

## EXECUTIVE SUMMARY

1. Domestic violence remains prevalent in Poland. Despite advances in legislation for expanded protections, the law still does not cover incidents of violence involving former and/or non-cohabiting intimate partners. Psychological violence is rarely charged without a corresponding charge of physical violence. System actors treat charges of threats of violence or coercion as separate incidents, instead of patterns of behavior. Poland has not changed the definition of rape to be based on consent. Due to the gaps in legislation, many victims are left unprotected and without remedies.
2. Women face significant barriers to safe abortion access. A recent Constitutional Court ruling effectively eliminated one of three grounds for legal abortion, leaving many women either to seek unsafe abortion or go outside the country. Two women died as a result of delayed abortion care since the ruling. These restrictions leave women at risk of mental and physical harm amounting to torture or cruel and inhumane treatment.
3. Poland fails to adequately uphold obligations to protect people in need of international protection through its laws and policies. Article 3 of the Convention against Torture and Other Cruel, Inhumane Treatment or Punishment (“The Convention”), obliges State Parties to refrain from expelling, refouling or extraditing a person when there is substantial belief the individual would be in danger of torture. Poland’s current legislation allows for any migrants crossing the border unofficially to be removed. Further, the government has exacerbated human rights violations in neighboring Belarus by barring Belarusians and other foreign nationals in need of international protection from entering Poland and failing to provide asylum to victims of torture who are seeking protection in the European Union.

### I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

#### Domestic Violence (Theme D29); Violence Against Women (Theme F13)

##### **Status of Implementation: Accepted, Partially Implemented**

1. Poland received twelve recommendations regarding domestic violence and violence against women.<sup>1</sup> Poland accepted all twelve recommendations but has only partially implemented them.<sup>2</sup>
2. The Polish Government undertook the important step of criminalizing stalking in 2011 under Article 190a of the Criminal Code, increasing the penalties for the crime in 2020.<sup>3</sup> As many of the current statutes exclude former intimate partners from their scope, the criminalization of stalking is an important mechanism for protecting victims. Harassment is not prosecuted ex officio, however, and there must be multiple instances in order to initiate a case.<sup>4</sup> The introduction of ex-officio prosecution in rape cases is another welcome step and has the potential to decrease the number of statements a victim must make in criminal prosecution.<sup>5</sup> This change is a step forward in potentially reducing the burden and traumatization victims face when reporting sexual violence. Nonetheless, there is still significant room for improvement with respect to cases of rape. Poland has not changed the definition of rape to be based on consent.<sup>6</sup>

3. Poland ratified the Istanbul Convention on August 1, 2015.<sup>7</sup> Claims that the Istanbul Convention promotes “gender ideology” and will destroy the traditional family, however, have led to threats to withdraw from the treaty. These threats became reality in 2020, when Justice Minister Zbigniew Ziobro filed an “official request” with the Ministry for Family, Work and Social Policy (“Labour Ministry”) to begin the process of withdrawing from the Istanbul Convention.<sup>8</sup> Further, on July 30, 2020, Prime Minister Mateusz Morawiecki asked the Polish Constitutional Tribunal to ““examine whether the [Istanbul] convention is in line with the Polish constitution[.]””<sup>9</sup> These efforts to withdraw from the domestic violence treaty threaten the safety of victims of domestic violence and violence against women and embolden perpetrators.
4. Several conservative organizations, including Ordo Iuris and the Christian Social Congress, also support the move to withdraw from the Istanbul Convention and are even urging quicker action. Together with dozens of similar organizations, they collected signatures for a citizens’ legislative initiative called “Yes to Family, No to Gender.”<sup>10</sup> The contents of the initiative, now a draft law under consideration in the Polish Parliament,<sup>11</sup> would authorize the President to withdraw from the Istanbul Convention and establish a task force to draft a Convention on the Rights of the Family, a document originally created by Ordo Iuris that would elevate family rights over the individual human rights of women and children, and which has no actual standing in international law.<sup>12</sup>
5. Despite some legislative advances, large gaps remain. Both the Law on Combating Family Violence and the National Programme on Equal Treatment view the issue of domestic violence with a “family focused” lens and a “one size fits all” solution, instead of working within a framework that recognizes that the majority of victims are women.<sup>13</sup> This approach limits the type of assistance available to victims and ignores the specific needs of women, such as economic empowerment and housing. The law and programme also neglect to mention dating violence or former and/or non-cohabiting intimate partners, as do the criminal statutes addressing psychological and physical violence.<sup>14</sup> These gaps leave many victims unprotected. When it comes to psychological violence, addressed by Articles 33 and 207(1) of the Criminal Code, GREVIO reported that these instances are often charged only when accompanied by physical violence. Finally, the current criminal statutes on threat and coercion are designed to address isolated incidents, not patterns of behavior. Poland also does not have a risk assessment to assess the risk of serious harm to domestic violence victims.<sup>15</sup>
6. Under Poland’s civil law, child custody legislation is particularly concerning. Both the proposed law and the revised draft National Programme on Equal Treatment, published April 2021, do not take into account the dynamics of domestic violence nor reflect best practice standards. The current Law on Family and Guardianship “sets out the principle that decisions on child custody and any limitations of parental authority shall be taken on the basis of the best interest of the child.”<sup>16</sup> This can become problematic when determining child custody and can be construed as children should have contact with both parents in most circumstances, even when one parent is a victim of abuse. For instance, a civil society petition being debated, titled “Stop Parent Alienation,” would make shared custody the default in cases of separation or divorce.<sup>17</sup> It would also mandate up to 2 years of imprisonment for a parent to impede the visitation rights of another parent.<sup>18</sup> The mandatory shared custody and visitation, if determined to be in the interest of the child, ensures there is continued contact between the parties.<sup>19</sup> When the legal system

fails to take into account domestic violence in custody and visitation decisions, it places the victim at continued risk of abuse at the hands of her abuser. Without proper training for systems actors and appropriate infrastructure to prevent an abuser from exerting power and control through visitation and custody, victims remain at serious risk.

7. Poland's Blue Card procedure and services is a set of measures intended to standardize law enforcement response to domestic violence, through multi-agency cooperation.<sup>20</sup> The procedure of interdisciplinary cooperation can be initiated by a wide range of entities, including social welfare, alcohol addiction counselling services, and education or health centers.<sup>21</sup> The Blue Card procedure does not work effectively and is initiated in only a small percent of cases.<sup>22</sup> There is also insufficient cooperation between law enforcement and the judiciary, and a general uncertainty about individual roles for each entity, leaving victims vulnerable.<sup>23</sup> Further, the Blue Card procedure allows entities to access private information about the victim without her consent, which could lead to the perpetuation of harmful stereotypes and create barriers to getting assistance.<sup>24</sup> In cases where the Blue Card procedure was initiated, about 40 percent of victims did not give their consent to release information.<sup>25</sup>
8. Training for law enforcement is lacking. In November 2020, an amendment was passed that enabled law enforcement to issue eviction and restraining orders that remain in place for 14 days.<sup>26</sup> The amendment, while still needing revision, has long been lobbied for by human rights activists.<sup>27</sup> However, proper training is necessary for law enforcement to effectively issue the orders.<sup>28</sup>

#### **Access to sexual and reproductive health and services (Theme E43)**

##### **Status of Implementation: Accepted, Not Implemented**

9. Poland received nine recommendations<sup>29</sup> related to reproductive rights and access to abortion, including two recommendations implement the judgments of the European Court of Human Rights in the case of *RR v Poland* and *P&S v Poland*.<sup>30</sup> Poland accepted all nine recommendations.<sup>31</sup>
10. Poland's "The Family Planning, Human Embryo Protection, and Conditions of Permissibility of Abortion Act" limits legal abortion to three cases: 1) if the pregnancy poses a threat to the health of the mother; 2) if there is a high probability of severe birth defects; or 3) if the pregnancy is found to be the result of an unlawful act, such as rape or incest.<sup>32</sup>
11. In October 2020, the Polish Constitutional Tribunal found that the severe or fatal fetal anomaly exception to the abortion law violated the Polish Constitution.<sup>33</sup> In 2019, prior to the October ruling, an estimated 98 percent of abortions were administered on the grounds of a high probability of birth defects.<sup>34</sup> The ruling effectively constituted a full abortion ban.
12. These obstacles to abortion access have prompted more people to seek abortions outside the country or by unsafe means. Even before the October 2020 ruling, some 100,000 women sought abortions outside the country each year.<sup>35</sup> The Human Rights Committee has found that forcing women to travel to another country for an abortion for non-viable pregnancies, due to criminalization in their home country, amounts to cruel, inhuman or degrading treatment or punishment.<sup>36</sup> Within a mere six months period after the ruling, Abortion Without Borders received calls from 17,000 women in Poland and continues to receive about 800 calls a month from Poland.<sup>37</sup> Women are afraid to seek abortion in

medical institutions and some seek abortions through illegal means, which could result in significant harm to their health and wellbeing.<sup>38</sup>

13. Poland's restrictive abortion legislation has had a chilling effect for both women trying to access abortion and medical professionals providing it. Doctors may face up to three years in prison for carrying out an abortion outside the confines of the law.<sup>39</sup> In the most extreme cases, it violates the right to life. In November 2021, a 30-year-old woman died 22 weeks into her pregnancy because doctors did not intervene. Her family claims that the doctors refused to provide medical care to her because they feared facing the ramifications of the abortion law.<sup>40</sup> Another 37-year-old woman also died as a result of doctors waiting to carry out her abortion.<sup>41</sup> The woman was pregnant with twins, but when one twin died, doctors waited for the other fetus to die before performing the surgery.<sup>42</sup> She died of sepsis after carrying the dead fetus for seven days.<sup>43</sup>

### **Refugees & asylum seekers (Theme G5); Members of minorities (Theme G1)**

#### **Status of Implementation: Partially Accepted, Not Implemented**

14. Poland received fourteen recommendations related to refugees and asylum-seekers.<sup>44</sup> Poland noted five recommendations, and accepted nine. It noted three recommendations to accede to the 1954 Convention relating to the Status of Stateless Persons, stating: "The Polish legal system already has in place provisions that protect stateless people, including the Act on Polish Citizenship which effectively prevents children born or found in Poland from becoming stateless."<sup>45</sup> Poland also noted a recommendation to participate in burden-sharing programs: "Poland is strongly opposed to any automatic and mandatory redistribution mechanisms. Such instruments are not the right response to the current migratory challenges. Instead they encourage new waves of migrants to cross into the EU, thus intensifying the migratory pressure."<sup>46</sup> Poland has not implemented accepted recommendations.
15. Poland has instituted several obstacles to prevent individuals who seek international protection from entering its territory. Polish authorities constructed razor-wire fences along its border with Belarus.<sup>47</sup> According to an OHCHR spokesperson, Polish legislation stipulates that all individuals who enter the country through unofficial border crossings can be immediately returned,<sup>48</sup> thus restricting access into Poland to a limited number of official border crossings.
16. Even when people succeed in crossing the border, Poland has refused to individually assess asylum claims. Border guards have sent asylum seekers, refugees, and others in need of international protection back across its border with Belarus. Refugees interviewed by Human Rights Watch reported that many of them had crossed into Poland and been driven back to Belarus several times.<sup>49</sup> Security forces in Belarus have barred people from relocating within Belarus and restricted their movement to within the border zone. As a result of both Poland's and Belarus' policies, thousands of Belarusians, Iraqis, Afghans, and others are prevented from seeking protections within the European Union and are currently waiting in limbo at the Poland-Belarus border.<sup>50</sup>
17. Refugees and asylum seekers face inhuman conditions at the border. People have little access to shelter and face hunger, lack of water, and freezing conditions, which have caused serious injuries, sicknesses such as hypothermia, and at least 13 deaths. They also face theft, extortion, and violence by Belarusian and Polish border guards.<sup>51</sup> People who have crossed into Poland and avoided apprehension by border guards often spend days

wandering in forests and swamps without food or water.<sup>52</sup>

18. Poland exacerbated these human rights violations with its September 2, 2021 declaration of a state of emergency, which bans access to 183 municipalities near the border. The state of emergency prevents humanitarian assistance from reaching people stranded at the border and bars organizations from carrying out critical human rights monitoring and reporting. While initially set to expire on October 1<sup>st</sup> 2021, and later extended until early December<sup>53</sup> and again until March 2022,<sup>54</sup> a resolution passed in the lower house on November 17<sup>th</sup> risks indefinitely instituting similar restrictions in the border area even without a state of emergency.<sup>55</sup> This resolution and the current state of emergency severely impede the work of human rights defenders and violate the right to freedom of expression and information and the freedom of movement.<sup>56</sup> A recent January 19 Supreme Court decision in Poland ruled that the ban on media access is unconstitutional. The ruling will influence court decisions in similar trials but cannot abolish the existing laws.<sup>57</sup>
19. By forcing individuals who fear torture back into Belarus, Poland is in breach of the principle of non-refoulement. Refugees from Belarus face particular risks including violence, family separation, and torture as a result of post-election persecution.<sup>58</sup> Following the August 9, 2020 presidential election in Belarus, thousands of individuals protesting election fraud and brutality were arrested and arbitrarily detained. While in detention, Belarusian security forces subjected hundreds of detainees to ill-treatment including torture. Survivors reported experiencing electric shocks, beatings, being forced to maintain stress positions, and rape, and many sustained serious injuries.<sup>59</sup> Poland also subjects refugees from Iraq, Afghanistan, and other countries outside of Belarus to the risk of return to their home countries. Belarus suspended its agreement with the European Union to readmit migrants who entered its territory prior to crossing into the European Union.<sup>60</sup> As a result of Polish pushbacks and the lack of adequate asylum procedures in Belarus, almost 4,000 Iraqi citizens<sup>61</sup> among those in limbo in Belarus have been returned to Iraq. Iraqi citizens seeking international protection, many of whom are Iraqi Kurds, face human rights abuses upon return including torture and cruel, inhumane treatment or punishment. Survivors seeking protections by crossing into the European Union via the Poland-Belarus border face inhuman conditions and refoulement.
20. The contrast between Poland's treatment of Ukrainian refugees and its treatment of Belarusian refugees, as well as many Iraqis and Afghans held at the Belarusian border, displays discrimination in its immigration policies. The government has provided aid at the Ukrainian border while still withholding aid for Belarusians.<sup>62</sup> NGOs who worked at the Belarusian border report that they do not experience harassment from Polish authorities at the Ukrainian border.<sup>63</sup> This discriminatory treatment threatens the right to life of refugees from Belarus and of refugees from minority groups. One 26-year-old from Yemen reportedly died of hypothermia on 23 February at the Belarusian border while Poland accepted Ukrainians on a more welcome basis.<sup>64</sup>
21. Though Poland has generally welcomed Ukrainian refugees fleeing Russia's attacks, there are reports of harassment and discrimination against refugees of African, Asian, or Arab descent.<sup>65</sup> Extremist groups have targeted refugees at the Ukrainian border whom they perceive to be non-white or non-Christian.<sup>66</sup> One instance of assault went on for twenty minutes before Polish police intervened.<sup>67</sup>

## II. RECOMMENDATIONS

22. This stakeholder report suggests the following recommendations for the Government of Poland:

- Take steps to ensure former and/or non-cohabiting partners are included in the Law on Family Violence definitions of domestic violence and psychological violence.
- Ensure that assistance and services are specialized and meet the specific needs of women victims of violence.
- Ensure that victims are able to freely give informed consent for their information to be released to entities involved in the Blue Card Procedure.
- Reconsider Blue Card Procedure protocols in order to conserve victim safety and privacy, in cooperation with specialized NGOs providing services to victims.
- Require domestic violence training for individuals determining child custody in instances where domestic violence is involved and collaborate with NGOs that serve domestic violence victims.
- Develop comprehensive tools to estimate the risk of serious harm, escalation of violence and homicide in domestic violence cases, and put in place procedures to minimize this risk.
- Establish provisions to determine whether domestic violence is present and to ensure systems actors take such violence into account when determining child custody and visitation.
- Put measures in place to reduce harm to victims under the measures envisioned by the “Stop Parent Alienation” petition, i.e. default shared child custody and visitation.
- Take concrete steps to remain committed to the Istanbul Convention and its implementation and conduct public awareness campaigns about the purpose and scope of the Istanbul Convention.
- Provide trainings to law enforcement on the effective use of eviction and restraining orders.
- Amend the definition of the crime of rape in line with the standards of the Istanbul Convention.
- Take steps to ensure women do not experience cruel, unusual, or inhumane treatment amounting to torture when accessing abortion care.
- Put measures in place to ensure doctors and other medical professionals provide access to safe abortion for women whose lives or health are in danger as a result of pregnancy.
- Repeal provisions that establish criminal sanctions for doctors that provide abortion care.
- Conduct awareness-raising campaigns to remove stigma and barriers around abortion access to prevent discrimination and violence against women.
- Take concrete steps to ensure that it complies fully with its obligations under article 3 of The Convention and to institute procedures to restore individual assessment of asylum

claims.

- Take steps toward complying with Articles 6 and 8 of the EU Returns Directive and guarantee that expulsions only occur if a return decision has been issued through a fair process.
- Comply with the European Court of Human Rights' calls in August and September 2021 for Poland to provide food, water, clothing, medical care, and shelter to stranded migrants.
- Promptly and independently investigate abuses against migrants and asylum seekers by Polish border officials and hold perpetrators responsible.
- Establish a monitoring mechanism to combat abusive actions by border officials and their commanders.
- Readmit humanitarian aid workers into the municipalities near the Belarusian border and restore the right to movement within and between municipalities adjacent to the border.
- Ensure that all refugees enjoy the same treatment regardless of their race, ethnicity, or religion, real or perceived.
- Condemn and punish all acts of harassment and discrimination against refugees of color and hold perpetrators accountable.

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<sup>1</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review: Poland, (18 July 2017), U.N. Doc. A/HRC/36/14. ¶120.141 Take further effective measures to combat violence against women (China); ¶120.142 Continue its efforts to prevent and eliminate all forms of violence against women (Timor-Leste); ¶120.143 Intensify its actions to combat violence against women and counter discrimination against women (Sri Lanka); ¶120.144 Adopt a comprehensive strategy aimed at preventing and eliminating all forms of violence against women (Republic of Moldova); ¶120.145 Continue its efforts to eliminate violence against women, including domestic violence (Philippines); ¶120.146 Harmonize its national legislation with the provisions of the Istanbul Convention (Bosnia and Herzegovina); ¶120.147 Harmonize its national legislation with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Turkey); ¶120.148 Continue its efforts to combat violence, including violence against women, and adopt a comprehensive strategy aimed at preventing and eliminating all forms of violence against women (State of Palestine); ¶120.149 Strengthen the elimination of all forms of violence against women by criminalizing domestic violence and marital rape (Belgium); ¶120.150 Amend the Criminal Code to criminalize domestic violence clearly and implement a comprehensive strategy to eliminate all forms of violence against women (Sierra Leone); ¶120.151 Work to address the issue of domestic violence in Poland and ensure support for victims (Australia); ¶120.152 Organize a national campaign to raise awareness on the specific needs of women victims of domestic violence and gender-based violence (Croatia); ¶120.152 Organize a national campaign to raise awareness on the specific needs of women victims of domestic violence and gender-based violence (Croatia); ¶120.153 Provide adequate and stable funding for legal, psychological and medical assistance and shelter for victims of domestic violence (Denmark); ¶120.154 Continue its good efforts to address violence against women and domestic violence, including by increasing support for victims of domestic violence (Latvia); ¶120.155 Provide adequate and stable funding for care centres and shelters for women and children victims of domestic violence (Chile); ¶120.156 Proceed with the implementation of the programme entitled "Prevention of Domestic Violence and Violence on the Grounds of Gender" (Israel); ¶120.158 Adopt measures to protect women's rights, including by strengthening of laws against sexual violence and ensuring the equal participation of women in political and public affairs (Botswana)

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Poland Addendum*, (15 September 2017), U.N. Doc. A/HRC/36/14/Add.1.

<sup>3</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," <https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b>, p. 60 (accessed Jan. 18, 2022).

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- <sup>4</sup> Email communication from Polish NGO (30 March 2022). On file with authors.
- <sup>5</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.70](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.70) (accessed Jan. 18, 2022).
- <sup>6</sup> Email communication from Polish NGO (30 March 2022). On file with authors.
- <sup>7</sup> Council of Europe, "Chart of Signatures and Ratifications of Treaty 210," (Accessed July 7, 2021), <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?module=signatures-by-treaty&treatyid=210>.
- <sup>8</sup> Claudia Ciobanu, "Poland's Replacement for Istanbul Convention Would Ban Abortion and Gay Marriage," *Balkan Insight* (Mar. 15, 2021), <https://balkaninsight.com/2021/03/15/polands-replacement-for-istanbul-convention-would-ban-abortion-and-gay-marriage/>.
- <sup>9</sup> Joanna Plucinska, "Heightening EU Frictions, Poland Queries Pact on Violence Against Women," *Reuters* (July 30, 2020), <https://www.reuters.com/article/us-poland-politics/heightening-eu-frictions-poland-queries-pact-on-violence-against-women-idUSKCN24V1UU>.
- <sup>10</sup> Under the Polish Constitution, citizens' legislative initiatives or "popular initiatives" allow citizens to introduce legislation and require 100,000 signatures for parliamentary consideration. Ordo Iuris, "Yes to Family, No to Gender – Legislative Initiative Committee Registered in the Sejm," *Ordo Iuris* (Aug. 31, 2020), <https://en.ordoiuris.pl/family-and-marriage/yes-family-no-gender-legislative-initiative-committee-registered-sejm>; "Poland's Constitution of 1997 with Amendments through 2009," *Constitute Project* (2009), [https://www.constituteproject.org/constitution/Poland\\_2009.pdf?lang=en](https://www.constituteproject.org/constitution/Poland_2009.pdf?lang=en).
- <sup>11</sup> Monika Mojak, "Polish 'Yes to Family, No to Gender' Initiative to Be Examined by Parliamentary Committees," *Euractiv* (Mar. 31, 2021), [https://www.euractiv.com/section/politics/short\\_news/polish-yes-to-family-no-to-gender-initiative-to-be-examined-by-parliamentary-committees/](https://www.euractiv.com/section/politics/short_news/polish-yes-to-family-no-to-gender-initiative-to-be-examined-by-parliamentary-committees/).
- <sup>12</sup> Ordo Iuris, "Yes to Family, No to Gender – Legislative Initiative Committee Registered in the Sejm."
- <sup>13</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.18](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.18) (accessed Jan. 18, 2022).
- <sup>14</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.60](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.60) (accessed Jan. 18, 2022).
- <sup>15</sup> Email communication with Polish NGO (30 March 2022). On file with authors.
- <sup>16</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.56](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.56) (accessed Jan. 18, 2022).
- <sup>17</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.58](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.58) (accessed Jan. 18, 2022).
- <sup>18</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.58](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.58) (accessed Jan. 18, 2022).
- <sup>19</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.58](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.58) (accessed Jan. 18, 2022).
- <sup>20</sup> <https://eige.europa.eu/gender-based-violence/methods-and-tools/poland/blue-card-police-procedure>
- <sup>21</sup> Email communication with Polish NGO (30 March 2022). On file with authors.
- <sup>22</sup> Email communication with Polish NGO (30 March 2022). On file with authors.
- <sup>23</sup> Council of Europe, "GREVIO Baseline Evaluation Report: Poland," [https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b\\_p.41](https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b_p.41) (accessed Jan. 18, 2022).
- <sup>24</sup> Email communication with Polish NGO (30 March 2022). On file with authors.
- <sup>25</sup> Email communication with Polish NGO (30 March 2022). On file with authors.
- <sup>26</sup> Email with NGO, on file with author
- <sup>27</sup> Email with NGO, on file with author
- <sup>28</sup> Email with NGO, on file with author
- <sup>29</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review: Poland, (18 July 2017), U.N. Doc. A/HRC/36/14. ¶120.128 Ensure the full implementation of women's rights, in particular in relation to effective access to sexual and reproductive health and rights (France); ¶120.129 Ensure the protection of the right of women to have access to abortions and for women (and couples) to decide freely and responsibly the number, spacing and timing of their children (Australia); ¶120.130 Ensure that women are given the medical and professional services necessary to exercise their legal right to terminate a pregnancy, and ascertain that women have the right to decide over their own bodies (Sweden); ¶120.131 Ensure that women can have access to lawful abortions by creating clear, legally binding regulations for the implementation of the 1993 Family Planning Act (Norway); ¶120.132 Ensure that safe and legal abortions are accessible in practice by creating clear, legally binding regulations for the implementation of the 1993 Act on Family Planning (Iceland); ¶120.133 Ensure that safe legal abortions are available and accessible in practice, in keeping with the 1993 Act on Family Planning and



- consistent with Poland's obligations under articles 12 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Canada); ¶120.134 Implement fully and effectively the judgments of the European Court of Human Rights on access to abortion (Iceland); ¶120.135 Implement fully and effectively the judgments of the European Court of Human Rights in the case of *RR v. Poland* and *P&S v. Poland* on the issue of women and girls' access to sexual and reproductive health-care and services (Netherlands); ¶120.136 Expand the scope of the compulsory course on family life education to provide a comprehensive and age-appropriate education on sexual and reproductive health and rights and to ensure unimpeded access to sexual and reproductive health services, including to safe and legal abortions (Slovenia).
- <sup>30</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Poland*, (18 July 2017), U.N. Doc. A/HRC/36/14. ¶120.134 Implement fully and effectively the judgments of the European Court of Human Rights on access to abortion (Iceland); ¶120.135 Implement fully and effectively the judgments of the European Court of Human Rights in the case of *RR v. Poland* and *P&S v. Poland* on the issue of women and girls' access to sexual and reproductive health-care and services (Netherlands).
- <sup>31</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Poland Addendum*, (15 September 2017), U.N. Doc. A/HRC/36/14/Add.1.
- <sup>32</sup> The Family Planning, Human Embryo Protection and Conditions of Permissibility of Abortion Act of 7 January 1993, Art. 4a. Available online at <https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/Polish%20abortion%20act--English%20translation.pdf>.
- <sup>33</sup> Monika Pronczuk, "Poland Court Ruling Effectively Bans Legal Abortions," *The New York Times* (Oct. 23, 2020 updated Nov. 4, 2020), <https://www.nytimes.com/2020/10/22/world/europe/poland-tribunal-abortions.html>. The provision allowed abortions in cases of fetal abnormalities; the other two exceptions, for rape or to save the life of the mother, are rarely invoked although they remain legal. "Human Rights Defenders Coalition Meeting III," (November 2020). Source on file with authors.
- <sup>34</sup> *Poland Enforces Controversial Near-Total Abortion Ban*, BBC News, 28 January 2021, <https://www.bbc.com/news/world-europe-55838210>.
- <sup>35</sup> Office of the High Commissioner for Human Rights, "Poland Has Slammed the Door Shut on Legal and Safe Abortions – UN Experts," (27 October 2021), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26434&LangID=E>.
- <sup>36</sup> *Mellet v. Ireland*, para. 9; *Whelan v. Ireland*, para. 9.
- <sup>37</sup> *Poland: A Year On, Abortion Ruling Harms Women*, Human Rights Watch, 19 October 2021, <https://www.hrw.org/news/2021/10/19/poland-year-abortion-ruling-harms-women>.
- <sup>38</sup> Human Rights Council General Assembly, *Visit to Poland: Report of the Working Group on the issue of discrimination against women in law and practice*, (25 June 2019) U.N. Doc. A/HRC/41/33/Add.2. ¶52.
- <sup>39</sup> Federation for Women and Family Planning, "Systemic Rollback on Women's Rights – Update on Poland," <https://en.federa.org.pl/srhr-update-on-poland-apr-2021/>.
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- (Guatemala); ¶120.173 Take urgent measures to investigate and sanction acts of discrimination against migrants, refugees and minorities, in particular by ensuring the protection necessary to those who report acts of discrimination (Argentina); ¶120.177 Increase attention to the integration process for refugees (Islamic Republic of Iran); ¶120.178 Consider participating in further burden sharing programmes, such as the European Union refugee relocation scheme and the refugee quota system (Turkey); ¶120.179 Consider issues related to the access of asylum seekers, taking into account obligations under the international treaties (Belarus); ¶120.180 Take measures towards respecting fully the principle of non-refoulement when it comes to a foreigner's refugee status (Greece); ¶120.181 Prepare a draft amendment to the Foreigners Act prohibiting the detention of families with minors and unaccompanied minors for the purposes of return and asylum proceedings (Kyrgyzstan); ¶120.182 Take urgent measures in order that asylum-seeking children are not deprived of their liberty (Argentina); ¶120.183 Take measures to guarantee full access to education and health care for the most vulnerable persons, including refugees and asylum seekers (Holy See)
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