

POLAND 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Poland is a republic with a multi-party democracy. The bicameral parliament consists of an upper house, the Senate (Senat), and a lower house (Sejm). The president, the prime minister, and the council of ministers share executive power. Observers considered the parliamentary elections in 2011 free and fair. Prime Minister Donald Tusk, leader of the Civic Platform Party, governed in a coalition with the Polish People's Party, and, when he announced his resignation, Prime Minister Ewa Kopacz succeeded him and governed with the same coalition. Authorities maintained effective control over the security forces.

Among the country's principal human rights problems were xenophobic and racist incidents, including both hate speech and hate crimes involving violence, and cases of anti-Semitism. Local nongovernmental organizations (NGOs) noted that police investigations of cases involving anti-Semitic and xenophobic acts often did not lead to the apprehension of perpetrators and that some prosecutors declined to pursue cases of hate crimes and hate speech. An increasing backlog of cases and lengthy court procedures, which impeded the delivery of justice, continued to be a human rights problem. Criminal defamation laws restricted freedom of speech and press by discouraging speech, publications, and material on the internet critical of public officials.

Other human rights problems included mistreatment of detainees at time of arrest and during questioning, abuse of prisoners by guards, compulsory hormone therapy to lower sex drive for some convicted sex offenders, and at times inadequate cell space and exercise space in detention centers. At times there were restrictions on prisoners' contacts with family and other persons outside the prison. Delays in the restitution of private property continued. Official corruption remained a problem, despite enforcement efforts. Burdensome procedures discouraged appropriate classification and treatment of domestic violence as a crime. Societal problems included discrimination against women in the labor market, abuse and sexual exploitation of children, trafficking in persons, and discrimination and violence against ethnic minorities as well as lesbian, gay, bisexual, and transgender (LGBT) persons. Violations of workers' rights to organize and join unions and to strike as well as antiunion discrimination also occurred. The government did not always effectively enforce laws governing the work of minors between 16 and 18 years of age.

The government generally enforced human rights and took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in government.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances, kidnappings, or abductions.

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

The constitution and law prohibit such practices. There were problems, however, with police misconduct and corrections officers' abuse of prisoners. The law lacks a clear legal definition of torture, which authorities did not report as a separate crime. The law outlines disciplinary actions for police, which include reprimand, demotion in rank, and dismissal. Civil society groups noted cases of police misconduct against persons in custody.

In its June 25 report, based on a visit made to the country in June 2013, the Council of Europe's Committee for Prevention of Torture (CPT) reported that the majority of the persons met by the delegation who were, or had recently been, detained by the police indicated that they had been correctly treated. The delegation did receive some allegations of mistreatment. The CPT report stated: "In the main, the allegations referred to slaps, punches, kicks and truncheon blows, and tight handcuffing." Among cases it considered severe, the CPT detailed one case of a person receiving truncheon blows on the soles of the feet and one case of a person's arm burned with a cigarette. The CPT report also mentioned electric shock with an electrical discharge weapon in the summary but did not detail the specific case in the body of the report. On June 27, Prosecutor General Andrzej Seremet issued guidelines for prosecutors to remind them of the legal provisions and to recommend how to best proceed with investigations into alleged incidents of mistreatment of a detainee.

In its concluding observations on the combined fifth and sixth periodic reports of the country published in December 2013, the UN Committee against Torture (CAT) expressed concern over the lack of definition of torture in the criminal code and recommended that the country include torture as a separate crime and adopt a definition of torture.

Judges have the option of ordering compulsory hormone therapy for an offender convicted of either rape or incest in which the victim is younger than 15. Judges may order the procedure for convicted pedophiles at any time up to six months before their expected release. According to justice ministry statistics, the courts ordered the procedure for 19 pedophiles in 2013, compared with 15 in 2012.

Prison and Detention Center Conditions

Prison and detention center conditions were adequate. Vacancies in the prison medical staff and limited prisoner access to specialized medical treatment continued to be a problem.

Physical Conditions: Government statistics indicated that as of August 31 prisons and detention facilities held 77,750 persons (including pretrial detainees) in facilities with a capacity for 85,921 persons. Of these, 2,627 prisoners (3 percent of the prison population) were women, who were housed separately from men. As of August 31, 55 persons under the age of 18 were imprisoned. While authorities generally separated juveniles from adults, the law allows them to share housing in prisons and detention centers in exceptional cases. Authorities usually sent older juveniles (persons between the ages of 17 and 21) accused of serious crimes to pretrial detention.

As of August 31, according to the Central Prison Authority, there were 6,719 pretrial detainees, a decrease of 48 from September 2013.

Authorities often held pretrial detainees in prisons pending trial, but in areas separate from convicts. Juveniles were at times held together with adult prisoners.

Conditions for pretrial detainees were generally similar to those for prisoners but on occasion were worse due to overcrowding and poorer facilities resulting from court-mandated restrictions on where a prisoner should be located while awaiting trial. The CPT report pointed out that an almost total lack of activities for pretrial detainees made their situation considerably worse than that of convicts. The prison

service director general extended special supervision over cultural, educational, and sports activities for pretrial detainees, finding the earlier range of activities offered inadequate.

The law sets the minimum cell size at 32 square feet per person, but prisoners may occupy smaller cells for a limited time. Both local NGOs and international organizations (CAT and the CPT) expressed concern that the 32-square-foot standard was not compatible with the European standard of at least 43 square feet per person in multi-prisoner cells and 65 square feet in single-prisoner cells. As of the end of September, 15 detainees were in cells smaller than the legal minimum of 32 square feet, according to government statistics.

Prisoners had access to potable water, and the food provided was adequate. Authorities permitted male prisoners to shower only once weekly, whereas female prisoners could shower twice weekly. The CPT found that authorities at the Municipal Police Department in Lublin, the Metropolitan Police Department in Warsaw, and the Warsaw-Bialoleka Police Department did not respect the privacy of communal toilets and showers. At the Bydgoszcz Municipal Police Department, the closed-circuit television coverage included the in-cell toilets. The Metropolitan Police Department in Warsaw began providing inmates full privacy for performing bodily functions. In the Warsaw-Bialoleka Police Department, due to the need to ensure proper supervision of detained persons, there were no plans to replace entrance doors to bathrooms, but the government installed curtains in the bathrooms to provide privacy.

In its report the CPT pointed out that, although the conditions at detention facilities were adequate overall, overcrowding remained a problem in all the prisons visited by the CPT delegation in 2013.

During the first eight months of the year, 56 prisoners died in prison, including 18 reported suicides. The Helsinki Human Rights Foundation described systemic problems with medical care in prisons. These included inadequate medical staffing, such as a lack of specialized medical care and too few doctors to handle the workload, and poor medical infrastructure. The Helsinki Foundation for Human Rights also listed a number of specific problems raised by individual prisoners, such as inadequate care for prisoners with disabilities and facilities unequipped for the needs of elderly prisoners.

The CPT reported allegations of physical mistreatment of inmates by prison guards at the Bydgoszcz detention facility. In its response to the CPT report, the

government reported that in 2013 the Bydgoszcz detention facility held staff training on the rights of prisoners in order to improve relations between staff and inmates. Three similar trainings were scheduled to take place during the year. The CPT also reported allegations of verbal abuse of foreign inmates by prison guards at the Warsaw-Mokotow detention facility. In its response the government reported that official staff briefings would address the question of improper conduct toward prisoners to remedy noncompliance with binding legislation with disciplinary and penal consequences.

On January 22, a law on treatment of persons with mental disorders posing threat to the life, health, or sexual safety of other persons entered into force. The law permits authorities to commit to the National Center for the Prevention of Dissocial Behaviors prisoners who have served their prison sentences and undergone a custodial therapy program, but who suffer from mental disorders of a nature that a high probability exists they will commit a serious crime against a person. The Helsinki Foundation for Human Rights pointed out that mandatory detention after completion of sentence may violate the person's freedom and be retroactive. On March 4, the president sent the law to the Constitutional Court for review.

Administration: Recordkeeping on prisoners was adequate. To reduce the number of inmates in detention, the Ministry of Justice continued to expand a system of electronic surveillance that allowed nonviolent offenders to serve their sentences outside detention facilities. During the first eight months of the year, according to prison authorities, 12,797 persons served their prison sentences outside detention facilities.

Prisoners may file complaints without censorship with prison officials, a prison ombudsman, the national ombudsman, the Ministry of Justice, or local NGOs, and prisoners did so. During the first nine months of the year, the national ombudsman received approximately five thousand complaints from prisoners and relatives, compared with 3,169 during the same period in 2013.

Authorities investigated credible allegations of inhuman conditions and documented their findings in a publicly accessible manner. The ombudsman can join proceedings in civil and administrative courts on behalf of prisoners and detainees, either when these have filed a complaint or when information otherwise leads to an allegation of inhuman conditions. At the request of the Ministry of Justice, the ombudsman for citizen rights administers the national preventive mechanism to investigate and monitor prison and detention center conditions.

During the first nine months of the year, the ombudsman visited 17 prison and detention facilities, including pretrial detention centers and prison facilities. The Office of the Ombudsman publishes its findings and a summary of its recommendations to relevant authorities in an annual report.

Prisoners and detainees had reasonable access to visitors and could participate in religious observance. The CPT found that visits for pretrial detainees required consent from the court or prosecutor, and that a total ban on telephone calls existed. In many cases restrictions on visits for pretrial detainees (either an outright ban or authorization of a closed-type visit, through plexiglass only) could continue for weeks or even months on end. Nearly all the pretrial detainees interviewed by the CPT delegation complained about long delays in outgoing and incoming correspondence, reportedly due to the censorship requirement. In its response to the CPT, the government pointed out that the fundamental reason for the use of pretrial detention was a justified concern the detainee would intimidate witnesses, encourage false testimony, or otherwise hamper criminal proceedings.

Independent Monitoring: The government allowed independent monitoring of prison conditions and detention centers on a regular basis by local human rights groups as well as the CPT. The Helsinki Human Rights Foundation made occasional visits to prisons.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The police force is a national law enforcement body with regional and municipal units overseen by the Ministry of the Interior. The Internal Security Agency has responsibility for investigating and combating organized crime, terrorist threats, and proliferation of weapons of mass destruction. The Central Anticorruption Bureau (CBA) is responsible for combating government, business, and financial corruption. The prime minister appoints and supervises the CBA, which can investigate any matter involving public funds. The prime minister supervises the heads of both the Internal Security Agency and the CBA, who also report to parliament.

Civilian authorities maintained effective control over the police force, the Internal Security Agency, and the CBA, and the government has effective mechanisms to investigate and punish abuse and corruption. The CPT stated authorities initiated internal or criminal investigations of some of the cases of alleged mistreatment of prisoners cited in its report.

Arrest Procedures and Treatment of Detainees

The constitution and the law require authorities to obtain a court warrant based on evidence to make an arrest, and authorities generally complied with the law. The law provides that police should immediately notify a detained person of the reasons for his detention and of his rights. Usually this information is initially delivered orally; later, at the police station, the detainee signs a statement that he has been advised of his rights and duties. Police give the detained person a copy of the report on his detention. The constitution and the law allow detention of a person for 48 hours before authorities must file charges and an additional 24 hours for the court to decide whether to order pretrial detention. The law sets a five-day time limit for holding a juvenile in a police establishment for children (PID) if the juvenile escaped from a shelter or an educational or correctional facility. It allows police to hold in a PID for up to 24 hours a juvenile who is being transferred to a shelter or an educational or correctional facility, in case of a “justified interruption of convoy.” Authorities must promptly inform detainees of the charges against them and generally did so. Detained persons may appeal the legality of their arrest, and the government respected this right. There was a functioning bail system, and authorities released most detainees on bail. Only a court could order pretrial detention. Detainees have the right to counsel, and the government provided free counsel to indigent defendants. Defendants and detainees have the right to consult an attorney at any time. Authorities did not hold suspects incommunicado or under house arrest.

Individual prisoners with whom the CPT delegation spoke alleged that authorities either did not inform them of their rights or that they did not understand the explanation. The CPT observed that it was the exception rather than the rule for persons in police custody to have access to a lawyer. The law does not provide for the appointment of an ex officio lawyer before initial court proceedings. Persons in police custody who were not in a position to pay for legal services were effectively deprived of the right of access to a lawyer. Moreover, even when the detained persons did meet their lawyer while in police custody, such meetings systematically took place in the presence of a police officer.

Pretrial Detention: The law permits authorities to detain persons charged with a crime for up to three months. Authorities transferred most juveniles to a remand facility within 72 hours of detention. A court may extend pretrial detention every six to 12 months, but the law specifies that the total time in detention may not exceed two years (in certain complex cases, the court may petition the appellate court for an extension beyond two years). According to the Ministry of Justice, extension beyond two years may occur if criminal proceedings are suspended, there is a need to identify or confirm the identity of the detainee, a very complicated investigation must be performed outside the country, or the detainee purposefully prolongs the proceedings.

In 2013, the last year for which statistics were available, prosecutors requested pretrial detention for 19,410 persons, a decrease of 2,920 from 2012. Of the persons in pretrial detention, 71 percent were held for up to three months and almost 1.5 percent (39 persons) for between one and two years. Two persons were held longer than two years.

Detention of Rejected Asylum Seekers or Stateless Persons: Authorities placed some asylum seekers in guarded centers for foreigners while they awaited deportation or decisions on their asylum applications. Border guards may place an individual in a guarded center only by court order, and this typically involved foreigners who had attempted to cross the border illegally, lacked identity documents, or had committed a crime during their stay in the country. According to the Helsinki Human Rights Foundation, border guards placed families with children into guarded centers. The law prohibits the placement of unaccompanied minors under age 15 in guarded centers.

On May 30, the Helsinki Human Rights Foundation and the Legal Intervention Center reported authorities took several steps to reform the guarded centers and gave foreigners held in them more freedom of movement and free access to mobile phones. The report cited an increasing number of children staying at the center as a problem. According to the report, minors made up almost 25 percent of the centers' population. Children in the guarded detention centers did not have access to schooling and were unable to leave.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary and the government generally respected judicial independence, an increasing backlog of cases made the

judiciary less efficient. For this reason the judiciary did not enjoy public confidence.

The court system remained cumbersome, poorly administered, and inadequately staffed. The consensus among local human rights NGOs was that the judicial system was improperly structured and inefficient, with a poor division of labor between different courts. Cumbersome hiring procedures created many vacancies among judges and support staff, further slowing the justice system, because judges were forced to do administrative work that staff would normally perform. According to the General Prosecutor's Office, while the overall number of prosecutors was large, 6,281 in 2013, the most recent year for which data were available, the number who dealt with criminal offenses was inadequate. Judges received an increasing number of cases, while the number of judges remained the same. In 2013 prosecutors received 1.1 million criminal cases to investigate. A continuing backlog of cases and the high cost of legal action deterred many citizens from using the justice system.

The country employs an "e-court" to adjudicate simple cases, which typically involved unpaid utility bills. A party can file a civil claim for monetary damages on the e-court's website, and a judge can issue a writ of payment based on the electronic submission. Commercial and labor claims are eligible for adjudication by the e-court, although nonmonetary and family law cases are not. Defendants who dispute the judgment have recourse to a regular court for trial.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to prompt and detailed notification of the charges against them. The government provides interpretation for defendants who do not speak Polish. Trials are usually public, although the courts reserve the right to close a trial in some circumstances, including divorce proceedings, cases involving state secrets, and cases whose content may offend public morality. The law provides for trial by jury, usually composed of two or three individuals appointed by local officials. In regional and provincial courts, a panel of one judge and two lay assessors tries cases. Indigent defendants may consult an attorney provided without cost. The government must provide defendants and their attorneys adequate time and facilities to prepare a defense. Defendants must be present during trial. They may have access to government-held evidence, confront and question witnesses, and present witnesses and evidence on their own behalf. Prosecutors may grant

witnesses anonymity if they express fear of retribution from defendants. Defendants may not be compelled to testify or confess guilt.

After a court issues a verdict, a defendant has seven days to request a written statement of the judgment; courts must provide a response within 14 days. A defendant has the right to appeal a verdict within 14 days of the response. A two-level appeal process is available in most civil and criminal matters. These rights extend to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

Regional Human Rights Court Decisions

The country is subject to the jurisdiction of the ECHR, and during the year there were binding ECHR judgments against the country. The government made significant progress in reducing the number of pending executions of the court's judgments and orders from 908 in 2012 to 486 in 2014. On February 5, the Sejm's Justice and Human Rights and Foreign Affairs Committees established a new permanent subcommittee on the implementation of ECHR judgments. The subcommittee's main role is to monitor government activities aimed at implementation of ECHR judgments and to analyze government reports on their implementation. The subcommittee and the Senate's Committee for Human Rights, Rule of Law, and Petitions continued hearings on the enforcement of ECHR judgments.

On March 28, the Ministry of Foreign Affairs issued the second report on the implementation of ECHR judgments by the government. The report provided a list

of 54 action plans (which included strategies for implementation of the ECHR judgments) and reports on actions undertaken throughout 2013.

Property Restitution

The law provides for restitution of communal property seized during the Communist and Nazi eras, but the process proceeded very slowly during the year. By the end of September, the property commissions had resolved approximately 6,600 of slightly more than 10,500 communal property claims.

No comprehensive law addresses the return of or compensation for private property, but individuals may seek the return of confiscated private property through the courts.

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

The law prohibits such actions but allows electronic surveillance with judicial review for crime prevention and investigation. There were no reports that the government failed to respect these prohibitions or engaged in wiretapping without judicial review. Human rights groups asserted that legal protections against unwarranted government access to private communications are weak.

On July 30, the Constitutional Court ruled that several provisions of the laws giving law enforcement agencies and special services broad access to telephone records were unconstitutional. The court found that the regulations on using special operations techniques, such as wiretapping, were imprecise and that no independent body oversaw law enforcement agencies' access to citizens' telephone records. It did not find that law enforcement agencies had violated the law by wiretapping. The court gave the government 18 months to revise the laws.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the constitution provides for freedom of speech and press, there are laws that restrict these freedoms. In the past the government and courts upheld laws that criminalize defamation by individuals and the media and limit editorial independence.

Freedom of Speech: The law prohibits hate speech, including the dissemination of anti-Semitic literature and the public promotion of fascist, communist, or other totalitarian systems.

Press Freedoms: The government can prosecute libel and defamation carried out through the mass media as a criminal offense, punishable by fines and imprisonment for up to one year. While journalists have never received the maximum penalty in defamation cases, according to the Helsinki Human Rights Foundation, the risk of facing criminal charges may discourage them from addressing sensitive subjects. Moreover, media owners, particularly of small local independent newspapers, were aware that potentially large fines could threaten the financial survival of their publications. In 2012, the most recent year for which statistics were available, the courts convicted 60 persons of criminal defamation in the mass media: They fined 48, sentenced eight to limitations on their freedom (including community service), deducted funds from the salary of one, and gave three suspended prison sentences. The convicted individuals included politicians who pressed charges against each other, academics and experts who gave interviews or wrote articles for the media, and a few journalists.

Violence and Harassment: On November 20, police arrested two journalists as they covered a sit-in protest at the State Electoral Committee following nationwide local government elections on November 16. The journalists faced charges of breaking and entering and, if convicted, could face sentences of up to one-year imprisonment. Despite the journalists' assertion that they showed their press identity cards to police officers and explained that their presence was to report on the protest, police maintained they detained the journalists because they did not obey orders to leave the premises. The journalists spent 20 hours in detention without contact with their families. A brief trial found the journalists not guilty.

Censorship or Content Restrictions: The constitution provides for freedom of the press and social communication, and the right to acquire and disseminate information. It prohibits censorship of the press or social communication. At the same time, the law prohibits, under penalty of fines, the promotion of activities against government policy, morality, or the common good and requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values." The government rarely enforced this provision. The law also places some limits on editorial independence, for example, by specifying that journalists must verify quotations and statements with the person who made them before publication.

The National Radio and Television Broadcasting Council, a five-member body appointed by the Sejm (two members), the Senate (one member), and the president (two members), is responsible for protecting freedom of speech and has broad power to monitor and regulate programming, allocate broadcasting frequencies and licenses, apportion subscription revenues to public media, and impose financial penalties on broadcasters. While council members are required to suspend their membership in political parties and public associations, critics asserted that the council remained politicized.

Libel Laws/National Security: Defamation is a criminal offense and includes publicly insulting or slandering members of the parliament, government ministers, or other public officials, as well as private entities and persons. Defamation outside the media is punishable by a fine and community service. The maximum sentence for insulting the president is three years' imprisonment. The courts rarely applied maximum penalties, and persons found guilty of defamation generally faced only fines. According to Ministry of Justice statistics for 2012, the latest data available, courts convicted one person for insulting constitutional organs of the government. Of the 239 persons convicted of public defamation in 2012, 179 committed defamation outside the media. On July 11 in Kielce, the trial of two senior high school students charged with insulting the constitutional organ of the state began.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications or e-mail without appropriate legal authority. The law against defamation, which restricts freedom of speech, applies to the internet as well. In 2013, according to data from the International Telecommunication Union, 63 percent of the population used the internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected these rights.

On September 18, the Constitutional Court ruled on the ombudsman's complaint concerning the revision of the law on public assembly. The complaint referred to an amendment adopted in 2012 that introduced restrictions on peaceful assemblies in certain cases, such as a prohibition against simultaneous demonstrations in the same location if they might pose a threat to public order. The court ruled six of the provisions of the revised law unconstitutional, including the ban on organizing several demonstrations at the same place and time. The court gave the legislative branch a year to amend the law.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. On March 26, the Helsinki Human Rights Foundation reported that the Border Guard deported a woman and her two children after the foundation had requested a suspension of the expulsion order but before the court acknowledged or ruled on the request.

Safe Country of Origin/Transit: The EU's Dublin III Regulation, to which the country is subject, recognizes all EU countries as safe countries of origin and transit. The regulation also authorizes the governments of EU member states to return asylum seekers to the countries where they first entered the EU. The law permits denial of refugee status based on safe country of origin or safe country of transit but includes provisions that allow authorities to consider the protection needs of individuals with exceptional cases.

Refugee Abuse: In addition to the guarded centers for foreigners (see section 1.d.), the government operated 13 open centers for asylum seekers with an aggregate capacity of approximately 2,200 persons in the Warsaw, Bialystok, and Lublin areas. Some incidents of gender-based violence occurred, but the UNHCR reported that local response teams involving doctors, psychologists, police, and social workers addressed these cases. The UNHCR and the Helsinki Human Rights Foundation reported no major or persistent problems with abuse in the centers.

Access to Basic Services: Asylum seekers faced language and cultural barriers, and had limited access to higher education. Children in centers for asylum seekers had free access to public education, but those placed with relatives in guarded centers for foreigners did not.

Stateless Persons

According to the UNHCR, at the end of 2013, 10,825 persons in the country were stateless. In 2013, the most recent year for which statistics were available, 34 stateless persons applied for refugee status, and authorities granted refugee status to 25 persons.

A child acquires citizenship at birth if at least one parent is a citizen, regardless of where the birth took place. Children born or residing in the country with parents of unknown or stateless origin may also obtain citizenship.

According to the UNHCR, the law does not have any significant gaps that contributed to statelessness. The UNHCR occasionally received complaints from stateless persons about problems with employment. The principal complaint involved the lack of identity documents, which discouraged employers from offering employment to stateless persons.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the ability to change their government through free and fair elections, and citizens exercised this right to vote through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the parliamentary elections held in 2011 free and fair. The Organization for Security and Cooperation in Europe's Office for Democracy Institutions and Human Rights reported that the elections were pluralistic and democratic with a high degree of public confidence in all stages of the election process. Elections to the European Parliament held on May 25 were also considered free and fair.

Participation of Women and Minorities: The law mandates that neither gender represent more than 65 percent of the candidates on political parties' election lists. As of September 30, women occupied 107 of the 460 seats in the Sejm and 14 of the 100 seats in the Senate. Six women sat in the 19-member Council of Ministers, including the prime minister. In the European Parliament, 12 of the country's 51 members were women.

In the 2011 parliamentary elections, two candidates of African descent as well as the first transgender and the first openly gay candidates won seats in the Sejm. The law exempts parties of historic ethnic minorities, including Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish parties, from the requirement that they must receive 5 percent of the vote nationwide to qualify for seats in individual districts. Based on this exemption, one member of a historic ethnic minority won a seat in the Sejm (a representative of the German minority in Silesia) but none to the Senate. The government's cabinet contained no members of minority groups.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, corruption was a problem. The government did not always implement the law effectively, and officials sometimes engaged in corrupt practices. There were some reports of government corruption during the year.

Corruption: On July 9, the Krakow District Prosecutor's Office indicted the former mayor of Tarnow, Ryszard Scigala, for accepting a bribe and abusing his position. He was released on bail on March 27 after spending six months in pretrial detention. He faced a prison term of up to 10 years if convicted. The indictment also included two businessmen accused of acting as intermediaries in transferring the money, and two city officials for abuse of office and failure to fulfill their duties.

Several government bodies are responsible for combating corruption. The CBA has broad powers to audit the financial holdings of public officials and fight corruption in public procurement. It also has authority to conduct searches, secretly to videotape, to tap telephone conversations, and to make arrests. The CBA actively collaborated with civil society, operated effectively and independently, and had sufficient resources. On April 1, the government adopted a new five-year program to combat corruption via prevention and education, as well as better prosecution of corruption cases.

Financial Disclosure: Various laws oblige elected and appointed public officials to submit financial statements about their and their spouses' financial assets, real property, stocks, and bonds. The law does not apply to the assets or income of dependent children. The CAB and other entities monitor and verify disclosures. With the exception of certain situations provided for under the law, the regulations protect information included in financial statements as "restricted access" information that can be made public only with the written permission of the provider. The law requires officials to file financial disclosures before they take office, on the day they leave office, and each year prior to March 31 but does not require filing when changes occur in their holdings. Different laws provide for different penalties for nondisclosure.

On November 27, a Warsaw local court found the former transportation minister, Slawomir Nowak, guilty of failing to list a watch worth an estimated 17,000 zloty (\$4,800) in several financial disclosures he filed when he was in government. The judge ordered Nowak to pay a fine of 20,000 zloty (\$5,700) and legal costs of 4,500 zloty (\$1,300). Following the announcement of the verdict, Nowak resigned his seat in parliament. The verdict was subject to appeal.

Public Access to Information: The constitution and law provide for public access to government information, and the government generally provided such access to citizens and noncitizens, including foreign media.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Government Human Rights Bodies: The law entrusts the human rights defender and the government plenipotentiary for equal treatment with the task of “implementing the principle of equal treatment.” The government plenipotentiary for equal treatment develops and evaluates draft acts, analyzes and evaluates legal solutions, and monitors the situation within the scope of application of the principle of equal treatment.

The country’s independent ombudsman for citizen rights, the human rights defender, processes complaints, conducts investigations, institutes and participates in court proceedings, undertakes studies, provides other public bodies with advice, proposes legislative initiatives, conducts campaigns, and cooperates with NGOs. The human rights defender is not competent for disputes between private entities, even in cases of racial discrimination. She presents an annual report to the Sejm on the state of human rights and civic freedom in the country. The human rights defender generally had adequate resources and enjoyed the government’s cooperation. Human rights observers considered her effective. She received approximately 500,000 zloty (\$142,000) in funding for the year to cover monitoring implementation of the principle of equal treatment and to support victims of discrimination. The CPT recommended further increases in human and financial resources to permit the human rights defender to monitor efficiently places of detention and to carry out frequent and unannounced visits to all such places. In 2013 the ombudsman reported receiving 70,002 cases, an increase of 7,602 from 2012.

The government plenipotentiary for equal treatment has a mandate to counter discrimination and promote equal opportunity for all. The plenipotentiary is subordinate to the Prime Minister’s Office, did not have the same institutional independence as the ombudsman, and did not have a separate budget.

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

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination in “political, social, and economic life for any reason whatsoever.” The law prohibits discrimination on the grounds of sex, gender, disability, race, nationality, ethnic origin, and sexual orientation.

The law requires the ombudsman for citizen rights to monitor implementation of the principle of equal treatment and to support victims of discrimination. The ombudsman and NGOs asserted that some provisions of the antidiscrimination law may be unconstitutional, since they do not treat all groups equally, providing greater protection against discrimination on grounds of race, ethnicity, and gender than on disability, sexual orientation, or age.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to 12 years in prison. Stalking is punishable by up to 10 years in prison. According to national police statistics, during the first half of the year, there were 605 reported cases of rape. NGOs, however, estimated that the actual number of rapes was much higher because women often were unwilling to report incidents due to social stigma. During the same period, police concluded 297 possible rape cases and forwarded them to prosecutors for indictment, and they forwarded another 35 to family courts (for underage offenders) for indictment. On January 27, a revision of the criminal code entered into force to allow prosecutors or police to initiate an investigation *ex officio* even without a formal complaint filed by the victim.

While courts can sentence a person convicted of domestic violence to a maximum of five years in prison, most of those found guilty received suspended sentences. The law permits authorities to place restraining orders on spouses to protect against abuse without prior approval from a court, but police do not have the authority to issue immediate restraining orders at the scene of an incident.

During the first half of the year, police identified 8,837 cases of domestic violence, an increase of 833 as compared with the same period in 2013. During the same period, police concluded 7,687 cases and forwarded them to prosecutors for indictment (329 more than the same period in 2013). During the first six months of the year, police registered 39,137 “blue card procedures,” meaning a police officer either intervened in a domestic violence situation or a police officer on duty

interviewed a potential victim of domestic violence (11,429 more than the same period in 2013). According to prison authorities, at the end of August, 4,092 individuals were serving prison sentences for crimes related to domestic violence.

According to some women's organizations, the statistics understated the number of women affected by domestic violence, particularly in small towns and villages. The Women's Rights Center reported that police were occasionally reluctant to intervene in domestic violence incidents if the perpetrator was a police officer or if victims were unwilling to cooperate.

The law requires every municipality in the country to set up an interagency team of experts to deal with domestic violence. According to some NGOs, this requirement might actually have worsened the situation because the interagency teams focused on resolving the "family problem" rather than initially treating claims of domestic violence as criminal matters. The NGOs also believed the additional work required by the new procedures discouraged police from classifying cases as domestic violence and might have contributed to the reduction in reported cases during the year. In July 2013 the supreme audit chamber noted that the establishment of interagency teams delayed assistance to victims of violence and that the procedures for granting assistance were excessively bureaucratic and time-consuming. As of September 30, the government did not address the supreme audit chamber's criticisms.

Centers for victims of domestic violence operated throughout the country. In 2013, the most recent year for which statistics were available, local governments provided victims and their families with legal and psychological assistance and operated 193 crisis intervention centers and 13 shelters for pregnant women and mothers with small children. In addition local governments operated 35 specialized centers funded by the government's National Program for Combating Domestic Violence. The centers provided social, medical, psychological, and legal assistance to victims; training for personnel who worked with victims; and "corrective education" programs for abusers. In 2013 the government allocated almost 13 million zloty (\$3,700,000) for the centers' operating costs.

In 2013, the last year for which statistics were available, the government spent 4.1 million zloty (\$1.2 million) on programs to combat domestic violence, primarily corrective education programs for abusers and training for social workers, police officers, and specialists who were the first contacts for victims of domestic violence. In addition, the Ministry of Labor and Social Policy spent approximately 235,000 zloty (\$66,900) to evaluate the local system of preventing domestic

violence and to develop information tools for abusers (to instruct them on the consequences of using violence and provide information about where to locate assistance, such as therapy, mediation, and psychological counseling). Regional governments spent almost four million zloty (\$1.1 million) on training first responders. The government also spent approximately 800,000 zloty (\$230,000) on combating domestic violence under the “Safer Together” program; 150,000 zloty (\$43,000) for a hotline for children and young persons operated by the Nobody’s Children Foundation, a Warsaw-based NGO; and almost 100,000 zloty (\$28,000) on activities aimed at improving police effectiveness in combating domestic violence.

Female Genital Mutilation/Cutting (FGM/C): Although the law does not prohibit FGM/C directly, authorities may prosecute these practices under several articles of the criminal code, which criminalize permanent serious bodily disfigurement or deformation. The law applies to persons of all ages. There were no reports of FGM/C performed in the country.

Sexual Harassment: The law prohibits sexual harassment, and violations carry penalties of up to three years in prison. The law defines sexual harassment as discriminatory behavior in the workplace, including physical, verbal, and nonverbal acts violating an employee’s dignity.

According to the Women’s Rights Center, sexual harassment continued to be a serious and underreported problem. Many victims did not report abuse or withdrew harassment claims in the course of police investigations due to shame or fear of losing their job. During the first six months of the year, police reported 52 cases of sexual harassment, compared with 46 cases during the first six months of 2013.

Reproductive Rights: The government generally recognized the basic rights of couples and individuals to attain the highest standard of reproductive health and to decide freely and responsibly the number, spacing, and timing of their children. While there were no restrictions on the right to obtain contraceptives, some NGOs believed their use was limited because the government excluded prescription contraceptives from its list of subsidized medicines, which made them less affordable. Some NGOs also believed that religious factors, such as the strong influence of the Roman Catholic Church, affected the use of contraceptives. The law does not permit voluntary sterilization. The government permitted health clinics and local health NGOs to provide information on family planning, including information about contraception under the guidance of the Ministry of

Health. According to the Center for Reproductive Rights, sexuality-related counseling services for young persons were not available.

Discrimination: The constitution provides for equal rights for men and women and prohibits discrimination against women, although few laws exist to implement the provision. The constitution requires equal pay for equal work. According to a European Commission report, the gender wage gap in 2012, the latest year for which data was available, was 6.4 percent. A report published in December 2013 by the supreme audit chamber on the remuneration of men and women in the public sector stated 80 percent of women earned less than their male peers in the same or similar positions in ministries, central government offices, local government offices, and treasury-owned companies. The report primarily attributed the remuneration gap to differing job qualifications (also see section 7.d.). A 2013 report by the Ministry of Labor and Social Policy indicated women had a higher rate of unemployment than men.

The plenipotentiary for equal treatment had a mandate to counter discrimination and promote equal opportunity for all.

Children

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

Child Abuse: The constitution and the law prohibit violence against children and provide for prison sentences ranging from three months to five years for violations. There were reports of child abuse, but convictions were rare.

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as the need for improved medical care for children with chronic diseases. The ombudsman's office also operated a 24-hour free hotline for abused children. In 2013 the ombudsman received 48,580 complaints of infringements of children's rights under the country's laws, an increase of 23,625 compared with 2012. Of those complaints, 51 percent concerned the right to be brought up in a family (citing factors such as limitation of parental rights through divorce and the need for better material support for foster families); 19 percent concerned the right to protection against abuse; 14 percent concerned the right to education; 7 percent concerned the right to life and

protection of health; 6 percent concerned the right to adequate social conditions; and 3 percent concerned other issues. The reasons for the large increase in complaints included several huge advertising campaigns, including the “React. You have the Right” campaign aiming to change social attitudes among adults and make them sensitive to children’s problems, and the opening of the hotline, both of which greatly increased public awareness of the office and public trust in it. Over the years an expansion of the institution of the children’s rights ombudsman enabled him to take more action. In 2013 he met and talked with more than 54,000 children and discussed children’s problems in conferences, seminars, and meetings.

Early and Forced Marriage: The country’s legal minimum age of marriage is 18, although the guardianship court may grant permission for girls as young as 16 to marry under certain circumstances. In 2013 the courts received 532 requests for permission for girls between the ages of 16 and 18 to marry and issued 527 decisions which affected 380 underage girls. In 2012 the total number of requests was 559, and courts issued 415 decisions affecting 395 girls.

Female Genital Mutilation/Cutting (FGM/C): Although the law does not directly prohibit FGM/C, authorities may prosecute the practice under several articles of the criminal code that criminalize permanent serious bodily disfigurement or deformation. There were no reports of FGM/C performed in the country.

Sexual Exploitation of Children: The law prohibits sexual intercourse with children younger than 15. The penalty for statutory rape ranges from two to 12 years’ imprisonment. According to the Ministry of Justice, in 2012, the most recent year for which statistics were available, courts convicted 630 persons of sexual intercourse with persons under the age of 15 and 44 persons of pimping with the involvement of a minor.

Child pornography is also illegal. The production, possession, storage, or importation of child pornography involving children younger than 15 is punishable by imprisonment for a period of three months to 10 years. During the first six months of the year, police arrested 26 persons, and confiscated computers and pornographic materials in a single nationwide operation against child pornography and pedophiles. Information from authorities in other countries was usually the basis for nationwide operations. Successful prosecution of child pornography remained a challenge due to both the international nature of computer-based crimes and the difficulty of identifying their perpetrators.

According to the government and the Nobody's Children Foundation, a leading NGO dealing with trafficking in children, trafficking in children for sexual exploitation remained a problem.

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as pedophilia on the internet.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/english/country/poland.html.

Anti-Semitism

The Union of Jewish Communities estimated the Jewish population at approximately 20,000. Anti-Semitic incidents continued to occur, often involving desecration of significant property, including synagogues and Jewish cemeteries.

On June 6, the disciplinary court at the prosecutor general's office decided not to punish a Bialystok local prosecutor who refused to open an investigation into swastikas painted on electrical transformers. The decision became binding on September 30. The local prosecutor said that the swastika was a symbol of happiness and prosperity in Asia. His refusal to prosecute led to a public outcry. The local prosecutor's supervisor resigned before he could be dismissed.

On January 24, police arrested six persons accused of hanging anti-Semitic posters in Lublin and held four of them in pretrial detention for two weeks. Authorities charged five arrestees with operating in a criminal group promoting fascism and inciting hatred and the sixth of being an accomplice. One of the six arrestees, an employee of the museum at Majdanek, a former Nazi concentration camp, was immediately suspended from work. The spate of anti-Semitic incidents in Lublin started in 2010 and mainly targeted the director of a local theater that promoted Jewish cultural heritage as well as other prominent individuals, including the editor in chief of a local newspaper, the mayor of Wroclaw, and well known civil society activists.

On September 10, the Warsaw District Court accepted former foreign minister Sikorski's complaint about the prosecutor's decision to discontinue investigating

anti-Semitic comments posted on the internet in 2011 targeting the minister and his family. In June the District Prosecutor's Office discontinued the investigation for a third time.

Anti-Semitic behavior sometimes occurred at sporting events. On January 22, the Poznan appellate prosecutor's office called into question a local prosecutor's decision in December 2013 to discontinue an investigation into an incident at a September 2013 soccer match in Poznan in which fans of the Lech Poznan club shouted anti-Semitic slogans at the RTS Widzew Lodz team and its fans. The appellate prosecutor's office decided that the slogans referred to the Holocaust and should be considered incitement to hatred on the grounds of national differences. Prosecutors failed to identify the individuals who shouted these slogans, and on October 2 discontinued the investigation.

On December 10, the Constitutional Tribunal ruled the ban on animal slaughter for religious purposes unconstitutional. Halal and kosher slaughter had been illegal since January 2013. In January, Holocaust survivors, politicians, and religious leaders gathered to mark International Holocaust Remembrance Day.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. While the government effectively enforced these provisions, there were reports of some societal discrimination against persons with disabilities. The government restricted the right of persons with certain mental disabilities to vote or participate in civic affairs.

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to provide accessibility. Many buildings remained inaccessible to persons with disabilities, because regulations do not specify what constitutes an accessible building. Public buildings and transportation generally were accessible, although older trains and

vehicles were often less accessible to persons with disabilities, and many train stations were not fully accessible for persons with all types of disabilities.

The law specifies that children with disabilities have the right to attend all levels and types of school. If there was no school nearby to accommodate a child with disabilities, the child had alternatives, such as independent schooling by teachers at the child's home.

The Ministry of Labor and Social Policy is responsible for disability-related matters. The government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities. The government fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ persons with disabilities. The fund granted money to NGOs to organize media campaigns on the rights of persons with disabilities. A government ombudsman for children's rights issued periodic reports on problems such as the need for better access to public schools for children with disabilities.

National/Racial/Ethnic Minorities

The constitution gives ethnic groups that have been living on the territory of present-day Poland for more than 100 years explicit rights to preserve their own language, customs, and culture. The law recognizes nine "national minorities" (Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish) and four "ethnic minorities" (Karaim, Lemko, Roma, and Tatar). In addition to the constitutionally provided rights to both national and ethnic minorities, national minorities are exempt from the 5-percent minimum threshold requirement for winning seats in parliament.

The law also contains several provisions against hate crimes and inciting violence based on ethnic origin, but government enforcement efforts were sometimes ineffective. The government, while quick to denounce hate crimes, was frequently unable to find the perpetrators of such incidents. On February 26, the prosecutor general issued new guidelines for prosecuting hate crimes which provide instructions on how to investigate crimes related to public incitement to hatred or publicly insulting a person because of his/her national, ethnic, racial, or religious affiliation. Despite efforts by the prosecutor general to encourage prosecutions, resistance at the local level continued.

A number of xenophobic and racist incidents occurred during the year, and the government and local NGOs reported a noticeable increase in the total number of hate crimes. Civil society representatives partly attributed the rise to better government tracking of hate crime incidents and increased media attention to the problem. Prosecutors investigated 835 hate crime cases in 2013, compared with 473 in 2012. Of these, 252 involved the internet, 218 were racist graffiti on walls or buildings, monuments and graves, 33 involved sports fans or athletes, 15 occurred at demonstrations or assemblies, four involved press and book publications, and five concerned television and radio programs. Information on the remaining 308 hate crimes was unavailable.

On February 21, in its concluding observations on the 20th and 21st periodic reports of the country, the UN Committee on the Elimination of Racial Discrimination expressed concern about the persistence of racism and hate speech in sport, and widespread hate speech on the internet. It recommended the government take additional measures to combat hate crimes.

On August 10, 57 local NGOs issued an open letter to the government to highlight the fact that prosecutor's offices too often decide not to open, or open and then discontinue, investigations into cases involving racial hate speech.

Throughout the year there were new entries on Red Watch, a webpage run by the neo-Nazi group Blood and Honor. It listed "traitors of the race," politicians, activists, and representatives of left-wing organizations. The entries often included the home addresses and telephone numbers of the persons listed. Authorities stated there was nothing they could do since the site's servers were located outside the country.

On April 23, the Ministry of the Interior reported on a number of activities undertaken by the government in response to the 2013 spate of hate crime incidents in Bialystok. According to the report, on February 13 the commander in chief of the national police launched the "Police Platform against Hatred" to establish a partnership between the police, NGOs, and other institutions. Authorities believed this would facilitate the exchange of experiences and best practices in preventing and combating hate crimes. The report also noted that, by the end of 2013, all police officers responsible for handling such crimes (approximately 3,150 officers) were trained on how to identify and respond to hate crimes.

On January 28, a trial court sentenced one soccer fan to imprisonment for two years and two months, and six others to imprisonment for one year and 10 months

for attacking Mexican sailors on a beach in Gdynia in August 2013. On July 15, the Gdansk appellate court upheld the verdict and refused to suspend the sentences.

On March 18, the Bialystok appellate court overturned a July 2013 decision by the Bialystok local court, which ruled that a border guard officer who posted negative comments about Chechens on the internet was not guilty of inciting hatred on national grounds. The appellate court returned the case to the local court to be tried again.

Societal discrimination against Roma continued to be a problem. The 2011 national census recorded 16,723 Roma, although an official government report on the Romani community estimated that 20,000-25,000 Roma resided in the country.

Unlike in previous years, there were no reports that local officials discriminated against Roma by denying them adequate social services. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education (also see section 7.d.).

The town of Andrychow remained a focal point of continuing social conflict, with several confrontations between Romani and non-Romani members of the local community occurring throughout the year. On June 6, an attack by a group of youths against a Romani woman and her children led to several other altercations between groups of youths. On June 13, the local government introduced a three-month “zero tolerance” for public violence program which included additional street patrols by police officers to prevent potential violence.

In June, one of the leading daily newspapers in Wroclaw, *Gazeta Wroclawska*, ran a series of very negative articles about the Romanian Romani community in the city. The articles prompted a large number of negative comments on *Gazeta Wroclawska*'s website, some of which called for violence against Roma. Some local NGO activists alleged that the newspaper tried to incite Wroclaw's inhabitants against the Roma.

On September 11, the Gdansk prosecutor's office initiated an investigation into the August 4 eviction of a 15-member Romani family from Romania who were living on grounds owned by the city. The investigation resulted from a complaint filed by NOMADA, a Wroclaw-based NGO that promotes human rights in the country.

According to the Ministry of Administration and Digitalization, during the 2012-13 school year, the country's schools enrolled 2,962 of the 3,359 Romani children

between the ages of six and 16 who were required to attend school. Romani organizations and the Ministry of Education reported that authorities, particularly in southern provinces, continued to send many Romani children to schools for children with mental disabilities without cause. During the year the government allocated five million zloty (\$1.4 million) for programs to support Roma, including for educational programs.

While at the national level approximately 80 percent of Roma were unemployed, levels of unemployment in some regions reached nearly 100 percent.

There were isolated incidents of racially motivated violence, including verbal and physical abuse, directed at persons of African, Asian, or Arab descent. On August 9, six persons beat a 24-year-old medical student from the Congo in a Lodz nightclub. The prosecutor brought charges against a person identified as one of the attackers. On May 20, the Lodz District Court sentenced three persons to prison for attacking three students of African origin at Lodz Technical University in 2011.

The Ukrainian and Belarusian minorities continued to experience petty harassment and discrimination. Extremist groups, while small in number, maintained a public presence in high-profile marches and on the internet, and they disrupted lectures or debates on problems that they opposed.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

While the constitution does not specifically prohibit discrimination on the grounds of sexual orientation, it prohibits discrimination “for any reason whatsoever,” and the laws on discrimination in employment cover sexual orientation and gender identity. Hate crime and incitement laws do not include gender identity or sexual orientation. The prime minister’s plenipotentiary for equal treatment monitors LGBT problems. The ombudsman for citizen rights monitors and promotes equal treatment and support for victims of discrimination on all grounds.

NGOs and politicians reported increasing acceptance of LGBT persons by society and the government but also stated that discrimination was still common in schools, workplaces, hospitals, and clinics (also see section 7.d.). There were some reports of skinhead violence and societal discrimination against LGBT persons, but NGOs maintained that most cases went unreported.

On August 22, the Szczecin District Court opened a trial into the fatal beating of a 21-year-old LGBT student by two 18-year-old men. The incident took place on January 4. Authorities charged one man with murder, the other with assault. At the beginning of the trial, the judge stated that it was hard to determine whether the men were motivated by homophobia. The Campaign against Homophobia attended the trial as a subsidiary prosecutor, in which role it could present evidence, question witnesses, and appeal the verdict.

A rainbow arch which was installed in central Warsaw in 2011 and served as a symbol of tolerance particularly for the LGBT community was burned several times, most recently early on the morning of August 7, when two inebriated men set it alight, causing partial damage. The city repaired it immediately.

On September 16, a Warsaw local court fined a person who assaulted the first openly gay member of parliament, Robert Biedron, following Warsaw's equality parade in June 2013.

The government took several steps during the year to respond to societal discrimination on the basis of sexual orientation and gender identity. The law requires the ombudsman to monitor and promote equal treatment and to support victims of discrimination on all grounds. The ombudsman received funding to implement these obligations.

The police advisor for equal treatment and the ombudsman for citizens' rights cooperated with the police to publish a special handbook for police that promoted officers' tolerance and understanding of diversity and counseled police officers on how to work with victims of various minorities, including LGBT individuals.

HIV and AIDS Social Stigma

During the first six months of the year, the government's AIDS center received one complaint from an HIV-positive person. This person was forced to take an HIV test and to resign from a hairstylist's job upon testing positive (also see section 7.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to establish and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, and provides legal measures under which workers fired for union activity may demand reinstatement. There are several limitations to these rights. The law does not provide for the right to form a union to persons who entered into an employment relationship based on a civil law contract, or to persons who were self-employed. Members in senior-level positions in the civil service cannot hold office in worker organizations. Government workers including police officers, border guards, prison guards, and employees of the supreme audit office are limited to a single union. Workers in services deemed essential, such as security forces, the Supreme Chamber of Audit, police, border guards, and fire brigades, do not have the right to strike. These workers have the right to protest and to seek resolution of their grievances through mediation and the court system.

Legal strikes require the support of at least 50 percent of all employees in a company or industry-level vote. To allow for required mediation, a strike may not be called earlier than 14 days after workers present their demands to an employer. The law obligates employers to notify the district inspection office in their region about a group dispute in the workplace. Cumbersome procedures made it difficult for workers to meet all of the technical requirements for a legal strike. The law prohibits collective bargaining for key civil servants, appointed or elected employees of state and municipal bodies, court judges, and prosecutors.

The penalties for obstructing trade union activity range from fines to community service. The government did not effectively enforce applicable laws. Resources, inspections, and remediation efforts were less than fully adequate and the small fines imposed as punishment were an ineffective deterrent to employers. Administrative and judicial procedures were subject to lengthy delays and appeals. Unions alleged that the government did not consistently enforce laws prohibiting retribution against strikers. In 2013 the National Labor Inspectorate (NLI) registered 284 disputes over working conditions, social benefits, and the right to freedom of trade union activity, filed under collective bargaining rules as a prerequisite for striking.

Violations of freedom of association and the right to collective bargaining occurred. There were some reports of government interference in trade union activity. On March 12, the head office of the municipal guard in Bialystok demanded that the Solidarnosc (Solidarity) trade union disclose all resolutions, decisions, and motions as well as financial reports and activities reports. The formal reason given for this request was access of information in the public interest. The

union believed this was an attempt to interfere with internal statutory trade union matters.

On March 17, the Kutno local court initiated a criminal trial against the director of the district labor office in Kutno for dismissing 11 employees between July 2011 and April 2013 allegedly for being members of the Solidarity trade union. A labor court ordered the reinstatement of the workers. The case remained pending as of October.

While many workers exercised the right to organize and join unions, many small- and medium-sized firms, which employed a majority of the workforce, discriminated against those who attempted to organize. Between January and April, employers dismissed several leaders engaged in union activities. In one instance management dismissed union leader Arkadiusz Leczyk and held individual meetings with other union workers, allegedly asking them to resign their union membership. Many of the workers were on fixed term contracts that would allow management to refuse to renew the contracts of workers associated with union activity.

Labor leaders continued to report that employers regularly discriminated against workers who attempted to organize or join unions, particularly in the private sector. Discrimination typically took the forms of intimidation, termination of work contracts without notice, and closing of the workplace. Some employers sanctioned employees who tried to organize unions.

b. Prohibition of Forced or Compulsory Labor

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

While the government effectively enforced the law, there were some limitations with respect to identification of victims of forced labor and distinguishing between forced labor and labor rights violations. Penalties for forced labor violations ranged from three to 15 years' imprisonment and were sufficiently stringent compared with other serious crimes. In 2013, the last year statistics were available, the government assisted in removing 53 victims from forced labor.

There were reports that foreign and domestic men were subjected to forced labor in the agricultural, manufacturing, and food processing sectors and that men, women, and children were subjected to forced begging.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16, with exceptions in the cultural, artistic, sporting, and advertising fields when parents or guardians and the local labor inspector give their permission. Persons between the ages of 16 and 18 may work only if they have completed middle school, if the proposed employment constitutes vocational training, and if the work is not harmful to their health.

The government effectively enforced these laws in the formal sector, but the NLI was not empowered to inspect private farms or homes. During the first half of the year, the inspectorate conducted 623 inspections involving 2,694 underage employees (16 to 18 years of age), compared with 540 inspections involving 2,407 underage employees during the same period in 2013. Authorities levied fines totaling 115,650 zloty (\$32,921) in 100 cases. According to the NLI, employers implemented 95 percent of all labor inspection decisions, although a report by the NLI indicated that some legal restrictions, such as the requirement in some sectors that a company receive seven days' advance notification of upcoming inspections, weakened the effectiveness of labor inspections.

The NLI reported that minors between 16 and 18 years of age worked and that many employers underpaid them or delayed their pay. The majority of employees found to be underage worked in commercial enterprises, repair shops, processing industries, restaurants, and construction. Some children under 18 years of age also engaged in hazardous work in agriculture, primarily on family farms. Migrant Romani children from Romania were subjected to forced begging. Commercial sexual exploitation of children also occurred (see section 6).

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination with respect to employment or occupation in any way, directly or indirectly, on the grounds of gender, age, disability, race, religion, nationality, political opinion, ethnic origin, and sexual orientation. The law does not specifically prohibit such discrimination based on language, HIV-positive status, gender identity, or social status. The government did not effectively enforce these law and regulations. According to the Polish Society for Antidiscrimination

Law, by law the accused must prove that discrimination did not take place, but judges often placed the burden on the victim to prove that discrimination occurred.

Discrimination in employment and occupation occurred with respect to gender, age, minority status, disability, political opinion, sexual orientation and gender identity, and HIV-positive status. Discrimination against Romani workers also occurred (see section 6).

e. Acceptable Conditions of Work

The national monthly minimum wage, which took effect in January, was 1,680 zloty (\$478). According to the Institute of Labor and Social Studies, in 2013 the social minimum monthly income level was 1,061 zloty (\$302) for one person and 3,450 zloty (\$982) for a family of four. The subsistence level, which is the bare amount needed to cover the costs of housing and food, was 542 zloty (\$154) for one person and 1,851 zloty (\$527) for a family of four in 2013.

The law provides for a standard workweek of 40 hours, with an upper limit of 48 hours including overtime. It requires premium pay for overtime. It prohibits excessive or compulsory overtime and sets a maximum of 150 hours of overtime per year. The law provides for workers to receive at least 11 hours of uninterrupted rest per day and 35 hours of uninterrupted rest per week. The constitution provides every employee the right to statutorily specified days free from work as well as annual paid holidays. The law also provides for 20 days of paid annual leave for employees with fewer than 10 years of employment and 26 days for those employed at least 10 years.

The law defines strict and extensive minimum conditions to protect worker health and safety, and empowers the NLI to supervise and monitor implementation of worker health and safety laws and to close workplaces with unsafe conditions. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The NLI's powers are limited to business entities; it does not have authority to monitor implementation of worker health and safety laws in private farms and households.

Authorities did not effectively enforce minimum wage, hours of work, and occupational health and safety in the formal or informal sectors. Resources, inspections, and remediation efforts were inadequate. In 2013 there were approximately 1,700 labor inspectors, the same number as in 2012. During the

first six months of the year, labor inspectors conducted 35,094 inspections of work health and safety conditions, compared with 27,119 inspections during the same period in 2013. During the first six months of the year, labor inspectors issued 173,963 decisions ordering employers to address infringement of work health and safety standards. They also issued 17,895 fines and sent 1,672 motions for punishment to the courts. Penalties may be as high as 2,000 zloty (\$569), or 5,000 zloty (\$1,423), for repeat violations. In the case of serious violations, labor inspectors may submit the case to a court, which can impose a fine of up to 30,000 zloty (\$8,540). Persons who maliciously violate the labor rights of employees may face up to two years' imprisonment.

During 2013, the latest year for which such information was available, the NLI organized trainings on work health and safety problems for medium and large enterprises (those hiring a minimum of 50 employees), which focused on work safety management, risk assessment, and analyzing the circumstances of and reasons for work-related accidents. In addition, the NLI organized a "Safety at Work Depends on You" campaign targeting employees and employers in high-risk sectors, such as industrial processing companies. The campaign took the form of training and information briefings, television and radio commercials broadcast on both private and public television and radio stations, and postings on the internet. In addition, the NLI conducted a television and radio campaign, "Respect Life! Safe Work on Farms," targeting individual farmers and family members. The NLI visited many private farms to assess safety conditions, and organized a number of competitions for individual farmers. The NLI also conducted a specific information and preventive program in construction, and offered training for small enterprises (those hiring up to 49 employees).

The NLI also prepared a special publication, *Construction. Mechanical Transport at the Construction Site*, and 12 instruction cards on safety measures at different work stations. The NLI also organized a number of training sessions for employees and employers of companies that exceeded the standards of the level of noise and exposed employees to substances harmful for employees. In cooperation with the Central Institute of Labor Protection, senior high schools, educational authorities, universities, local governments and trade unions, the NLI conducted an educational program called "Safety Culture" to instruct senior high school and university students about workplace safety and to promote general knowledge about labor law.

According to the inspectorate's 2013 report, the most frequent labor rights violations concerned failure to pay or delayed payment of wages. Most wage

payment violations occurred in the services, construction, and processing industries. Seasonal workers were particularly vulnerable to such violations. The national inspectorate's report did not cover domestic workers because inspectors could only conduct inspections in businesses, not private homes. The second most common problem was inaccurate timekeeping records for hours worked.

Employers often ignored requirements regarding overtime pay. A large percentage of construction workers and seasonal agricultural laborers from Ukraine and Belarus earned less than the minimum wage. The large size of the informal economy--particularly in the construction and transportation industries--and the low number of government labor inspectors made enforcement of the minimum wage difficult.

In the first half of the year, the Central Statistical Office reported 39,028 victims of workplace accidents, an increase of 600 from the same period in 2013. The highest number of victims worked in industrial processing, the retail and wholesale trade, the health service sector, transportation, warehouse management, and construction. In 2013 the inspectorate investigated 1,888 accidents in which there were 2,319 deaths or injuries, including 315 workers killed and 735 persons seriously injured. The NLI reported that most of the fatal accidents occurred in the industrial processing (mining and metalworking) and construction industries. Employers routinely exceeded standards limiting exposure to chemicals, dust, and noise. According to the inspectorate's 2013 report, inadequate training of employees, the poor quality of job-related risk assessment tools, and inadequate measures by employers to prevent accidents were the leading causes of workplace accidents.