access to housing and imposes on the public administration a duty to build available housing. The objective of the ‘Friendly Poland – Availability Plus’ programme, adopted in July 2018, is to create the conditions for an independent life for everyone and to increase the quality of that life. Pro-accessible solutions are being introduced in areas such as architecture, transport, education, healthcare, computerization, and services.

84. The Act of 19 July 2019 on Guaranteeing Accessibility to Persons with Special Needs requires all public entities to comply with the minimum requirements of architectural and informational-communicational requirements. The Act has also introduced new instruments for the enforcement of accessibility of the information controlled by public entities.

85. The Act of 4 April 2019 on Digital Accessibility guarantees the fuller accessibility of websites and mobile applications, meaning that persons with limited mobility and perception benefit from increased accessibility of services and information from the bodies of the public sector.

86. The implementation of a project titled ‘Active with disabilities – instruments supporting the independence of persons with disabilities’ began in 2020. The goal is to develop proposals for the implementation of modified and new solutions for the social rehabilitation of persons with disabilities, so as to enable them to function in society with as much independence as possible.

87. In 2021, implementation of the ‘To include the excluded – active instruments supporting persons with disabilities in the labour market’ project commenced in 2021 with a view to developing and testing different forms of support for professional activation, such as assistance with finding and maintaining employment, as well as instruments to assist persons with disabilities to start a business, and a project containing new solutions such as the de-institutionalization of social services.

L. Rights of sexual minorities (recommendations 71–77)

88. Any persons belonging to or identifying with sexual minorities are treated equally to all other citizens in Poland. Polish law protects persons identifying with LGBT groups on par with other persons through general criminal provisions prohibiting violence, defamation or harassment against any citizens or foreigners. Polish authorities steadfastly condemn any acts of aggression against any of their citizens or foreigners present in Polish territory. The prevention of and protection against any form of discrimination belong to the continuing tasks of public authorities in Poland.

89. These principles are brought to life primarily by Article 32(2) of the Polish Constitution, which prohibits discrimination in political, social or economic life, for any reason. The Polish Constitution guarantees for everyone, including persons belonging to sexual minorities, the right to equal treatment by public authorities.

90. All persons who believe the wrong sex to have been recorded in their documents at birth have access to a judicial procedure for the change of the sex reflected in the civil records. The Supreme Court affirmed in an order of 22 March 1991 that, ‘the sense of belonging to the relevant sex may be regarded as a personality right’, which is legally protected. A judicial change of sex does not forfeit parental responsibility for one’s children, and a person

undergoing the surgical adjustment of sexual characteristics is not required to undergo sterilization.

91. In cases of ‘hate crimes’ the Police, prosecution service and court may not compel the victim to disclose sexual orientation. If the victim discloses it voluntarily and the circumstances of the case indicate the possibility of a hateful motivation in the defendant, the fact is accounted for as an aggravated circumstance thereafter in the proceedings.

92. According to the data in the ODIHR report titled ‘Hate Crime Reporting 2019’, the scale of crime motivated by hate and prejudice targeting LGBT people in Poland continues to be on a very low level.

93. Notwithstanding the foregoing, it has to be remarked that, in Poland, the legally institutionalized (formal) relationship is marriage, which is recorded in the civil-registration system. Under the Constitution of the Republic of Poland and the Family and Guardianship Code, marriage is defined as a relationship between a man and a woman. Thus, according to the law in force, it is not possible for persons of the same sex to enter into matrimony in the territory of the Republic of Poland.

M. Rights of ethnic minorities, which includes fighting discrimination against the Roma population (recommendations 67, 70, 102, 166–170)

94. The legal framework protecting persons from national and ethnic minorities is effective and is safeguarded by a number of legal acts, starting with the Constitution of the Republic of Poland.

95. Activities with a view to counteracting the aversion to the Roma community consist in the promotion of the Roma culture and of the contributions made by that community to the cultural legacy of our country. Poland implements these activities through a system of subventions for the implementation of tasks aimed at the protection, preservation and development of the cultural identity of national and ethnic minorities, as well as preservation and development of the regional language, and a programme of integration of the Roman community in Poland for years 2014 to 2020.

96. Since 2001, Poland has been providing support for the Roma community with a view to achieving equal opportunity and social integration. The present reporting period coincides with the implementation of the Roma Community Integration Programme in Poland 2014-2020 and Roma Civil and Social Integration Programme 2021-2030.

97. As regards the professional activation of this group, it should be mentioned that Poland has allocated part of the means from the European Social Fund to support the Roma community. Years 2014-2020 saw the implementation of Operational Programme Knowledge Education Development (increasing employment opportunities for persons particularly vulnerable to social exclusion), with a budget of EUR 10 million. Approximately 2000 Roma persons accessed support under the projects, and approximately 300 persons undertook employment following participation in the project.

98. Poland also guarantees opportunities for religious instruction for persons belonging to religious minorities – preschools and schools are required to hold religious-education classes (for any denomination) for a group of at least seven pupils in a given class (smaller groups can attend combined classes, classes made up of pupils from different schools, or a religious-education facility outside the school). The grade achieved in religious instruction is recorded on the school certificate.

N. Fight against terrorism; prevention of torture and inhuman treatment; conditions in prisons (80–83)

99. Poland pursues counter-terrorism in a systemic manner, primarily on the basis of the provisions of the Act of 10 June 2016 on Counter-Terrorism Activities. On 5 April 2019, the Act of 9 November 2018 amending the Act on the Police and certain other acts came into force, rounding out, in a way, the provisions of the Act on Counter-Terrorism Activities by

establishing within the Police a counter-terrorist service with centralized command and management of the resources of anti-terrorist units.

100. Polish counter-terrorism solutions are viewed positively in the international arena, *inter alia* by members of the European Centre of Excellence for Countering Hybrid Threats in Helsinki (HybridCoE), who decided to present the Polish provisions as a model regulatory framework.

101. In 2019-2020 an evaluation of Poland's counter-terrorism solutions took place. The UN Counter-Terrorism Committee Executive Directorate (CTED)'s country visit to Poland revealed a number of good practices developed by Poland in the recent period and implemented as national solutions, such as the implementation of the Act on Counter-Terrorism Activities. The international inspectors also emphasized the existence of clear provisions regulating the scope of powers of the investigative bodies and their ability to apply special means and instruments in operational activities.

102. Although Polish Criminal Code does not provide a separate definition of torture, all elements specified by the Convention against Torture are criminalized in Poland.

103. The Prison Service monitors the occupancy rates of prisons on a current basis and takes organizational actions to ensure the mandatory statutory residential minimum of 3 m² per inmate. As at 11 February 2022, the occupancy rate of residential wings in penitentiaries stood at 87.89%. Analysis of occupancy rates in the period from 31 January 2017 to 31 December 2021 shows that in the scale of the whole country, the number of inmates in prisons and pre-trial detention centres did not exceed the aggregate capacity of those facilities. The occupancy rate of residential wings fluctuated within the 84.2% to 94.0% range.

104. Apart from making a rational use of the accommodation available, the Prison Service engages in reconstruction works and investment projects in order to increase the number of available accommodation spots. Currently, the Prison Service has reconstruction works underway in residential spaces in 14 penitentiaries with a total accommodation capacity of 1563 spots, which have been taken out of service for this purpose.

105. Examples of initiatives to improve the condition in correctional facilities in years 2017-2021 include the creation of new, modern accommodation space for 2677 inmates, with a high standard of finish and equipment; modernization and improvement of health-care services in the health-care establishments belonging to the organizational units of the Prison Service; improvement of conditions in social facilities; creation and modernization of spaces for cultural, educational and sports activities; improvement of the energy efficiency of the facilities in which the inmates reside; and creation of new workplaces for inmates. Approximately PLN 900 million were spent in 2017–2021 on improving the conditions for inmates serving out prison terms or kept in pretrial detention.

106. The Prison Service modernization plan 2022-2025 will be of particular significance to the effective functioning of the Prison Service and improvement of conditions for the inmates; among other things, the plan will include improvement of the energy efficiency of the organizational units of the Prison Service, procurement of new accommodation space for the inmates, as well as reconstruction and improvement of the infrastructure of the organizational units of the Prison Service. Almost PLN 2 billion has been allocated to the tasks covered by the plan.

O. Fight against human trafficking (recommendations 114–121)

107. In years 2017-2022 Polish Border Guard has engaged in intensified activities to fight and prevent the crime of human trafficking, and, in consequence, to bring its perpetrators to account and provide the victims with the best possible support.

108. Border Guard representatives participated in the works of the group for human-trafficking victim support operating as part of the Human Trafficking Prevention Team, which assists the Minister of the Interior and Administration; they were involved in the development of two algorithms: an algorithm of conduct for law-enforcement officers upon

discovering an offence of human trafficking, and an algorithm for the identification of and dealing with a minor victim of human trafficking for Police and Border Guard officers.

109. The algorithms provide a set of guidelines for Police and Border Officers to follow upon discovering an offence or suspected offence of human trafficking. The documents focus on describing the procedure for law-enforcement agencies' dealings with the victims, in compliance with all rights available to victims of human trafficking in Poland. In their official business involving victims, officers are guided by the principle of minimizing repeat victimization.

110. Since October 2021, the Prevention Bureau and the Criminal Bureau of National Police Headquarters have been implementing the actions covered by the nationwide project, enabled by the EU Internal Security Fund. The project will continue until the end of 2022. Its objectives are to increase the effectiveness of the Police in the identification of human-trafficking victims and to boost co-ordinators' competence in early victim identification and liaising with society.

P. Migrants' and refugees' rights (recommendations 171–174, 176, 179–180)

111. The strengthening of the protection of foreigners applying for international protection in Poland is taking place in several spheres. The first involves the reinforcement of security in such foreigners' place of stay and is being implemented in nine accommodation centres for foreigners administrated by the Head of the Office for Foreigners. Those facilities provide 24/7 security by qualified guards specializing in physical protection and have procedures in place in the event of a security threat.

112. Another aspect of the protection of foreigners applying for international protection is the special protection of minors in the accommodation centres. The Office for Foreigners has introduced internal procedures to improve the situation, such as the one implementing the Policy for the protection of children from harm in accommodation centres for foreigners near the end of 2016, or the 2017 update to the procedure for responding to information about a marriage or suspected marriage involving a minor.

113. The Office for Foreigners places great importance on violence prevention and response. Once quarterly, Local Co-operation Teams composed of accommodation-facility employees, Police employees, Border Guard employees and employees of NGOs meet in the accommodation centres to discuss incidents of violence involving foreigners.

114. Poland has also implemented, to a wide extent, measures intended to maintain the unity of migrant families; for example, the scope of foreigners eligible for the exercise of the right to family reunification has recently been expanded to include additional categories of foreigners residing in Poland.

115. With regard to those foreigners whose status has not been regularized, it needs to be remarked that such persons have been provided with all the necessary legal guarantees starting from the time of detention. Every detainee receives instruction on rights: to be informed about the reasons for the detention and to be heard; to immediate contact and unmediated conversation with a lawyer; to the assistance of an interpreter or translator free of charge; to have a loved one informed of the detention; to contact the consular office or diplomatic mission; to lodge a complaint with the court concerning the merits, legality and regularity of the detention, within 7 days of the detention taking place; to lodge a complaint with the prosecutor concerning the way the detention was carried out, within 7 days of the detention taking place; to receive the necessary medical care.

116. In the case of foreigners awaiting the implementation of the decision imposing the obligation to return, it must be noted that there are options alternative to detention in a guarded facility. Such alternative measures include the obligation to report to a Border Guard organ within specified time intervals; bail; obligation to reside at a specific location; and obligation to place one's travel document in deposit. Additionally, a penitentiary judge from the competent regional court supervises the legality and regularity of foreigners' stay in guarded facilities and detention centres for foreigners.

117. As to procedures relating to refugees, it will be expedient to note that the legislative amendments enacted in recent years have facilitated foreigners' access to such procedures in Poland. For example, it is now possible to submit a written declaration of the intention to apply if the foreigner cannot attend the offices of the Border Guard organ in person. This applies e.g. to the elderly, single mothers or patients staying in hospitals. Importantly, any person having submitted such a declaration is already protected from being returned.

118. With 26 October 2021 Act, amending the Act on Foreigners and certain other acts came into force, introducing the possibility of extraditing a foreigner detained immediately upon crossing the external border of the EU contrary to law, issuing an order to leave Polish territory and, on that basis, escorting the foreigner to the border line. The *ratio* for the amendments was the necessity to oppose migration pressure appearing on the Polish-Belarusian border in a manner controlled by Belarusian services in mid-2021. The purpose of the amendments was to ensure the efficiency and effectiveness of proceedings conducted in the matter of illegal crossing of the border and in no way affected persons seeking international protection. It must be emphasized that this solution is compatible with the principle of *non-refoulement*. Any foreigner seeking protection has a right at any time to declare the intention of applying for international protection. If that happens, Border Guard officers do not conduct such a person back to the line of the state border but instead accept the application for international protection and comply with the necessary formalities to record it; they also provide the applicant with all the necessary information and thereafter forward the application to the competent authority, viz. the Head of the Office for Foreigners.

119. A foreigner holding refugee status or enjoying subsidiary protection is given assistance to facilitate integration with society, for a maximum period of 12 months. The programme includes cash allowances for maintenance, expenses relating to the study of the Polish language, payment of health-insurance contributions, social work, specialist advice, including legal, psychological and family advice, information and assistance with contacting other institutions, especially the institutions of the labour market, the local community and non-governmental organizations.

Q. Rights of migrants and refugees in relation to education and healthcare; protection of minors (recommendations 176, 181–183)

120. Foreigners residing in guarded accommodation centres for foreigners are provided with healthcare financed from the state budget. A foreigner admitted into a guarded accommodation centre undergoes medical examination without delay and, if needed, also undergoes sanitary procedures. Consultations with a psychologist are provided on the basis of a medical referral or referral from the welfare assistant or return assistant or at the foreigner's own request.

121. Persons without insurance, including third-party nationals residing in Polish territory, have a right to receive unpaid (publicly financed) health-care services in relation to the treatment of alcohol or drug addiction. If there is a danger to their life or health, they have a right to receive unpaid medical care from medical emergency-response teams. The right to publicly financed health-care benefits has also been extended to children below 18 years of age holding the status of a refugee or temporary-stay permit or enjoying subsidiary protection in the Republic of Poland.

122. An unattended minor applying for international protection cannot be placed in a guarded accommodation centre but only in an educational and caretaking facility. Unattended minors undergoing a return procedure are usually placed in educational and caretaking facilities or with foster families. Only in exceptional situations involving a minor at or above 15 years of age may the placement in a guarded accommodation centre be ordered by the court. It must be emphasized that the overarching principle is to make children's stay (which includes families with children) as short as possible. The Border Guard spares no effort to mitigate the harshness of a minor's stay in a guarded accommodation centre to the farthest extent possible and to make sure the conditions are child-friendly.

123. In those guarded accommodation centres in which families with children can reside, mandatory education is ensured. Educational teams have been established and tasked with,

among other things, organizing and leading cultural and educational activities, teaching class and delivering compensatory education for the children who need it. Any foreigner, including an unattended minor, is assigned a welfare assistant. Guarded accommodation centres for foreigners co-operate with schools. When teaching pupils, classes are combined in accordance with separate provisions governing education. Furthermore, in each guarded centre in which children may reside officers and employees of educational sections also teach non-mandatory compensatory classes.

R. Migrants' employment rights and integration (recommendations 175, 177)

124. In 2018, the requirements binding on employers in respect of the employment of foreigners were tightened, especially on short-term contracts. An amendment adopted near the end of 2021 has modified the so-called simplified system applicable to the employment of citizens of certain states on short-term contracts; compensation levels in the 'simplified system' too, must now correspond to the compensation levels of local employees.

125. On 25 February 2022, the Ministry of the Family and Social Policy launched an activation programme for foreigners for years 2022-2025 with a view to the occupational activation, social integration and social activity of foreigners staying legally in Poland and encountering difficulties with employment, integration or the language barrier.

126. The State Labour Inspectorate also engages in activities in the field of combating unequal treatment. During every inspection of any establishment employing foreigners, the inspectors, in addition to auditing the legality of the foreigners' employment and work, also verify that the foreigners' rights as employees are respected; this includes receiving complaints lodged by foreigners or on their behalf. Inspectors also verify that the principle of equal treatment of foreigners in respect of work conditions and other employment conditions is complied with.

127. On its website, the State Labour Inspectorate provides information about the regulatory framework governing the employment of foreigners in Poland. Moreover, in 2017-2021 the State Labour Inspectorate executed a 3-year information campaign titled 'I work legally'; participated in a campaign titled 'Rights for all seasons' led by the European Labour Authority; co-operated with organizations assisting foreigners, such as the Association for Legal Intervention, International Migration Organization, and La Strada.

128. Concerning employees from the Democratic People's Republic of Korea, it must be noted that since 2016, Poland no longer grants employed-based visas to the citizens of that country. Poland has complied with the obligations arising from the UN Security Council Resolution no. 2397 of 22 December 2017 concerning sanctions imposed on the DPRK; this means that Poland has formally ended the employment of employees from that country in the territory of Poland.

S. The Holocaust and historical remembrance (recommendations 57, 103, 184-185)

129. For reasons of historical experience Poland places great importance on all activities linked with Holocaust commemoration. In years 2017-2021 a total of PLN 450.01 million was allocated to this purpose, including individual subventions and targeted subventions for institutions administrated or co-administrated by the Ministry of Culture and National Heritage and tasked with commemorating the extermination of the Jews by the German Reich in Polish territories and with cherishing the memory, culture and legacy of the Jewish nation.

130. The expansion of the museum network in Poland is pursued under a project titled 'Legacy builds community', which is part of the government's Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030). Supporting the activities and initiatives of cultural institutions commemorating the Holocaust and the Samudaripen/Porajmos constitutes a very important historical aspect for the Republic of Poland, in whose territory – conquered and occupied by the enemy – the greatest tragedy of

World War II took place, with the implementation of the Third Reich's felonious policy of extermination of the Jews, Roma and Sinti, as well as Poles and other population groups.

131. It will be expedient to emphasize that in July 2018, the Act on the Institute of National Remembrance was amended so as on the one hand to make sure that Poland's good name is protected and on the other hand to eliminate those provisions which incurred reservations in the context of being used in order to limit the freedom of speech on crimes committed during World War II.

132. The government of the Republic of Poland has condemned anti-Semitism and racism repeatedly and on the highest level, such as the Joint declaration of prime ministers of the State of Israel and the Republic of Poland of 27 June 2018. Additionally, the President of the Republic, Andrzej Duda, became the honorary patron of the celebrations of the 77th anniversary of the liberation of the German Nazi Auschwitz concentration and extermination camp.

133. Concerning the care of war graves and cemeteries, including those of Red Army soldiers, it must be noted that the provisions of the Act of 28 March 1933 on War Graves and Cemeteries expressly provide that war graves and cemeteries must be given care and due respect irrespective of the nationalities and religious denominations of those interred and the formations to which they belong.

134. Poland has invariably and consistently condemned individual acts of vandalism against burial sites (Red Army monuments in Poland usually are not burial sites.) No more than 14 such incidents p.a. were recorded in 2017-2021 (approximately 7-8 incidents p.a. were reported in 2017-2018; 7 in 2019; 12 in 2020; and 14 acts of vandalism in 2021).

135. Clear separation must be made between the matter of protecting memorial graves and the matter of symbolic commemoration. On the basis of the provisions of the Act of 1 April 2016 on the Prohibition of the Propagation of Communism or any Other Totalitarian Regime through the Names of Organizational Units, Communal Auxiliary Units, Buildings, Structures, Objects and Facilities of Public Utility and Monuments, only symbolic monuments found outside of the confines of war cemeteries and war sections of cemeteries could be removed.

IV. Conclusion

136. During the period covered by this report, Poland undertook multiple initiatives with a view to improving the human rights situation in our country. Their scope spanned multiple aspects and a broad spectrum of problems. The most important achievements include consistent action in pro-family and social policy and support for the persons in most vulnerable situations.

137. Unquestionably, the closest coming years will require increased commitment by all members of the international community to uphold the primacy of human rights worldwide. The deteriorating global economic situation, reconstruction of state economies following the COVID-19 pandemic, and Russian aggression against Ukraine, call for the development of effective mechanisms with human rights playing a key role in them.

138. Due to the large influx of refugees in Poland as a result of Russia's aggression against Ukraine, it will remain a priority for the government to make sure that appropriate assistance is provided for them and their rights are respected. Simultaneously, this will involve assurances of long-term commitment and the need to secure additional financing.

139. Poland will continue to pursue an active policy of promoting human rights both internally and externally, particularly with regard to assistance rendered to refugees from Ukraine, through bilateral relations and major international organizations such as the United Nations (UN General Assembly, UN Human Rights Council, collaboration with the Office of the UN High Commissioner for Human Rights), the European Union, the Organization for Security and Co-operation in Europe, and the Council of Europe.