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# Poland

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Country's population (2017)*	<b>38,476,269</b>	Prison population total	<b>73,822</b>	Prison population rate per 100.000 of national	<b>190</b>
Nature of political systeme	<b>Semi-presidential republic</b>	Death penalty	<b>abolished since 1997</b>	Number of penal facilities / institutions	<b>174</b>
Human development index (2015)*	<b>36/188</b>	Occupancy rate	<b>-</b>	Number of female prisoners	<b>2,436</b>

## INTRODUCTION

Poland's criminal policy has been taking a repressive turn since 2015. The Polish State was condemned twice by the ECtHR in 2009 for its prison overcrowding. Those decisions drove authorities to implement policies to reduce its prison population. After a steady decline since 2012, the population began to rise again in 2015.

The number of convicted juveniles increased by 30% between 2016 and 2017. The number of remand prisoners increased by 34% for that same period.

Remand prisoners face harsher prison conditions than sentenced inmates. Pre-trial detention centres are more overcrowded than prisons for sentenced inmates. Persons awaiting trial cannot make phone calls without previous authorization from a judge and are not entitled to work.

Polish prisons are not officially overcrowded but the minimum surface per inmate is established at 3m<sup>2</sup>, below European standards.

The number of working inmates has significantly increased in the recent years. 46.2% of inmates were employed in 2017. However, 55% out of those positions are not remunerated.

The Ministry of Justice announced a prison reform plan "The Program for the modernization of the Prison Service". This project seeks to create a school for prison officers, improve their work

equipment (vest, protective helmets, handcuffs), build new and bigger prisons and close the small ones, and create more work opportunities for prisoners. However, the reforms, announced for the beginning of 2017, have not shown impact on the prison system yet.

## LIST OF ACRONYMS

<b>CAT</b>	<i>Committee Against Torture</i>
<b>CIA</b>	<i>Central Intelligence Agency</i>
<b>CPT</b>	<i>European Committee for the Prevention of Torture</i>
<b>ECTHR</b>	<i>The European Court of Human Rights</i>
<b>GDP</b>	<i>Gross Domestic Product</i>
<b>HIV</b>	<i>Human Immunodeficiency Virus</i>
<b>ICPR</b>	<i>Institute for Criminal Policy Research</i>
<b>LGBTI</b>	<i>Lesbian, Gay, Bisexual, Transgender and Intersex</i>
<b>NPM</b>	<i>National Preventive Mechanism</i>
<b>PPT</b>	<i>Public-Private Partnership</i>
<b>UNCAT</b>	<i>United Nations Convention Against Torture</i>

\*Source: United Nations Program for Development

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# PHYSICAL INTEGRITY

## DEATH PENALTY

The death penalty is abolished since 1997.

The last execution took place the 21 April 1988. A moratorium on the death sentence was announced in 1995. It was later abolished on September 1, 1998 by the newly introduced penal code of 1997 and replaced with life imprisonment.

The last execution took place in Krakow. Stanisław Czabanski, convicted for rape and murder, was executed by hanging.

There is no ongoing debate about the possibility of restoring the death penalty. The last time a public figure presented such proposition was back in 2006. President Lech Kaczynski brought the subject to light but did not find sufficient support to continue defending the measure.

On July 24, 2014, the European Court of Human Rights delivered a historic judgement confirming that Poland had hosted the secret CIA prison, and holding that Poland had violated the European Convention by enabling al-Nashiri's secret detention and torture in Poland; by enabling his transfer from Poland despite the real risk that his rights would be further violated; by failing to conduct an effective investigation into the violation of his rights; and by failing to comply with the Court's evidential requests. The Court ordered Poland to seek diplomatic assurances from the US that it would not subject al-Nashiri to the death penalty and to pay Al-Nashiri €100,000 in damages.

## DEATHS IN DETENTION

Deaths in detention

**153**

Change in number of deaths compared to the previous year

**increased by 24.4 %**

*Date : December 2017  
Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

*123 persons died in prison in 2016.*

Number of deaths attributed to suicide

**27**

Change in number of suicides compared to the previous year

**increased by 3.8 %**

*Date : December 2017  
Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

*26 inmates committed suicide in 2016.*

Prison authorities publish official statistics regarding deaths in detention

**on a regular basis - annually**

Death rate in detention (per 10.000 inmates)

**20.7**

*Date: December 2017  
Source: Prison Insider based on data from the Central Council of Penitentiary Services*

Rate of suicides in detention (per 10.000 inmates)

**3.6**

*Date: December 2017  
Source: Prison Insider based on data from the Central Council of Penitentiary Services*

Rate of suicides in detention compared to the national suicide rate

**23.9 suicides per 100,000 inhabitants (national rate)**

**3.6 suicides per 10,000 inmates (detention rate)**

*Date: 2016  
Source: Prison Insider based on data from the Central Council of Penitentiary Services & World Health Organization*

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A suicide prevention policy has been implemented since 2010.

In 2016, the Prison Service prepared an instruction on the prevention of suicides of persons deprived of liberty (Instruction no. 2/2016). This manual order the current activities and sets out the methods of suicide risk control. The instructions systematically involve officers of many prison service divisions to monitor suicide risk factors.

Some of the measures to prevent suicide are:

- Observe of inmates who show suicidal tendencies
- Provide psychological care
- Install a surveillance system inside the cells (including the toilets but with blurred vision)
- Place the person at risk with another fellow inmate who can provide support
- Censor the correspondence, phone conversations and visits
- Therapy to address drug dependencies
- Builds infrastructure that reduces suicide risk <sup>1</sup>

The Ministry of Justice is responsible for the decision-making and the implementation of the suicide prevention policy.

The new policy to prevent suicides should be observed by every prison officer.

An investigation is opened for suspicious deaths.

93 cases of suspicious deaths were identified between 2014 and 2017.

A suspicious death incident took place last April in Wrocław Prison. The prosecutor opened an investigation after the events.

In the case of an extraordinary incident, such a suicide, in addition to notifying the police and the prosecutor's office, explanatory proceedings take place on the basis of internal procedures (order of the director of prison service from 2013). When the explanatory proceeding is completed, a report is prepared indicating possible problems and violations, with an indication of the persons responsible for their appearance.

The authorities apply all means to ensure the independence and impartiality of the investigation in some cases.

In June 2017, a woman who had been in pre-trial detention for several months, died in prison in Warsaw. She became ill during her stay, her day-to-day condition got worse and her cell partners tried to call for medical help repeatedly. However, her condition was ignored and the prison doctor claimed that the woman was pretending. She died a week later. Her mother was not informed about her death. She found out when she came to visit the following day. The Commissioner for Human Rights investigated the case and the. His control revealed irregularities in the operation of the prison service.

A parliamentary committee was appointed to explain the reasons for the death of a woman.

The first cause is natural death (75 cases in 2015). The CPT signalled 26 suicides in 2015.

Particular attention is paid to the behavior of prisoners in critical moments of isolation, which are: the first 14 days of imprisonment, breakthrough moments (judgments, prosecutor's decisions), serious problems in family relations or close relatives, serious problems in relations with other prisoners, serious health problems.

The most common method of committing suicide is hanging. A less common method but still prevalent are cuts resulting in death or drug poisoning.

A suicide attempt is not a punishable act.

The prison service implements therapeutic measures after a threat or an attempt of suicide.

In the event of the prisoner's death, the director of the prison unit shall inform the family immediately. Information is delivered by phone (if the prisoner has provided a phone number to a family member) or sent by mail. If there is no phone number and address in prison files, the police has to search the relatives and inform them of death.

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Even though the circumstances of suspicious deaths are always formally investigated (internal proceedings), the staff is rarely found liable.

## TREATMENT AND VIOLENCE

The Constitution or the legislation mentions the prohibition of torture.

Torture and other ill-treatment are not explicitly defined in legislation, in particular, in the Penal Code.

The right to be free from torture and other ill-treatment is guaranteed by Article 40 of the 1997 Constitution of the Republic of Poland, which provides that “[n]o one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment.” The prohibition of torture is further mentioned in the Penal Code of Poland under the “offences against peace, humanity and war crimes” (Articles 118a and 123) as well as “offences against the administration of justice” (Articles 246 and 247).

The country ratifies the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) on July 26, 1989.

The definition of “torture” is not consistent with that of the CAT.

A prison sentence ranging from 5 to 25 years can be pronounced in cases involving acts of torture.

### Violence committed by prison staff.

The number of ill-treatment cases registered during the year

**1,201**

Date : 2017

Source : Central Council of Penitentiary Services - Bureau of Information and Statistics

Change in number of cases of torture and ill-treatment compared to the previous year

**no information**

The CPT noted, following a visit in 2017, the absence of allegation of physical ill-treatment by staff and few complaints about verbal abuse<sup>2</sup>. However, among the accusations raised in complaints from prisoners to the Helsinki Foundation for Human Rights, the most common are those related to physical or verbal aggression by prison officers.

Each establishment keeps an updated record of the aggressions committed by members of the prison staff.

The only record of body injuries is kept in the prisoner’s medical file. The CPT advises to keep a register of prisoners’ injuries in each facility in order to help identify cases of ill-treatment easily<sup>3</sup>.

If a case of violence is denounced, the director of the unit is obliged to inform his superior and the police / prosecution. Such events are recorded in the prison service system.

The victim can file a complaint.

The authorities apply all means to assure the independence and impartiality of the investigations in most cases.

Condemnations by the ECtHR for inhuman and degrading treatments in prison are mainly related to poor living conditions or overly repressive measures (overcrowding, long-term isolation, regime imposed of dangerous prisoners...).

Verbal abuses from staff tend to be common. For example, a video recorded in a corridor of the Wolow prison shows an officer talking to a prisoner who is busy cleaning. The officer addresses the inmates in a violent manner without the latter having provoked the

<sup>2</sup>- European Committee for the Prevention of Torture, “Report to the Polish Government on the visit to Poland carried from 11 to 22 May 2017”, 2018, p.5.

<sup>3</sup>- European Committee for the Prevention of Torture, *ibid*, p.38.

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situation. The Commissioner for Human Rights considered the inmate had been a victim of a degrading treatment.

Allegations of physical violence, such as punching and kicking, were reported in Bydgoszcz Prison.

Deaths due to torture are reported.

There has been cases of torture resulting in the death of the victim recorded in recent years.

For example, in May 2016, Igor Stachowiak died after being subjected to torture by police officers. The policemen accused for this crime were presented in court in July 2018.

According to the Prison Service's statistics in 2016:

- 11 officers receive disciplinary measures because they allowed extraordinary incidents such as self-mutilation, death of a prisoner, brawl and violence between prisoners
- 5 officer were found guilty of inhumane treatment of prisoners

Aggressions tend to occur soon after the arrival of the prisoner to the prison unit, in unmonitored places (like the restrooms) and the in rooms for body searches.

There is no access to the legal files concerning violent incidents in prisons.



### Prevention of tortures and ill-treatment.

Prison medical staff does not have adequate skills and knowledge to effectively identify and document the signs of torture. In 2017, the Polish National Preventive Mechanism (NPM) revealed the case of a prisoner who [was beaten by a police officer before his arrival to prison](#). Despite the fact that he had visible injuries on his face, the medical staff did not register them in the medical records. A general of the NPM motion indicated the urgent need to provide training in the regulations of Istanbul Protocol to prison medical staff.

### Violence committed by inmates against prison staff.

What is the number of violent episodes against prison staff

**90**

*Date : December 2016  
Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

Change in number of cases of aggression compared to the previous year

**decreased by 4.25%**

*In 2015, there were 94 cases of aggression against prison staff.*

Each establishment keeps an updated record of the aggression cases against the prison staff.

The authorities apply all means to assure the independence and impartiality of the investigations in most cases.

It is not possible to identify different types of aggressions. In cases of assaults on a prison officers, official statistics labels them all as "extraordinary events". No other forms of aggressions are recorded.

### Violence between inmates.

The number of violent episodes between inmates

**1,048**

*Date : December 2016  
Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

Change in number of violent episodes compared to the previous year

**increased by 3%**

*In 2015, there were 1,017 cases of violence between inmates.*

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The authorities apply all means to assure the independence and impartiality of the investigations.

In 2016, 1009 cases of battery, 34 of maltreatment, four cases of rapes and numerous fights were registered.

The CPT considered the number of inter-prisoner violence cases to be relatively low. The staff is trained to prevent it and to well-react in case of violence between inmates <sup>4</sup>.

The violence between inmates is related to:

- a system of delegated governance (Authority given to an imprisoned cell chief)
- lack of staff
- overpopulation
- presence of gangs in establishments

Cases of violence between inmates can be exacerbated by prison overcrowding and lack of staff.

### Overcrowding

In 2016, the Polish National Preventive Mechanism addressed a general motion to the Minister of Justice indicating the need to increase the living space in prison cells to 4 m<sup>2</sup> per person. In the NPM's motion, it was stressed that staying in crowded cells increased cases of aggression and lead to excessive excitability and sensory overload.

### Lack of staff

According to the Prison Service's internal regulation, there are 60 prisoners or 40 arrested persons per tutor and 200 prisoners per one prison psychologist <sup>5</sup>.

In 2016, the Polish National Preventive Mechanism addressed a general motion to the Prison Service General Director indicating that the standard of psychological care for prisoners adopted by the prison service is inadequate to their needs. Moreover, the NPM findings showed that in practice one psychologist took care of more than 200 prisoners.

The most common forms of violence between prisoners are fights and beatings. Most cases of violence take place inside the cells. This is due to the fact that gang members may share their cells with inmates from a rival gang or with those who are not a part of the prison subculture.

A lot of fights also take place in walking squares, although not all of them are registered. The number of cases of violence in baths decreased in recent years because, in many units, the common baths were closed down.

In 2017, in a penitentiary unit in Wroclaw, a collective fight took place in the waiting room of the canteen, in which 50 men took part.

An inmate from Czarne prison (northern Poland) died, in April 2016, following a violent dispute with fellow inmates. The 50-year-old man transferred to Szczecinek hospital where he passed away. The prosecutor opened an investigation following the events to determine if the penitentiary police has any responsibility in the event, most notably for not intervening soon enough <sup>6</sup>.

In the cases of violence between prisoners, explanatory proceedings are conducted to determine the circumstances of the event and identify the responsible persons. The Prison Service office does not release any public data in this regard.

*For more information about international monitoring, see section "NPM and other organs of control".*

*For more information about organisations that support the victims of tortures, see section "External participants".*

<sup>4</sup>- European Committee for the Prevention of Torture, *ibid*, p.31.

<sup>5</sup>- Central Council of Penitentiary Services, "Ordonnance of the Prison Service General Director 19/16", 14 April 2016.

<sup>6</sup>- "A fight behind bars in Czarne. A prisoner killed a friend from the cell" in TVPINFO, 14 April 2016. (in Polish)

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## ARBITRARY OR SECRET DETENTION –

Secret detention is not allowed.

No cases of secret detention have been denounced in recent year.

However, Poland was convicted by the ECtHR in 2014 for allowing torture and secret detention in its territory (Al Nashiri v. Poland and Husayn (Abu Zubaydah) v. Poland).

The two cases concerned the treatment by the CIA of two prisoners in a secret prison in Kiejkuty, between 2001 and 2008.

One of the prisoners was interrogated with a pistol on his head. The CIA threatened the prisoner with an electric drill while he was forced to stand naked in a cell with a hood on his head. The prisoner was physically aggressed and underwent mistreatments such as kneeling on the floor, being pushed while he was in a standing position and others. Acts of mental violence such as the threat to sexually abuse his wife in front of him were also used. The investigation started six years after they were first transferred.

There is no legal disposition that provides automatic access to a lawyer within the first hours of the arrest.

However, Polish law guarantees every person who is detained the right to be assisted by a lawyer. In practice, this legal disposition is not fully respected by law enforcement agencies or judicial courts. Accused persons do not receive information to help them find a lawyer. Those who do not have the means to afford legal services are deprived of the right of access to lawyer<sup>7</sup>.

The detainee has the right to inform a person of his choice about the detention.

Also, in accordance with the article 211§ 2 of Polish penal executive code, arrested persons have the right to inform family or another person about the place of his stay, without delay after settling him in the prison facility. This right is fully respected in practice.

Polish law provides for the possibility to fill a complaint to the court for detention. The court examines the legitimacy, legality and correctness of detention (Article 246 of the Code of Criminal Procedure).

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## PRISON POPULATION

### PRISON POPULATION

For the questions related to different categories of prison population, see the deducted sections.

The prison population and overall occupancy density are published every two weeks.

The penitentiary administration has a computerised record keeping.

The total number of prisoners

**73,822**

The incarceration rate

**190**

Date : 2017  
Source : Central Council of Penitentiary Services - Bureau of Information and Statistics

Evolution of the number of inmates compared to the previous year

**increased by 3.3%**

There were 71,456 incarcerated persons in 2016.

The number of entries

**not available**

the average length of detention (in months)

**Less than three years (65.8%)**

Date : 2016

There is a classification of inmates according to their dangerousness. Inmates are classified according to their dangerousness. 'High-risk' prisoners should be identified by assessing their character, the risks posed by their personal traits and their former behaviour in a penitentiary setting. In practice, authorities classify prisoners as dangerous based on the legal classification of their offence.

The identification of an inmate as dangerous do not impact on the re-socialisation regime. The number of inmates classified as high-risk is decreasing: 184 prisoners were classified as such in 2015; they were 70 fewer in March 2017<sup>1</sup>.

The classification of inmates is frequently revised.

The prisons are not overpopulated but the minimum surface per inmate is 3m<sup>2</sup>. The CPT set out a regional standard of at least 4m<sup>2</sup> per inmates. If this measure would be taken into consideration, Polish prisons would be considered to be overcrowded.

The overpopulation affects certain establishments. Pre-trial detention units are usually more overcrowded than prisons for sentenced inmates.

An international court has sentenced the country because of its prison overpopulation: the ECtHR in February 20, 2009.

A regulatory body has taken a stand on the prison overpopulation: the Commissioner for Human Rights (ombudsman) and the CPT. The CPT expresses its concern over prison overcrowding in Poland in every report it has published following a monitoring visit.

In 2013, the penal system was reformed and the gravity of some offences described in penal code was reclassified. According to official statistics of the Ministry of Justice, between 2012 and 2015, the number of convicted adults decreased. Imprisonment was still the most frequent punishment, but in the majority of cases, judges imposed six months of imprisonment. The number of recidivists also dropped during this period. This trend changed in 2015, when the party "Prawo I Sprawiedliwosc" won the parliamentary elections. In 2016, the number of convictions began to increase.

Overcrowding has been an issue in Polish penitentiary units since 2000, when Lech Kaczynski became the Minister of Justice. His activity led to the tightening of criminal polices and, as a result, overpopulation in Polish prisons reached the level of 140%. In 2009,

<sup>1</sup>- Helsinki Foundation for Human Rights, "Report on the Human Rights of Persons Deprived of Liberty", 2017, p.15.



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the ECtHR in cases of *Orchowski v. Poland* and *Sikorski v. Poland* pointed overcrowding as a systemic problem. Since then, Polish authorities have been making efforts to counteract this problem. After a few years of decrease, the rate of inmates in remand centres and prisons began to rise since 2015.

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## WOMEN

Number and percentage of female inmates **2,436** **3.3%**

*Date : 2017*  
*Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

Change in number of female prisoners compared to the previous year **decreased by 5.14%**

*There were 2,568 women in prison as of 1st September 2016.*

Percentage of women in pre-trial detention **5.13%**

*Date : 2017*  
*Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

Percentage of foreign female incarcerated/prisoners **2.22%**

*Date : 2017*  
*Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

There are special establishments, units or cells reserved for women. The article 87(1) of the Code of Criminal Procedure provides that women shall be separated from men in prisons.

Establishments exclusively for women are rare. Lubliniec prison and the pre-trial detention center of Sroda Wielkopolska host exclusively female inmates. Krzywaniac and Warszawa-Grochów prisons are mainly intended for women. In Krzywaniac Prison, there are units for men with disabilities and undergoing addiction therapy. In Warszawa-Grochów prison, there is a unit for women awaiting trial.

Women are often placed far away from their family and children which can be deteriorate family ties.

Information about women prisons overpopulated is not available. The Prison Service statistics do not distinguish the occupancy rate of women's units.

All the establishments, units or cells, do not respect the separation between men and women.

The separation between male and female is respected. They may only have to cross each other while moving towards the walking course <sup>2</sup>.

Untried female prisoners are separated from convicted ones.

The prison staff is mostly male. A total of 2,831 prison functionaries are employed in units for women, including 442 women.

Conjugal visits are allowed. According to article 138 §1(3) of the Penal Executive Code, visits in a separate room, without supervision (conjugal visit) is considered as a form of reward.

The law provides sentence adjustments for pregnant women or women with young children. The possibility to adjust a prison sentence for pregnant women is stated in Chapter 6, paragraph 28 of the [Rules of the Ministry of Justice](#).

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Pregnant women are housed in specific units or cells.

According to Polish regulation of imprisonment, pregnant woman are transferred to the gynaecological-obstetrics hospital department two months before the expected date of childbirth (§28.2 of Regulation for executing the penalty of deprivation of liberty of 2016).

Pregnant women receive proper prenatal care.

A pregnant or breastfeeding mother should receive specialist care according to the article 87-3 of the Code of Criminal Procedure.

Pregnant women have some advantages, such as the possibility of getting a longer walk (article 112-1 of the Executive Penal Code), and the right to do additional purchases of groceries (article 113a-1).

They cannot be subject to disciplinary sanctions such as solitary confinement.

According to article 148-2 of the Penal Executive Code, the following disciplinary punishments are prohibited for pregnant women or breast-feeding women:

- depriving or limiting the possibility of receiving a package
- purchasing of groceries,
- solitary confinement, are not applied towards pregnant

The childbirth takes place in a hospital.

The childbirth almost always takes place outside the prison, in a civil hospital. There was one childbirth in prison in 2015. The number of childbirths in hospital outside prison were:

- 41 in 2015
- 32 in 2016
- 52 in 2017

Information about the use of restraints (handcuffs, shackles) on women during childbirth has not been reported in the previous year.

No cases have been reported in recent years.

Member of the penitentiary administration has not been present during recent childbirths. Article 115 of the Executive Penal Code provides this possibility (in case of every medical treatment). In practice, there has been no such cases reported in recent years. The officers secure rooms outside the ward room during delivery.

Children can stay with their mother until 3 years old.

Unless there is a medical contraindication, a woman sentenced to prison can serve her custodial sentence with her child (art 87-4 of the Code of Criminal Procedure). However, the father's agreement is required.

There are specific units or cells to accommodate mothers with young children.

There are specific units in Grudziadz and Krzywianiec detention centres.

Prisons provide for a nursery or other specific child care accommodations.

Those in charge of children are either trained individuals or inmates who have received training to take care of children.

In 2016, the majority of women were convicted for crimes against property (13,979), most often for theft (4,053). The next group is crimes against security (4,094), including driving under influence of alcohol (2,879). The third largest group is crimes against economic offences (2,641). The last category is crimes against the credibility of documents (2,358), including document streaking (1,828) <sup>3</sup>.

In 2017, [it was revealed](#) that convicted women in Wrocław Prison were sexually abused by male inmates and prison service officers. Prison guards organized sexual contacts in exchange for money. Women were blackmailed and threatened that they would not receive a package or would not be able to talk to their family if they did not accept. The acts of sexual abuses took place in empty living cells, baths and a chapel.

One woman reported that she was raped by a prison guard. These allegations were confirmed by both prisoners and officers. Court proceeding are currently being conducted.

Women's personal searches are carried out by female officers. Only controls using technical devices (metal detectors, gates) can be carried out by men.

The security staff is dressed in civilian clothes in the presence of children.

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## JUVENILES

The Ministry in charge of juveniles is the Ministry of Justice.

A minor can be incarcerated at 13 years old.

15 years old is the minimum age to be exposed to prosecution in pre-trial detention.

The legal majority is 17 years old.

In principle, persons under 17 years old cannot be imprisoned but there is a possibility of derogation starting at 15 years old. Persons aged from 13 to 17 years old who have committed a serious crime are placed in "correctional houses" which are the equivalent of juvenile prisons, completely independent from institutions for adults (article 10 of the Polish Penal Code).

The authorities publish official statistics on incarcerated minors on a regular basis.

The number and percentage of incarcerated minors

<b>214</b>	<b>0.29%</b>
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Date : 2017

Source : Central Council of Penitentiary Services - Bureau of Information and Statistics

Change in number of juveniles incarcerated compared to the previous year

<b>increased by 30%</b>	<i>163 minors were in prison in 2016.</i>
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There are specific establishments, units or cells reserved for minors.

Minors are usually detained in juvenile establishments.

There are seven different types of establishments for minors: a correctional facility, a juvenile shelter, a hostel, a police establishment for children, a juvenile educational centre, a psychiatric establishment (juvenile ward) or a specialised social care home.

Minors may be placed with adults by decision of the Judge (paragraph 12, chapter 3 of the regulation of the Minister of Justice o- 29 December 2016).

Minors aged over 17 years-old that have committed a crime are the most concerned by this measure.

The CPT considers material condition in the Juvenile Correctional Facility of Białystok are satisfactory. Double or triple-occupancy bedrooms measure approximately 15m<sup>2</sup>. Cells are adequately equipped (full bedding, table, chairs, wardrobes, shelves). Juveniles have good access to natural light and fresh air and sufficient artificial light. The environment can be personalised with plants, pictures, some pets. Each floor is equipped with sanitary facilities, a kitchen, a dining room, a common room with TV and games and a gym <sup>4</sup>.

Boys are separated from adult male prisoners in most establishments.

Convicted persons under 18 years old are placed in a separate type of prison –prisons for juveniles. According to article 84 -1, these facilities host offenders under 21 years old.

Girls are separated from adult female prisoners in most establishments.

Minors can not be housed in individual cells.

Minors have access to education in most establishments.

According to article 66 of the Juvenile Justice Act, a general and vocational training must be provided for all minors in detention and re-education centres.

Education is compulsory until 18 years old, including for incarcerated minors.

The Helsinki Foundation notes, however, a failure of the administration in access to education. For example, the administration denied an inmate the ownership of a computer for academic purposes.

The CPT noted the lack of training offered to minors in Bydgoszcz, Lublin and Szczecin prisons.

The law does not prohibit strip searches for minors.

Minors in prison can be subjected to nude searches.

Juveniles offenders are placed in correctional centers and shelters for juveniles. In connection with the need to ensure safety and order in these institutions, the law provides

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the possibility of subjecting minors and their belongings to searches. Even though regulations were established to address this issue, they were not included in the Act on Juvenile Proceedings, infringing the Polish Constitution. This problem was highlighted by the Commissioner for Human Rights, in the [2015 annual report](#).

The law does not forbid solitary confinement for minors.

According to Act on coercive measures, minors can be put in solitary confinement in order to prevent attacks on human life and health or acts of self-aggression.

Solitary confinement cannot be applied for a period longer than 48 hours. With regards to minor under 14 years old, the period of solitary confinement cannot exceed 12 hours (article 27-1).

When the use of force is not sufficient, other coercive measures, including straitjacket, restraint belt and solitary confinement, are authorized to prevent an act of violence or act of self-harm from the minor.

Solitary confinement is not permitted below 48 hours, and 12 hours if he/she is less than 14 years old. This disciplinary measure was used 29 times in 2016.

Medical isolation can be applied for security reasons even though the legislation prohibits it. Some minors are placed there when they are identified as violent and/or agitated.

The use of coercive measure on minors is not fully transparent as there is no central register <sup>5</sup>.

Places of detention established by the "Act on proceedings in juvenile cases" like correctional facilities, shelters and youth educational center are generally adapted to the needs and the situation of minors. Specific situations of minors in prison have not been subjected to detailed monitoring so far.

Alternative sentences exist to avoid imprisonment of minors. Restrictions of liberty are preferred to a prison sentence, that should only be used as a last resort.

Minors can also be placed in centers specialized in the reintegration into the city life.

At the Juvenile Correctional facility of Bialystok, visited by the CPT, the official day for visits was Sunday from 11am to 1pm. Visits were, in fact, authorized every day and a guest room allowed family members to stay over week-ends.

Minors should be authorized to receive phone calls every day. They sometimes need to earn the right to call by doing chores such as cleaning the floor. Some minors, asked by the CPT, report the impossibility for them to earn this reward due to the lack of time after fulfilling the work the court assigned to them <sup>6</sup>.

The CPT notes the absence of allegations of ill-treatment by staff. The minors talked positively about them.

However, inter-violence between minors is present and can lead to risky situations for the staff and the inmates. In 2016, a female staff was attacked by a minor during a riot. During another fight in 2017, a minor stabbed an inmate with a knife <sup>7</sup>.

From 2012 to 2014, there was no conviction of a staff of the minors' houses and juvenile correctional facilities.

But the «Libra» PG computer system does not process the data relating to the proceedings concerning the ill-treatment of children in detention centres. Obtaining such data would require consultation of records of all cases, including those available in the courts.

According to Penal Executive Code, juvenile offenders are placed in prison of appropriate type. However, distance from the place of residence is not a criteria for placing in a given unit.

The CPT notes that minors do, generally, receive a satisfactory education. This education includes school (approx. 6h/weekdays) and vocational trainings such as construction and carpentry <sup>8</sup>.

Children must have access to sport and recreational activities to encourage their re-socialization (article 66 of the Juvenile Act).

Minors can, on a regular basis practice, football, basketball and other sports during competition. The CPT underlined that the current one-hour a day outdoor exercise

<sup>5</sup>- European Committee for the Prevention of Torture, *ibid*, pp.45-47.

<sup>6</sup>- European Committee for the Prevention of Torture, *ibid*, p.47.

<sup>7</sup>- European Committee for the Prevention of Torture, *ibid*, p.43

<sup>8</sup>- European Committee for the Prevention of Torture, *ibid*, p.44.

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provided to children should be increased to two-hours a day<sup>9</sup>.

There is no specific group in the Prison Service staff that would be intend to the work with juvenile offenders at first hand.

There is no information indicating staff shortages.

For more information about death penalty for minors, see section "[Death penalty](#)".

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## FOREIGNERS

Number and percentage  
of foreigners in detention

**840**

Change in number of  
foreigners incarcerated  
compared to the  
previous year

**increased  
by 26.8 %**

*Date : 2017*

*Source : Central Council of  
Penitentiary Services - Bureau of  
Information and Statistics*

*There were 662 incarcerated foreigners in  
2016.*

Coreigners can benefit from legal assistance :

- in pre-trial detention
- audiences in the court (if requested)
- disciplinary commission (only for disciplinary proceedings)

Foreigners, as well as Polish national inmates, are not assisted by a lawyer when a disciplinary sanction is reviewed by the prison warden.

Foreigners can be assisted by an interpreter for audiences in the court.

They can not be assisted by an interpreter in custody and for a disciplinary commission.

A person deprived of liberty has the right to use an interpreter for procedural acts, at any stage of the criminal proceedings.

Foreigners do not have access to interpreters in prison. They have to rely on the staff's knowledge of their language, or even fellow inmates.

Prisons are progressively being equipped with translation devices - translators. In recent years, 160 devices have been purchased.

Foreigners are not placed in special cells or units.

Foreigners can not be imprisoned for illegal residency.

Illegal stay of a foreigner in Poland is an administrative offense.

They can be detained at the Guarded Centres for Foreigners.

A fine may be imposed by a court and an administrative procedure is initiated to oblige the foreigner to return to his home country. Together with the decision on the obligation to return, the judge must also specify for how long the person will be banned from re-entering Poland. This prohibition may apply for a period of six months to three years.

Foreigners can be deported from the country after their liberation.

A foreigner must execute his sentence according to the Executive Penal Code before being handed over to a foreign State.

To be transferred to another State, the consent of the sentenced person is necessary when a measure including deprivation of liberty is involved (art 611b, paragraph 2, subparagraph 2 of the Code of Criminal Procedure).

The majority of foreigners sentenced in Poland are executing their sentence in Poland. Inmates have the possibility to apply for a residence permit if they feel that their life is in danger in their home country.

Foreigners have the right to work.

The regulations of the right to work are the same for Polish and foreigners. English speaking inmates may be asked to give lessons of their language.

The most numerous group of foreigners are Ukrainians (325 persons), followed by Russians (64 persons), Vietnamese (61 persons), Romanians (57 persons) and Bulgarians (54 persons).

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According to the information obtained from the Commissioner for Human Rights, discrimination based on nationality mainly concerns prisoners of Roma origin. There were no complaints about discrimination against Muslim.

Foreigners undergo a one-step body search (any clothes or underwear) at their admission or in case of disorder. This sort of search is qualified by the CPT as very intrusive and potentially degrading.

The National Preventive Mechanism underlines that the staff's behaviour with foreigners was repeatedly qualified as improper, according to their individual interviews with foreign inmates<sup>10</sup>.

Foreigners are allowed to make a phone call abroad. The costs are borne by the detainee.

The regime of execution of penalties is the same for Polish citizens and foreigners. The administration of the unit can make some facilitations such as prolonging the visit of relatives or phone calls.

The visits of the High Commissioner for Human Rights highlight the lack of access by foreigners to basic knowledge on life in prison and the rights and obligations of prisoners<sup>11</sup>.



## PEOPLE CONVICTED FOR A LONG SENTENCE

Number and percentage of people condemned to long sentences **10,705** **14.5%**

*Date : 2017*  
*Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

Change in number of people condemned to long sentences compared to the previous year **increased by 9.5 %** *9,778 people were condemned to a sentence longer than five years in 2016.*

A long sentence is considered as such from 5 years.

Sentences can not be cumulated.

According to Polish law, penalties cannot be cumulated. The court can apply absorption of penalties or combine them.

and percentage of people condemned to a life sentence **397** **0.5%**

*Date : 2017*  
*Source : Prison service statistics*

Change in number of people condemned to a life sentence compared to the previous year **increased by 4.47 %** *There were 380 inmates executing life sentences in 2016.*

People condemned to a long sentence are not separated from the other inmates. Life-sentenced prisoners are also allowed to work.

It is not possible to extend the sentence imposed.

A law passed in January 2014 states that people suffering from mental disorders can be kept in detention to prevent a threat to society. These persons are placed in the National Centre for Prevention of Dissocial Behaviour.

There is a risk that this measure will be misguided, especially in the case of people who have committed serious crimes but do not have a proven mental disorder. This Law was

<sup>10</sup>- Commissioner for Human Rights, "Annual Report 2016", 2017, pp.160-161.

<sup>11</sup>- Commissioner for Human Rights, *ibid*, pp.39-41.

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declared constitutional in November 2016 by the Polish Constitutional Court.

Life sentences are pronounced in case of treason, assassination of the Polish President, genocide, crime against humanity, use of weapons of mass destruction or any other war crimes, homicide, and heavy bodily injury causing death.

Inmates used to be automatically classified as 'dangerous' and placed in a high-security district, in solitary confinement, based only on the length of their sentence.

After two condemnations from the ECtHR [Horych v. Poland](#) and [Pugžlys v. Poland](#), this practice was unauthorized by law in 2015 <sup>12</sup>.

In spite of this improvement, persons executing long sentences still suffer from a lack of cultural activities, job opportunities and training.

A person condemned to a life sentence can ask a sentence adjustment measure after having served at least 25 years. This duration can be extended by the judge. The current Minister of Justice would like to reform the Code Penal and lengthen it up to 30 years.

Persons sentenced to 25 years can be released conditionally after serving 15 years of the sentence.



## UNTRIED PRISONERS

Number of people in pre-trial detention **7,239**

*Date : 2017  
Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

Change in number of untried prisoners compared to the previous year **increased by 34%**

*There were 5,396 persons awaiting trial in 2016.  
The number of untried prisoners decreased by 30% between 2009 and 2014.  
In particular, pre-trial imprisonment has been replaced by measures such as bail, non-removal clause or police surveillance. Time spent in pre-trial detention is also decreasing.  
It should be noted that, although there are abuses, particularly concerning prolongation of non-statutory pre-trial imprisonment, the number of people in pre-trial detention is relatively low compared to other European countries.  
In 2018 the rate of untried prisoners is 20 per 100,000 inhabitants in Poland, while in France it is 29, even though on a global scale, France incarcerates two times less.*

There are facilities or units reserved for untried prisoners. Pre-trial detention centers are separated from prisons. It can be completely separate facility or separate block of a prison. The conditions in pre-trial detention centers are usually worse than in establishment for sentenced inmates. Due to the high rotation of prisoners, the cells and equipment are usually more degraded.

The separation between untried prisoners and convicted people is effective.

Liberation on bail is possible.

The maximum legal duration of pre-trial detention is not respected. As of 30 July 2017, 8 people had been in custody for more than 2 years <sup>13</sup>.

In theory, pre-trial imprisonment cannot exceed three months. This period cannot be extended for more than two years. In exceptional situations, this measure may be renewed for a second period of two years.

This sort of detention can only be ordered when:

- there is strong evidence of guilt against the defendant
- if person poses a threat to society

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- there is a significant risk that the person will abscond and not appear for trial
- he is prosecuted for a long sentence

Individuals prosecuted for violence and physical injury leading to death are more likely to be held in custody.

In the context of domestic violence, pre-trial detention is applied almost automatically.

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More than 3,096 cases of exceeding the statutory period of pre-trial imprisonment were identified on December 31, 2014. This abuse is a recurring problem in Poland.

Poland was sentenced by the ECtHR (*Kauczor v. Poland*) for a detention on remand of more than seven years, 10 months and 3 days.

Similarly, Poland was sentenced in 2014 (*Ruprecht v. Poland*) for keeping a person in remand for seven years and 11 months<sup>14</sup>.

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5,227 persons contested their pre-trial imprisonment before courts in 2014. Only 8.4% of the complaints were brought to a judge<sup>15</sup>.

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Untried prisoners are not allowed to make phone calls. Access to work and activities is very limited.

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## ETHNIC GROUPS

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This information is collected during the initial conversation with the inmate. Prison staff can choose a living cell for prisoner based on this information, provide access to religious services or a religious diet.

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## LGBTI PERSONS

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LGBTI persons can not be imprisoned because of their sexual orientation or their gender identity.

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LGBTI persons are not detained separately from other inmates.

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According to information obtained from non-governmental organization Kampania Przeciw Homofobii (Campaign Against Homophobia) complaints from convicted LGBTI persons are not numerous. This may be due to the applicants' concern that their sexual orientation will be revealed rather than a lack of violation of their rights.

In 2018, Kampania Przeciw Homofobii filed a complaint from a homosexual prisoner regarding the use of harassment and discriminatory practices against him. He stated that he had been subject to frequent personal searches, during which the officers would comment on his sexual orientation in a manner leading to the applicant's humiliation.

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The decision to place a person in a male or female district is based on the biological sex and the possible transition made by a prisoner is not taken into consideration.

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The situation of transgender persons in prison is not recognized. However, according to knowledge of Kampania Przeciw Homofobii, even the common, public and private, health system is not adapted to the special needs of transgender persons.

Kampania Przeciw Homofobii received a complaint from a transgender person who's new sexual identity had not been legally recognize. This person had been placed in a unit for persons of the gender inscribed in his identity card.

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There is no data which would allow to answer this question, but the experience shows than homosexual persons are subjected to discrimination

The NPM identified, during a monitoring visit, the case of a homosexual couple that shared a cell at first but was placed in separate cells after the prison staff learned about their relation.

According to the explanations of the Prison Service, provided during the visit, the



<sup>14</sup>- Helsinki Foundation for Human Rights, "The Practice of pre-trial detention in Poland - Research report», December 2015, p.35.

<sup>15</sup>- Helsinki Foundation for Human Rights, *ibid*, p.46.



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relationship was monitored and the decision was made due to abuses made by one of the partners. The Commissioner for Human Rights received complaints from both inmates. One lodged a complaint because he feared for his safety in the unit and the other person complaint because he was moved to another cell because he share a relationship with his cellmate.

## POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE \_

**Non applicable.**

## THE ELDERLY \_

Number and percentage of elderly inmates (>60 years) **2,796** **3.8%**

*Date : 31 April 2017  
Source : Central Council of Penitentiary Services - Bureau of Information and Statistics*

Change in number of elderly inmates compared to the previous year **increased by 8.9%** *There were 2,567 elderly inmates in 2016.*

The prison administration keeps a specific register listing elderly prisoners

Elderly inmates have not an appropriate detention regime. The Penal Executive Code distinguishes only two groups of age –inmates between 15 and 21 years old and adults –older than 21 years old. There is no specific regulations concerning the way seniors serve their sentences. Living conditions are also the same as for other prisoners.

In 2016, the Commissioner for Human Rights conducted research concerning the situation of elderly inmates. Even though the delegation received many complaints about health services in prison, elderly prisoners assessed well the medical care provided to them. However, there are not enough places for chronically ill prisoners in the hospital. The only prison hospital suited for long term conditions has only 36 places for patients. According to data from 2016, patient had to await three years on average to be admitted in this hospital.

Age is not considered as a criteria to shorten a sentence, postpone or interrupt its execution. According to article 153 -1 of the Penal Executive Code, the court may only interrupt imprisonment due to serious illness.

## PERSONS WITH DISABILITIES \_

Only 60 penitentiary establishments are adapted to the needs of inmates with disabilities. Bydgoszcz Fordon prison has a unit for the blind. Blind inmates are placed in double cells in the company of a carefully selected inmate who can guide and help them.

The Commissioner for Human Rights noted that all the units designed for inmates with disabilities allowed them to function independently<sup>16</sup>.

Prison staff is not trained to take care of inmates with disabilities.  
Prison staff is not trained in sign language.

A deaf inmate interviewed by the CPT underlined that he did not know the internal regulation of the facility because he did not have access to a sign language interpreter and he could not communicate with the staff. When daily situations came up, the deaf prisoner was not able to communicate his version of a situation to the staff, who instead interpreted its gestures as aggression<sup>17</sup>.

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Persons with disabilities can sometimes receive degrading treatment from fellow inmates, such as been removed from their wheelchairs.

Some prisoners with disabilities are incapable of autonomously performing daily tasks.

Generally, people with disabilities do not have enough inclusive infrastructure. They tend to be subject to humiliating situations such as lack of autonomy and the need for help to go to toilets.

Some inmates may have to help persons in wheelchairs to move. The prison administration does not take into consideration disabilities and disabled prisoners may be placed in cells upstairs or even in bunk beds. A disabled person may be placed in a pre-trial detention area for lack of sufficient places in prison. The 3m<sup>2</sup> required by law are too narrow for wheelchairs. In many prisons, the disabled have limited access to common areas, showers and outdoor spaces.

Disabled inmates do not have enough offers for suitable reintegration programs.

*For more information about access to health care see section "[Health](#)".*



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## PENITENTIARY SYSTEM

### ORGANISATION

The authority in charge of the prison administration is the Minister of Justice (Ministerstwo Sprawiedliwosci).

The prison administration is regulated in the Prison Administration Act dated 9 April, 2010.

Budget of the penitentiary administration **2,815,944,000 PLN**  
**655,903,566 €**

*Date : 2017*

*Source : Ministry of Justice*

Percentage of the budget of the authority in charge reserved for the penitentiary administration **58.7%**

*Date : 2017*

*Source : Ministry of Justice*

The penitentiary administration classifies the establishments according to the prison population they admit.

There is a reception area in some establishments.

Reception areas –transition cells– are present only in pre-trial detention centres. Even sentenced inmates are first admitted to the pre-trial detention centre in order to carry out the necessary procedures related to the admission into the unit.

The price of a day in detention is on average 103 PLN (23 euros).

The yearly cost for a prisoner is 37,200 PLN.

The private sector does not participate in the management of establishments.

The penitentiary system has not been recently reformed.

The Ministry of Justice announced a prison reform plan "The Program for the modernization of the Prison Service". This project seeks to create a school for prison officers, improve their work equipment (vest, protective helmets, handcuffs), build new and bigger prisons and close the small ones, and create more work opportunities for prisoners. However, the reforms, announced for the beginning of 2017, have not shown impact on the prison system yet.

The Prison Service is a centralised administration.

There are different categories of prison facilities:

- juvenile offenders
- pre-trial detention centres
- prisons for sentenced inmates

There are different types of detention regimes:

- closed prisons
- semi-open prisons
- open prisons

The location of the prison does not affect the living conditions. The main differences are related to the type of prison. Semi-open and open prisons offer better living conditions.

Open prisons in Poland represent 32.48% of the total number of prisons, whereas in France they represent 1.08% and more than 69% in Denmark.

### PRISON FACILITIES

Number of establishments **174**

*Date : 2018*

*There are 130 penitentiary units (84 prisons and 46 pre-trial centres) and 44 external wards.*

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Total capacity **81,531**

*Date: 2018  
Source: Central Council of  
Penitentiary Services – Bureau of  
Information and Statistics*

Change in capacity compared to the previous year **decreased by 5.92%**

*Date: 8 June 2018  
Source: Central Council of  
Penitentiary Services – Bureau of  
Information and Statistics*

The penitentiary system includes units or establishments designated “supermax” or with a high security level: 24 high security units.

The prison system has not penitentiary complexes with more than 5,000 places. The prison with the highest capacity, Warszawa-Białołęka, has 1,537 places.

Prison facilities are located on the outskirts of the cities in most establishments. Most of the facilities are located within the borders of the cities. A few facilities, such as Czerwony Bor prison, in Nowagard, have been built in the outskirts.

There are not new establishments opened during the last year. The Ministry of Justice plans to open three new prisons in Brzeg, Sanok and Debie.

There are not establishments closed during the last year.

There are not new establishments under construction. The Program for the modernization of the Prison Service, launched in 2017, plans to build new facilities in the Opolskie, Podkarpackie, Mazowieckie, Wielkopolskie and Zachodniopomorskie provinces. The plan will close down close down small units and privilege bigger penitentiary establishments in order to reduce expenses.

There are not building sites under public-private partnership (PPT).

Renovation works are not involved in international partnerships (architectural, financial, logistical). Renovations are not carried out with the support or participation of international partners. Individual units use the support of the National Fund for Environmental Protection, especially in case of thermal modernization of buildings.

The size of penitentiary establishments may vary significantly in some cases. For example, the biggest unit is the pre-trial detention centre Warszawa-Białołęka intended for 1,537 persons. The smallest unit is the pre-trial detention centre in Działdowo for 102 persons.

Some prisons are located in non-adaptable buildings, which were previously used for different purposes. As an example, Koronowo Prison is located in a monastic building from the 14th century. The pre-trial detention centre in Białystok is situated in a 19th century military barrack and Nowy Wisnicz Prison in monastic buildings from the 18th century.

In 2014, a preventive visit from the NPM revealed dilapidated living conditions in the pre-trial detention centre of Łódź. Wall in the living cells were damp, dirty and moldy, the windows were leaky, sanitary cubicles were not built up to the ceiling height. Inmates had to sleep on top of very old, torn and dirty mattresses and pillows. They did not have containers for personal belongings and they had to keep them in plastic shopping bags.

In some prisons, there are therapeutic units for prisoners with non-psychotic mental disorders or sexual disorders, prisoners addicted to drugs or alcohol. Convicts are sent to such units after previous diagnosis and stay there only for the duration of the therapy.

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**THE STAFF**

Number of guards

**15,956**

*Date: 2018  
Source: Central Council of Penitentiary Services - Bureau of Information and Statistics*

Guard to inmate ratio

**1 per 4.7**

*Date: 2018  
Source: Central Council of Penitentiary Services - Bureau of Information and Statistics*

Number of social and education workers

**2,205**

*Date: 31 December 2017  
Source: Central Council of Penitentiary Services - Bureau of Information and Statistics*

Social and education worker to inmate ratio

**1 per 211**

*Date: 2016  
Source: SPACE I, "SPACE I 2016, Facts and Numbers", 2018.*

There is no information about the change in number of guards compared to the previous year.

Agents of the penitentiary administration can join trade unions but they don't have the right to strike.

Prison staff can be divided into:

- those who work in direct contact with prisoners
- officers with limited personal contact in time
- those whose contact is sporadic or not at all

The first category includes employees of the guard department, responsible in the residential units for safety, order and basic services of prisoners. They are mostly officers with secondary education. This group also includes educators, psychologists, doctors and prison school teachers who are civilian staff.

The second category includes members of the management of the penitentiary institution, whose work is of control, visitation and intervention nature, as well as members of the penitentiary administration, performing control and visitation activities requiring limited contacts with prisoners.

The third category includes external security service, drivers, some employees of the financial department, investment and staffing units, and checkers from, as well as a significant part of the staff of the Central Board of the Prison Service.

It is clear from this division that the personnel of the first subcategory decide about the effectiveness of the penalty of imprisonment and rehabilitation work with prisoners.

The training, called preparatory service, lasts two years.

The conditions to access the supervisors' training are to:

- be over 18
- not have a criminal record
- be of Polish nationality
- have graduated high school

The construction of a State Prison Academy was announced as part of the reform of the prison administration. This academic centre will propose training courses in secondary schools.

The prison reform also plans to provide training for the prison officers who have already been recruited. They will receive courses in shooting, physical training and new defensive techniques.

According to the prison service, staff movements is not a significant phenomenon, which is why it is not included in the prison statistics. Requirements for candidates direct the selection at the time of admission to work.

[A protest of law enforcement services](#) was organized on 2nd October 2018, in Warsaw, that included the Prison Service staff. It is assumed that it was the most numerous protest in the history of Polish services. Protesters demanded an immediate improvement in working conditions and an increase in salaries.

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The requirement for socio-educational staff is to have a master level education.

The socio-educational staff consists of prison educators, educators for post-penitentiary assistance and an educator for cultural and educational activities. The most numerous group is pedagogues (1,545 persons). There are also lawyers (53 persons), psychologists (56 persons), sociologists (48 persons) <sup>1</sup>.

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In multi-persons living cells, one inmate is designated to inform the prison service staff about the needs of fellow inmates and the state of the equipment.



<sup>1</sup>- Central Council of Penitentiary Services, "Bureau of Statistics", 31 December 2017.

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## DAILY LIFE

### | CELLS AND THEIR EQUIPMENT \_

The law specifies a minimum surface area per inmate, 3m<sup>2</sup>.

According to art. 100 of Executive Penal Code the leaving space in a cell, per prisoner, is not less than 3m<sup>2</sup>.

In exceptional circumstances and with the director approval, an inmate can dispose of only 2m<sup>2</sup>, for a period of 90 days.

Inmates are housed on individual cells in some establishments.

Individual cells are sometimes used as an award for prisoners.

Inmates have in their possession bed and mattress.

There is not strict regulation of window sizes.

Windows can be opened entirely.

Natural lighting allows inmates to exercise and carry out activities in some cases.

In the oldest prisons, the windows are old and do not let the light pass properly (plastic curtains blocking). This is also the case in cells for dangerous detainees at Bydgoszcz Prison and Lublin Prison.

Cells are equipped only with heating.

Cells are not equipped with air conditioning.

Inmates have an extra electric light.

The extra electric light is sometimes insufficient to allow reading, particularly in the block for dangerous inmates in Lublin prison.

Cells are well equipped with all necessary items.

According to Chapter 6, paragraph 29 of the Ministry of Justice Regulation: «A residential cell should be equipped with a bed for each convict, adapted to the number of prisoners the number of tables, cupboards and stools and means to keep the cell clean”.

The degree of comfort in the cell depends on the means and the influence of the inmate in some cases.

Experience shows that prisoners with a better material status are imprisoned in better conditions. They are often not placed in dirty and neglected cells with other inmates. However, these are unofficial rules and practices.

It is prohibited to smoke in cells in some cases.

There are separate cell for smokers and no-smokers.

According to Chapter 3 paragraph 1 of the regulations of the Ministry of Justice: “Convicted persons must be placed in residential cells, taking into account, in particular, sex and age”. People at risk of suicide may be placed with more psychologically stable people.

The cells are composed of bunk beds, shelves, tables, stools, sometimes toilets and sometimes access to hot water.

The material conditions vary considerably from an institution to another depending on the date of the prison construction.

The condition of beds and sanitary facilities is sometimes deplorable. In addition, inmates sometimes complain of vermin infestation, particularly in Bydgoszcz Prison. The CPT denounces the state of Warsaw-Grochów Prison.

Bialystok Remand Prison is in very bad conditions. The cells are dilapidated, poorly lit and ventilated.

They can also be considered satisfactory, clean and include natural light, artificial light, ventilation, sanitary annexes. They include single/bunk beds, table, stools, wall shelves and call bells in: Warsaw-Bialoleka Remand Prison, Warsaw-Sluzewiec Remand Prison, Prison No.2 in Strzelce Opolskie and Gliwice Remand Prison (on going).

Most of the establishments visited by the CPT in 2017 need to be renovated. This renovation is usually planned or on-going<sup>1</sup>.

<sup>1</sup>- European Committee for the Prevention of Torture, “Report to the Polish Government on the visit to Poland from 11 to 22 May 2017”, 2018, p.5-32-33.

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Experience shows that it may happen, but only as a result of informal agreement between inmates and prison staff.

For more information related to the impact of overcrowding on the daily life of inmates, see the section "[Prison population](#)".

## | Food

The price of meal per inmate

**1.1E/day**

*30% of this budget is allocated to the breakfast, 40% to the lunch and 30% to the diner.*

Number of meals per day

**3**

*Inmates have one hot meal per day.*

Drinking water is always available.

Special diets are respected? (for religious, health, or cultural reasons) in most cases. The meals for Jewish or Buddhist are not always available (cf. ECtHR case *Jakóbski v Pologne*, 7 December 2010).

Meals are prepared by:

- the staff of the penitentiary administration
- trained inmates
- private companies

Detainees have the possibility to work for free in the prison commissary.

Meals are distributed at a standard time.

Meals are distributed with an interval of six hours between them. The administration chooses meal times.

Inmates take their meals in their cell.

The prison administration thinks interactions between inmates could promote the formation and maintenance of gangs within prisons.

Inmates can buy food products.

Detainees can buy food and tobacco three times a month. Pregnant women have the right to buy additional food products.

To buy food products, the prices are slightly higher than outside.

The prices are averagely 10% higher than outside.

Inmates can not cook for themselves.

The detainees cannot cook in their cells, except in some open prisons.

There are refrigerators in the cells in some cases.

Cells are equipped with a suitable hotplate in some cases.

Visitors can bring food products.

The packages cannot exceed more than 5kg.

In accordance with the regulation of the Minister of Justice on the nutrition of prisoners, the types of diets for inmates are: diets due to age (under 18 years old), diet due to health condition (regular diet, easily digestible diet, diabetic diet, individual diet), diet for prisoners working in particularly difficult conditions, religious diet. Diets for inmates under 18 years old are more calorific.



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The next criterion is the content of nutrients. In the regular, health and religious diets contains 10–15% of protein, under 30% of fat and 50–65% of carbohydrates in each meal.

All meals are most often prepared inside prisons. Sometimes they are delivered by a private company.

The Commissioner for Human Rights received a considerable amount of complaints regarding the quality, quantity and variety of food –94 complaints in 2017 and 73 in 2018 (January–September).

In 2013, around 150 prisoners experienced food poisoning in the prison of Barczewo.

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## HYGIENE

Inmates have not all necessary items needed to ensure good hygiene.

Inmates have access to a water source in the cell.

Washbasins are sometimes situated outside of the room. Shared facilities, comprising washbasins are usually overloaded.

The situations of showers are varies between establishments.

Privacy is not always respected. Some collective showers lack curtains.

In the case *\*Szafranski v. Poland\**, judged by the ECtHR in 2015, the applicant made reference to the lack of privacy in prison showers and considered it contributed to the degrading treatment he was denouncing.

Three units visited by the Commissioner for Human Rights lacked fully enclosed toilets. They were, for example, delimited by damaged curtains which did not reach the floor. In four other units visited, the masking of intimate is not properly installed <sup>2</sup>.

Toilets are situated within the cell in some establishments.

The location of toilets depends on the facility and its obsolescence.

Work to rehabilitate dilapidated toilets is underway in the oldest prisons.

The presence of mould due to humidity has been reported in some cases.

The penitentiary administration provides hygiene products.

The hygiene products are of poor quality. Male convicts receive only 100 g of soap per month (female convict 200 g), two razors per month, 60 g of toothpaste per month, 100 ml of shampoo per month and two rolls of toilet paper per month.

The prison authorities supplies cleaning products.

The prison administration is supposed to supply cleaning products. A delegation of the CPT received complaints about the lack of detergent products in Lublin prison back in 2013.

Bed linens are changed once per month.

Inmates wear a uniform just in high security blocks.

Prisoners must wear, according to the article 111 paragraph 2 of the Code of Criminal Procedure, their own clothes and underwear outside the prison except if they are damaged or inappropriate for the season.

Inmates classified as 'dangerous' must wear shiny orange uniforms.

The administration provides clothes to indigent inmates.

The presence of pests been reported in some establishments.

The Commissioner for Human Rights received regular complaints regarding the presence of pests. It is not possible to indicate the ones affected by that problem since the problem seems to appear in different establishments at different times.

The duration of showers varies from one facility to another (5 to 15 minutes). The regulation of the Ministry of Justice provides a shower time of 10 minutes.

Men have the right to shower once a week. They can shower twice a week if they do manual work. In practice, they do not always have the possibility to take two showers.

Women have the right to shower twice a week.

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Inmates at Grudziadz Prison complain about the small size of the showers.

Shared facilities such as toilets, wash basins are overloaded, and ventilation is insufficient.

The number of toilets is not sufficient. While a toilet is sometimes assigned to two persons, sometimes it is to 9-14 people. Inmates do not have an equal right of access to toilet. The waiting is long particularly in morning time. This absence of a sufficient number of toilets can lead to conflict between inmates.

In Biala Podlaska and Krosno Odrzanskie, the Commissioner for Human Rights noticed the lack of intimacy and privacy of foreigners using sanitary facilities due to the low size of the barriers between the toilets and showers

Prisoners carry out the maintenance of cells and common areas with products provided by the administration.

Inmates who clean common areas are do not receive a compensation for this work.

some prisons garbage is segregated. Garbage is picked up from cells every day, except weekend. The waste management is regulated by the internal rules of each prison establishment.

*For more information related to the specific needs of women see the section "[Women](#)".*

## ACTIVITIES

Number and percentage of inmates that participated in socio-cultural activities in the previous year **not available**

Number and percentage of inmates that participated in sport activities in the previous year **not available**

The penitentiary administration organises activities in some establishments. Very few activities are proposed by the prison administration.

There are specific places for physical activities in some establishments. In most units, there are recreation rooms for sports activities, and a large part of them has independent sports fields.

Prisoners prefer sports such as football, basketball and martial arts (mainly boxing). Prisoners also have the opportunity to participate in Nordic walking classes, running (they arise a runner's clubs) and canoeing (in the Czarne Prison). This last sport is combined with ecological activities like cleaning forests and river banks). Gym classes are also of great interest, although the lack of qualified trainers should be considered a weakness.

Participation of the convict in sports requires obtaining both administrative and medical consent.

Consent usually covers the possibility of a prisoner participating in sports activities no more than twice a week for two hours (or additionally on non-working days).

Are there specific places for cultural activities in some establishments. Cultural activities are rare. Meetings with authors, a reading club or audiobooks sessions can sometimes be organized.

The SOC in Biala Podlaska provides classes in: first aid, language, intercultural psychology, law and human rights <sup>4</sup>.

There are libraries in all establishments. Prisons usually have several thousand books provided by public libraries. There is, however, a lack of books in foreign languages.

In closed units, prisoners spend one hour on a walk a day and one in a common room.

<sup>3</sup>- Commissioner for Human Rights, op. cit., pp.44-164.

<sup>4</sup>- Commissioner for Human Rights, op. cit., p. 160.

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Detainees have access to a common room:

- three times a week in Lublin prison,
- two times a week in the prisons of Bydgoszcz and Szczecin,
- once a week in the prisons of Warsaw-Grochów and Warsaw-Mokotów (common rooms equipped with television, and board games).

Access to the boardwalk cannot be restricted.

There is a possibility to do volleyball or football instead of the daily walk.

Few activities are proposed:

- The daily walk (one hour) is sometimes the only physical activity of the prisoners.
- Detainees sometimes have access to the gym that can be used for more than one hour.
- Possibility to do outdoor sports like volleyball and football instead of the boardwalk.

The opportunities for associations to intervene in prisons are limited, although allowed by law.

The prisons may be punished with disciplinary punishment of a ban on participation in cultural activities.

The opportunities to participate in activities, such as, sport recreations and associations are insufficient in remand centres. The CPT recommends to develop the appropriate facilities in remand centres <sup>5</sup>.

For more information related to religious activities see "[Religion](#)".

For more information related to books in foreign languages see "[Foreigners](#)".

For more information related to the objects (games, books) that can be brought by relatives see "[Visits](#)".

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## WORK

Number and percentage of working inmates

**35,847**

**53.8%**

*Date: 2017*

*Source: Central Council of Penitentiary Services - Bureau of Information and Statistics*

**15,925 paid positions**  
**19,922 unpaid positions**

Change in number of workers compared to the previous year

**increased**

*The number of working inmates has significantly increased in the recent years. 35.5% of inmates were employed in 2015. They were 46.2% in March 2017. Between these two dates, 2,613 paid jobs and 1,000 unpaid jobs were created.*

*In Strzelce Opolskie prison, around 40% of inmates have paid positions and around 20% have unpaid positions. In Warsaw-Bialoleka Remand Prison, there are 480 sentenced prisoners working out of 1,120 inmates.*

*However, there are far less opportunities to work for remand prisoners. In Bialystok Remand prison, 37 inmates have a paid job out of 509 detainees <sup>6</sup>.*

*This overall increase is due to a government programme based on three points: the construction of 40 manufactures near the prisons, the development of unpaid jobs for local authorities and the creation of tax credits for business which employ prisoners <sup>7</sup>.*

Inmates receive a salary for work in some cases.

Inmates can receive salary for paid work.

They can also be employed for unpaid work. This latter employment is legal up to 90 hours

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per month for 'a good cause' to the benefit of a delimited list of authorities or public companies.

—  
Paid inmates contribute towards social security.

—  
Paid inmates contribute towards retirement.

—  
Paid inmates contribute towards unemployment.

—  
Inmates have not the right to join trade unions.

—  
Work does not favour penalty adjustment.

The attitude of the inmate while serving a penalty, including the work, is one of the reasons for granting parole.

—  
Salary is calculated depends on the type of work.

—  
Salary received by inmates is significantly below the national minimum salary.

The gross minimum wage in prison is the same as outside but it is very heavily taxed: from 77.56% to 99.72%. An inmate earning 2,000 PLN, only reaches 5.62 PLN<sup>8</sup>.

—  
Inmates have the possibility to do unpaid work on behalf of the prison (help cleaning, cooking, meal distribution) or the government, local authorities, local charities and educational organisations if this is done in a civic dimension (no more than 90 hours per month).

—  
This system is sometimes perverted. Newsweek reports in January 2015 that detainees at Lowicz and Garbalin prisons were allegedly [employed by A2 Motorway as unpaid workforce](#), under the guise that the production was intended for local authorities.

—  
Professional activities can take place inside and outside prisons. The daily work must not exceed eight hours a day.

—  
The issuance of a work permit can be a form of rewards for inmates with exemplary behaviour. The work permit is issued by the prison director who chooses those who are best suited to work.

—  
*For more information related to how inmates can use their salary see "[Financial resources and destitution](#)".*

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## EDUCATION AND PROFESSIONAL TRAINING

Number and percentage of inmates registered for academic training in the last year	1,521	2.06%
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*Date: School year 2016/2017  
Source: Central Council of Penitentiary Services - Bureau of Information and Statistics*

Number and percentage of inmates registered for professional training in the last year	2,809	3.8%
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*Date: School year 2016/2017  
Source: Central Council of Penitentiary Services - Bureau of Information and Statistics*

—  
The Ministry in charge of education is the Ministry of Education.

—  
Academic training is accessible in all establishments.

<sup>8</sup>- Helsinki Foundation for Human Rights, "Report on the Human Rights of Persons Deprived of Liberty", 2017, p.17.

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According to the article 102 of the Penal Code, prisoners have the possibility of attending a school curriculum. All grade levels are offered from elementary school to university. Most of the detainees who benefit from these courses are minors.

According to the article 131 of the Penal Code, prisoners have the possibility to attend classes outside the prison. This opportunity is, in practice, only offered to a small minority of prisoners.

Sometimes, the prison administration complicates or even prevents access to education. For example, prisoners are denied access to a computer in their cells, even if computers do not offer the possibility of communicating with the outside. The administration justifies its decision based on the imperatives of security<sup>9</sup>.

—

The administration does not put in place measures to combat illiteracy.

The administration does not establish a program to address illiteracy. However, all prisoners are accompanied in order to define their difficulties and needs. This assessment might indicate that an inmate is required to attend specific courses.

—

Inmates can obtain university degrees.

—

Professional training is accessible.

Inmates can enroll in training courses to become painter, cook, electrician, tiler, roofer, locksmith, mechanic, carpenter and landscape gardener, amongst other.

—

Distance training courses is offered.

—

Before the end of the sentence, inmates must meet with a tutor that prepares the person's release. All inmates must attend this pre-release meeting. However, these reintegration programs are not considered to be of good quality and do not have a real educational impact.

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## MEDIA

Inmates have access to a television, if they purchase it.

The rules on access to television vary from one institution to another. Sometimes prisoners are allowed to watch television but only during authorized hours.

—

Inmates are allowed to listen to the radio.

—

The access to the press depends on the facility.

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The penitentiary administration provides internet access in most facilities.

Inmates have access to a certain number of websites, although some remain inaccessible. Prisoners can use the Internet to communicate with their families and relatives. This modality is mainly intended for foreign inmates.

—

The Prison Service does not censor the content of the press. Inmates can purchase newspapers in the canteen or subscribe on their own. In some prisons there is a free local press distributed.

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## RELIGION

Inmates have the right to freedom of worship.

—

Dedicated places for worship are available in all facilities.

Each prison defines the hours to access the chapel as well as the days and hours of mass.

—

Cultural mediators are not paid by the penitentiary administration.

Religious activities are organized exclusively on a voluntary basis. Only the most represented religions receive visits from chaplains.

These visits are at the initiative of the interveners and not at the initiative of the prison administration

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Certain inmates are grouped according to their religion in some facilities. Prison services tend to gather together prisoners of the same religion.

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The religion which is the most represented in detention is the Catholicism.

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There is no policy to prevent radicalisation in Polish prisons.

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## EXTERNAL PARTICIPANTS

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Individuals or organisations from the outside are allowed to participate in prison activities in all facilities.

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Change in number of external participants compared to the previous year **not available**

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The authorisation for external participants to take part in prison activities is provided by the warden of the facility.

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There are not activities organised for the inmates relatives.

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External participants can communicate freely about the situation/s they have observed within the institutions they have attended.

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The most common fields of intervention are: accompaniment after release, educative and psychosocial activities and religious support.

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Volunteer organizations do not receive public funding.

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## FINANCIAL RESOURCES AND DESTITUTION

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The penitentiary administration provides support for destitute inmates. According to the article 114 of the Penal Executive Code, prisoners who do not work and do not have financial resources may receive an allowance from the director of the unit.

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The penitentiary administration provides meals, cleaning products, water and books. It may also provide clothing if the inmate does not have adequate ones.

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Inmates can buy products three times a month from the commissary. They must use funds from their own bank account. The most widely sold items are food and tobacco.

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The circulation of cash is forbidden in prison.

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According to the article 113 of the Penal Executive Code, prisoners must transfer their money to a deposit or a selected bank account. At the request of the prisoner, some funds can be transferred by an outside person. The prisoner can use these credentials to make purchases in prison.

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The remaining balance is given to the prisoner upon release or when they have an exit permit. has been completed or if they are temporally released.

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Some organizations, most of them religious, provide clothing or food.

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## THE EXPRESSION OF INMATES

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Inmates can make an individual request to penitentiary administration.

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Inmates has the right to vote.

The exercise of the right to vote is real. Booths are set up in prisons. Inmates are asked

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whether they wish to vote or not. Only people imprisoned for serious crimes may be deprived of their civil rights.

The participation rate was 65.3% in the second round of the presidential election in 2010.

Inmates are not allowed to form associations.

The administration is the only one allowed to express itself on the detention conditions in the media.

At Bydgoszcz, Lublin and Warsaw-Mokotów Remand Prisons, an internal radio system transmits music and even a program produced by inmates.

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**COLLECTIVE PROTEST MOVEMENTS** \_

Protest movements has not been recorded in the last year.

Change in number of  
protest movements  
compared to the previous **not**  
year **available**



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## HEALTH

### THE ORGANISATION OF THE HEALTH CARE

The Ministry in charge of the health system within the prison facilities is the Ministry of Justice.

The global budget of the prison administration does not distinguish the means allocated to the health-care system.

There is a nurse or a care unit in every prison facility.

Each prison has a care unit and a dental service. The presence of health-care staff is not always insured at night. The emergency services are called in case of need. According to the CPT, the number of full-time nurses and care staff is insufficient <sup>1</sup>.

All the levels of care are provided: primary, secondary and tertiary. There are 13 hospitals for the prisoners and 37 specialized wards. The national ratio of 13 beds per 1,000 prisoners (two times the ratio for the rest of the population).

There is no case reported where medical staff is replaced or assisted by inmates or prison staff. When the medical staff is not available, the officers call the emergency services.

Health-care professionals are usually unqualified for the responsibilities they receive. Inmates complain about the superficiality of the exams and the quality of the treatment prescribed.

The CPT has a positive input on the therapeutic unit in Strzelce Opolskie. The unit has a capacity of 64 people. The medical staff includes two psychologists, a therapist and an educator. Inmates can enjoy a large range of activities and individual therapies <sup>2</sup>.

### ACCESS TO HEALTH CARE

A medical examination is performed at the entry into detention.

The first appointment is a medical interview and a physical examination. The interview and the examination must be concluded within three days after the arrival of the inmates. Within 14 days, the inmate must have access to dental care and a radiological examination, which must be performed every two years <sup>3</sup>.

The CPT notices that the medical examination at the entrance is superficial. The examination is usually limited to few general questions without full physical examination.

The deadline of three days is often missed. Several prisoners have to wait from few days to a week to proceed to the examination. According to the minors interviewed by the CPT, the medical examination at the entrance for juveniles is also superficial and delayed <sup>4</sup>.

Access to health care is not charged.

Access to an infirmary is provided following both oral and written.

Medical confidentiality is respected and guaranteed in most cases, except for 'high-risk' prisoners.

The respect of the medical secret is guaranteed for most prisoners. However, there are still complaints on its violation. In general, the medical examinations take place without the presence of a custodial officer, unless the doctor requests it. A custodial officer accompanies high-risk prisoners <sup>5</sup>.

Twenty medical appointments per year must be insured for each inmate, including three dentist consultations.

In case of medical emergencies, if the inmate cannot be transferred to a prison hospital, he/she must be transferred to a health centre outside the prison. Emergency services can treat inmates.

Medicines are provided for free by an authorized member of the administration.

<sup>1</sup>- European Committee for the Prevention of Torture, "Report to the Polish Government on the visit to Poland from 11 to 22 May 2017", 2018, pp.35-36.

<sup>2</sup>- European Committee for the Prevention of Torture, *op. cit.*, pp.35-36.

<sup>3</sup>- Helsinki Foundation for Human Rights, "Improving Prison Conditions by Strengthening the Monitoring of HIV, HCV, TB and Harm Reduction", 2015, p.38.

<sup>4</sup>- European Committee for the Prevention of Torture, *op. cit.*, p. 37-44.

<sup>5</sup>- Commissioner for Human Rights, "MNP Annual Report 2016", 2017, pp.39-163.



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In 2015, the Helsinki Foundation for Human Rights pointed again the lack of specialized treatment. A person suffering from HIV/Aids denounced that the administration was not providing the antiretroviral medication he needed.

According to the regulation, an intimate can be transferred to a general hospital (at his/her expense) when the prison hospital is unable to treat her/him. This measure, however, is not put into practice.

The average waiting time to see a specialist is 90 days, to see a doctor it is 14 days.

Inmates notice that their health problems are usually treated with basic medication. Cases of ill-treated hepatitis C patients were identified.

In 2016, the Commissioner for Human Rights considered one of the main issues of the prison healthcare system was the lack of doctors. The lack of medical personnel and specialists is felt particularly in the pre-trial detention centres and in solitary confinement. The problem tends to increase during medical staff vacations (summertime).

Prisoners sometimes do not have access to the care they need, because the treatment is not available at the prison hospital or is too expensive. [According to the Helsinki Foundation](#), an inmate almost went blind of one eye from negligence in healthcare by the prison administration. An inmate with schizophrenia did not receive appropriate treatment because the administration claimed that he was simulating his illness.

The consent to be treated outside the prison, mostly needed to access a specialist or an expensive treatment, is difficult to obtain.

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## **SOMATIC CARE**

The most common diseases are hepatitis C, tuberculosis and HIV/Aids.

4,000 detainees are screened annually by prison health services for HIV/Aids. On average, 4% of the results are positive. However, it is likely that inmates hide a possible HIV status. 30 to 50 new infections are detected each year.

Between 8,500 and 9,000 tests for hepatitis C are performed annually. An average of 900 samples are positive.

Each year, 400 cases of tuberculosis are detected. The medical admission procedure includes the screening for tuberculosis <sup>6</sup>.

Preventive measures for epidemic or communicable diseases are implemented on the recommendation of a doctor.

In some prisons, the absence of washbasins in sanitary facilities is a factor favouring the transmission of epidemic diseases between inmates <sup>7</sup>.

In July 2013, an outbreak of salmonellosis in Barczewo prison was well managed by the prison administration, which ensured the isolation of each infected person. Linens and common areas were washed more regularly <sup>8</sup>.

The authorities do not seem to be interested in preventing HIV/Aids, for example by increasing the number of condoms available to prisoners. The inmates have an insufficient knowledge of the disease and the causes of the infection. A prisoner infected with HIV testified in 2015 that he did not receive proper treatment when he arrived, and his wife had to bring him the necessary medicine <sup>9</sup>.

Prisoners with HIV/Aids are allowed to stay alone in their cell. All staff receives training on basic information on HIV/Aids, its causes, prevention and treatments. Screening and treatment of sexually transmitted diseases are compulsory.

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## | PSYCHIATRIC CARE \_

Percentage of inmates with mental illnesses **not available**

Psychiatric care in prison is under the supervision of the Ministry of Justice. The quality of the care is considered to be deficient.

The CPT notes that there are no activities proposed, particularly in the Warsaw-Mokotów Prison.

The psychological assistance of inmates is hindered by the lack of psychologists. According to the Commissioner for Human Rights, prisons should have a full-time psychologist for 200 inmates. Some psychologists take care of 276.5 prisoners. Limited budgets and psychologist's long-term sick leaves aggravated the situation <sup>10</sup>.

Several thousand inmates suffering mental disorders are placed in specialized institutions, under the responsibility of the Ministry of Justice.

It is possible, however, that some people with psychiatric disorders are placed in unsuitable units.

Supervisors and medical staff working in specialized units are trained to take care of people with mental disorders. The Commissioner for Human Rights advocates for a better training for these professionals. Inmates with mental disorders can sometimes be monitored by non-psychiatry specialists.

In the Warsaw-Mokotów Prison, inmates are kept attached for an average of 12 hours. The CPT recommends no longer than six hours.

Inmates with addictions benefit from seven different specific programmes. Methadone is the most common treatment. These programs require daily visits to the infirmary and prisoners are often unable to work. There are also awareness campaigns to combat addiction to drugs and to reduce the effects of tobacco.

There are 31 units for people with alcohol-related disorders and 15 for drug addiction. Inmates are monitored for a period from three to six months. They participate in meetings where they learn to fight against the mechanisms of addiction and develop their motivation to maintain abstinence.

Methadone programmes are available in all establishments visited by the CPT in 2017. However, the Committee observes that harm reduction (e.g. needle exchange programmes) or preventive measures (e.g. condoms supply) are still not introduced, despite its previous recommendations <sup>11</sup>.

<sup>10</sup>- Commissioner for Human Rights, *op. cit.*, 2017, pp. 30-48.

<sup>11</sup>- European Committee for the Prevention of Torture, *op. cit.*, 2018, p.38.

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## SECURITY

### | SECURITY MEANS \_

Security functions are fulfilled by the penitentiary administration.

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The penitentiary facilities have blocks or cells with high security level.

Inmates classified as "N" are considered particularly dangerous. They may be placed in high security districts. In March 2017, 114 detainees were classified as "N"<sup>1</sup>.

Video surveillance can be used inside the cell 24 hours a day. The cell may be searched, even in the absence of the inmate. A strip search is conducted each time the prisoners leaves or returns to his cell. Strip searches are carried out by persons of the same sex. "N" status prisoners are not allowed to wear their own clothes.

The CPT reports an obstruction of the cell's windows of the high security district in the prisons of Bydgoszcz and Lublin.

"N" status prisoners cannot participate in cultural, educational and sports activities. They are not either allowed to read books or the press. They cannot participate in religious meetings or work, unless the facilities required are available in the district where the inmate is placed, in which way he does not have to leave the high security area.

"N" status prisoners can practice one hour of physical exercise a day. They can go to a common room (which is equipped with tennis table, DVD players, apartment bicycles) on a limited extend:

- Four times a week in the Lublin prison
- Two times a week in the Warsaw-Mokotów prison
- No access in Bydgoszcz Prison

They are allowed to take a shower once a week.

Some "N" status prisoners are handcuffed when they leave their cell.

---

The guards carry non-lethal weapons (e.g. tasers, tear gas, etc.).

The use of the non-lethal weapons is particularly constrained. They are thus authorized at the guardhouse level, at the entrance and in areas devoted to the security of the establishment.

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Searches are carried out in the following ways:

- pat-down
- naked cavity search

The Minister of Justice's regulation of the 17 October 2016 prohibits the practice of naked strip-search.

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Relatives are searched in the following ways:

- pat-down
  - other: metal detector
- 

Some professionals entering the prison may be subjected to the metal detector. Their belongings may also be checked.

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Searches of inmates are not filmed.

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The strip searches are not carried out by doctor. A prison officer is authorized to carry out strips searches.

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Staff performing searches are clearly identifiable.

In all cases, prison officers must wear, in a visible form, a badge indicating their identity.

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In accordance with the Act on coercive measures, handcuffs and shackles might be used

<sup>1</sup>- Helsinki Foundation for Human Rights, "Report on the Human Rights of Persons Deprived of Liberty", 2017, p.15.

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for movement inside the prison; e.g. to protect internal order and security. Shackles might be used against aggressive inmates (art. 15).

—  
Inmates are subjected to a superficial search before leaving the cell and returning to it and before leaving the workplace and returning to it (§ 70 of the Regulation on methods to protect penitentiary units).

—  
“N” status prisoners are subjected to a body search before leaving the cell and returning to it (art. 88b-1 Penal Executive Code).

—  
The Commissioner for Human Rights received a considerable amount of complaints regarding this issue. Inmates complain that a mess is left after cells are searched: their things are mixed up, food and personal objects are thrown to the floor.

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## **INCIDENTS**

246 escapes occurred in the last year (2017).

In 2017, 255 prisoners participated in the 246 escapes. All escapes occurred in the workplaces outside the prison facilities.

—  
Any riots are not occurred in the last year.

—  
Two fires occurred in the last year (2017).

—  
A fire brigade intervenes when the severity of a fire impacts on the restoration of order.

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## DISCIPLINE

### | THE DISCIPLINARY REGIME \_

Disciplinary offences are investigated.

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The imposition of a disciplinary sanction is subject to adversarial debate.

Disciplinary sanctions should be subject to contradictory debate. In reality, prisoners are not systematically heard before imposing a disciplinary sanction. They do not systematically receive a copy of the disciplinary decision <sup>1</sup>.

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Inmates have not the right to be assisted by a lawyer.

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Prisoners can appeal against an abusive sanction.

A detainee can appeal to a prison court to challenge a sanction, but these remedies are usually ineffective.

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Disciplinary sanctions can not be collective.

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### | SOLITARY CONFINEMENT \_

An inmate can be placed in solitary confinement for punishment.

Solitary confinement is still broadly imposed. It was used 23 times, from January to May 2017, in Warsaw-Bialoleka Remand Prison (up to 14 days). It was also used 22 times from January to May 2017 in Warsaw-Sluzewiec Remand Prison (up to 28 days) <sup>2</sup>.

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Minors can be placed in solitary confinement.

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Radicalised inmates are not isolated.

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The decision to impose solitary confinement is made by the warden of the facility. The implementation of solitary confinement must also be approved by a doctor. The CPT notes that this condition has a negative impact on the doctor-patient relationship and is unethical <sup>3</sup>.

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The decision to place a prisoner in solitary confinement is subject to adversarial debate.

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The length of solitary confinement is limited to 28 days.

Renewal is not possible.

The legally period of 28 days is considered to be excessive by the CPT.

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The length of solitary confinement is respected in practice.

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Inmates can ask for a re-examination of the situation.

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The right for phone calls is removed .

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Solitary confinement cells are equipped with basic items (bed, table, chair). Windows are secured with additional grating. Very often, toilets are not separated from the rest of the cell. Usually they are in worst conditions than regular living cell.

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Inmates spend 23 hours per day inside their cells and only one hour of courtyard.

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In accordance with the article 143-3 of the Penal Executive Code, prisoners in solitary confinement cannot participate in cultural and educational activities.

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In accordance with the article 143-3 of the Penal Executive Code, prisoners in solitary confinement cannot receive visits.

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## CONTACT WITH THE OUTSIDE WORLD

### | VISITS \_

All inmates have the right to receive visits, except for those placed in solitary confinement for serious misconduct.

Prisoners awaiting trial have very limited access to visits. Visits must be authorized by a judge and they take place in a cabin, through a plexi-glass.

Visits are restricted to two times one-hour per month for "N" status prisoners (classified as high-risk). The CPT recommends at least one-hours per week for all prisoners <sup>1</sup>.

Some inmates expressed their concern to a CPT delegation about not being able to visit a relative who was executing a sentence in a different block of the same facility.

There is no information about the time it takes to obtain permission for a visit permission. There are no particular complaints concerning the delay to obtain a visiting permit. However, there is no booking system and visitors must queue for long hours before they can see their love ones.

Persons authorised to visit are family members and friends. An authorisation from the director is needed for visitors who are not relatives.

Children can be present during visits, with special requirements provided.

Conjugal visits are authorised.

There are no specific indications on the requirements needed to grant a conjugal visit. It depends on the opinion of the prison director.

There are visiting rooms with separation devices.

Prison directors grant the visiting permits. For untried prisoners, the court or the prosecutor must authorize them. Additional visits are sometimes refused.

"N" status prisoners have to speak with their relatives through a telephone. Conversations are listened to by guards.

Longer, more private or unsupervised visits are granted as a reward but not all prisons have adequate facilities <sup>2</sup>.

In open prisons, visits are not subject to supervision by the staff.

Biala Podlaska prison does not guarantee any confidentiality to foreigners during visits (one glazed wall, presence of an officer in the corridor, video surveillance). Obtaining a visiting permit is very difficult because the direction of the centre does not have a statutory authority on foreigner's rights implementation.

Visits last one hour.

Frequency according to the type of prison:

- Low security: no limitation of visits
  - Medium security: three visits per month. The warden has the power to suspend them.
  - High security: two visits per month. The warden has the power to suspend them.
- Inmates with children or under the age of 21 are allowed an additional visit.

Visitors can bring food parcels of no more than 5kg.

There is no legal provision that regulates this matter. In practice, the prison administration makes sure prisoners are assigned to a facility located near to his place of living, especially for those with children.

For information related to searches of visitors see the section on **'Security'**.

<sup>1</sup>- European Committee for the Prevention of Torture, "Report to the Polish Government on the visit from 11 to 22 May 2017", 2018, p.40.

<sup>2</sup>- European Prison Observatory, "Prison conditions in Poland", 2013, p.23.

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## **CORRESPONDENCE AND PHONE CALLS**

Correspondence is authorised.

If the inmate cannot afford the costs of correspondence, the prison administration can provide enough to send letters (paragraph 18, chapter 5 of the regulations of the Ministry of Justice).

Correspondence is subject to censorship.

Correspondence is systematically censored in closed units. Censorship can sometimes be carried out in the semi-open units. Correspondence is never censored only in open units.

According to internal regulations, correspondence can be received in a sealed envelope. Correspondence with the Commissioner for Human Rights and lawyers cannot be censored.

The receipt of parcels is allowed, but there are some restrictions.

The Polish Commissioner for Human Rights noted irregularities in the distribution of packages in 2016.

Inmates can receive food packages once a month. They cannot keep in their cell more than 6kg and 8 litres of food products (paragraph 13, chapter 4 of the regulations of the Ministry of Justice).

They can also receive, with the director approval, packages that contains the necessary clothes, linens, shoes as well as other objects for personal use and hygienic products.

Phone calls are authorised.

Remand prisoners must request an authorization from a judge or a prosecutor in order to make phone calls. Restrictions can last several months in some cases. Once they are authorized, remand prisoners are granted one 5-minutes call per day<sup>3</sup>.

The cost of phone calls is in line with market prices.

The prices vary depending on the company which provides prison with telephones. The Commissioner for Human Rights receive a considerable number of complaints related to the high cost of phone calls in some facilities. There is also a problem with getting a call at the expense of the person answering the telephone.

Phones calls can be wiretapped.

The use of cell phones is not authorised.

Inmates and their correspondents have access to video calls.

Inmates can communicate via the internet and videoconference with their families and friends. This device is in particular set up for foreign people.

E-mailing is possible while using internet. This provision is primarily used by foreigners to communicate with their relatives and friends.

Restrictions may vary depending on the prison. Some prisons allow only five-minute calls. Sentenced inmates may use, at their own expense, pre-paid telephones on the days and hours specified in the internal regulations.

No time limit is provided for calls related to the conviction of the person.

Telephones are placed in the corridors.

The right to make phone calls can be revoked as a disciplinary sanction.

*For information related to confidential exchange with lawyers see the section on '[Access to legal rights](#)'.*

*For information related to phone calls abroad see the section on '[Foreigners](#)'.*

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## SENTENCE ADJUSTMENT POLICIES

A penalty adjustment system has been implemented.

Number of persons serving non-custodial sentences	<b>61,720</b> <b>community work sentences</b>	<b>55.4%</b>
	<b>98,776 fines</b>	

*Date: 2016*  
*Source: Central Council of Penitentiary Services - Bureau of Information and Statistics*

The sentence can be adjusted as soon as it is pronounced (ab initio).

Penalty adjustments can be made during ongoing sentences.

Polish law allows to apply for conditional release from serving part of the penalty of deprivation of liberty. As stated in the Penal Code (art. 77), a convicted person may be conditionally released after having served at least half of the sentence, but in some cases this requirement may be aggravated.

There is no information about some categories of inmates have no access to sentences adjustments.

In case of refusal of sentence adjustment, the inmate can contest this decision. The prisoner can always appeal the court's decision. A parole can be reapplied after three or six months.

Special exit permits exist.

In medium security (semi-open) prisons, inmates can obtain permissions every two months for a period not exceeding 14 days during the year.

In low security (open) prisons, inmates can theoretically obtain permission every month for a period not exceeding 28 days a year.

Number of inmates eligible to presidential pardon or amnesty in the last year	<b>21</b>
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*Date: 2017*  
*Source: Polish President official website.*

A prisoner can be conditionally released only if the court estimates the person will not commit a crime again. The court shall take into account:

- the attitude of the applicant
- personal conditions
- the circumstances of the offence

Behaviour after committing the offence and while serving a sentence :

- the convict who has been re-offended can be conditionally released after serving two thirds of the sentence,
- a convicted person who has been reoffended may be conditionally released after serving three quarters of the sentence,

The penitentiary court, which is a department of the common Regional Court, is the authority competent to grant paroles.

According to article 153 -1 in connection with article 150 -1 of penal executive code, the court may give a break in imprisonment due to serious illness.

For information related to penalty adjustment and disciplinary sanctions see the section on **Disciplinary sanctions**.



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## ACCESS TO LEGAL RIGHTS

### | LEGAL DEFENCE \_

Not all persons prosecuted for a criminal offence have access to a lawyer because legal representation at the hearings is not mandatory.

The legal profession is under-represented leading to the dissatisfaction of all needs. In particular, the number of lawyers is insufficient in small towns, and for people in pre-trial detention. To illustrate this difficulty, it is noted that in large cities, where the legal assistance is more common, only one-third of the inmates are defended by a lawyer <sup>1</sup>.

This de facto limitations of the right to access to a lawyer are not subject to remedy in the Code of Criminal Procedure <sup>2</sup>.

An accused person has the right to prepare his/her defence with his/her lawyer before the trial.

The presence of the lawyer is not mandatory during the interrogations.

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### | GUARANTEES \_

Inmates receive a copy of the internal prison rules. A copy of the internal prison rules is available in each cell.

The internal prison rules are translated for foreign inmates.

The Ministry of Justice's website publishes [a guide explaining the rights of prisoners](#). This document is available in 26 languages. However, this guide is not adapted to specific needs: elderly persons, people with disabilities, etc.

Prisoners have access to a legal aid centre.

Inmates have the possibility to consult some websites in order to obtain information on their rights. The accessible sites are selected by the prison administration. Foreign inmates have access to a specific guide.

The confidentiality of exchanges or visits between an inmate and their lawyer always is guaranteed.

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### | COMPLAINTS \_

Number of complaints registered in the last year

**38,244 complaints, including 6,675 regarding health care (17.5%)**

**422 considered as justified complaints**

*Date: : 2015  
Source: Helsinki Foundation for Human Rights, «Improving Prison Conditions by Strengthening the Monitoring of HIV, HCV, TB and Harm Reduction», 2015.*

Change in number of complaints compared to the previous year

**not available**

Inmates can file complaints against the penitentiary administration. The most recurring reasons of complaints are: living conditions, ill-treatment, and health care.

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A complaint must include a justification and satisfy formal requirements <sup>3</sup>.

Complaints and requests containing: vulgar words (familiarily swearing), insulting words and slang, based on circumstances and events already repeated, previously explained and lacking motivation motions for their review may not be examined <sup>4</sup>.

The prison internal rules define the modalities and the administration body dealing with complaints.

Complaints and requests are reviewed without undue delay, no later than 14 days after the notification of receipt. This period may be extended in justified cases.

The Regulation of the Minister of Justice, from 13 August 2003 on the modalities for the examination of applications and complaints of untried prisoners and detainees (OJ 2013, 647), constitute the specific provisions in this matter.

Complaints are handled by:

- The prison director, if the complaint is addressed directly to him concerning the conduction of an official or an employee or transfer issues
- The Regional Director of Penitentiary Services, if the complaint concerns the activity of an establishment under its supervision
- The Director General of Penitentiary Services or a person designated by him/her, if the complaint concerns the activity of the Regional Directorate of Prison Services
- The Minister of Justice or the person designated by him/her, if the complaint concerns the activity of the Central Directorate of Prison Services

Inmates have the right to lodge a complaint with a prison judge against the decisions of the prison governor or the Director of Penitentiary Services (general and regional).

Prisoners can also file a complaint with the European Court of Human Rights and the Human Rights Committee in Geneva.

Despites the many possibilities to address their complains, inmates do not have remedies that are effective enough for the breaches of their detention conditions.

### | NATIONAL PREVENTIVE MECHANISM (NPM) AND OTHER MONITORING BODIES \_

Optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is:

- signed: 1986
- ratify: 2005

The national prevention mechanism (NPM) has been established in 2008.

The name of the NPM is the Commissioner for Human Rights.

The NPM comes into office in 2008.

The NPM is composed by an individual body.

The NPM is independent from the Ministry in charge of the penitentiary system. The main constraint of the Commissioner for Human Rights is financial. The budget has decreased in recent years: from 37 million PLN in 2015 to 35 million PLN in 2016.

The specific budget allocated to the NPM in 2016 was 2,361,864 PNL (550,110 €). The budget is no longer sufficient to finance the committee of experts set up in 2016. While 121 visits were carried out in 2015, there were 85 in 2016 <sup>5</sup>.

There is no information about the renewable of the term of office. The term of office is not revocable.

The NPM is appointed by the ombudsman.

<sup>3</sup>- Helsinki Foundation for Human Rights, "Report on the Human Rights of Persons Deprived of Liberty", 2017, p.17.

<sup>4</sup>- Polish Penitentiary Administration, "Prisoner Guide", 2017, p. 12.

<sup>5</sup>- European Committee for the Prevention of Torture, op. cit., 2018, pp.10-11.

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Number of visits made by the NPM in the last year **76**

*Date: 2017  
Source: Commissioner for Human Rights*

Change in number of visits of the NPM in compared to the previous year **decrease of 10.6%**

*There were 85 visits in 2016.*

*Date: 2017  
Source: Commissioner for Human Rights*

—  
The NPM can make unannounced visits.

—  
Confidentiality in communication between inmates and the NPM is guaranteed.

—  
There are not some facilities or blocks that cannot be monitored by the NPM.

—  
The NMP reports are published.

—  
The recommendations are not made by the NPM mandatory/binding.

—  
The Subcommittee for the Prevention of Torture (SPT) has not already visited the country. A visit has been scheduled for June 2018.

—  
A regional body monitors places of deprivation of liberty, are their reports published. To browse through the reports published by the CPT following its visits to Poland, go [here](#).

—  
The follow-up of the implementation of a recommendation is mainly done by written letters. In this way, the Commissioner for Human Rights communicates directly with the institution concerned. A second visit is sometimes organised to verify the fulfilment of the recommendation.

—  
The ultimate supervisory authority is the Supreme Audit Office. It is an independent entity controlling public expenditure. This institution has the ability to visit prisons. In 2011, this Supreme Court conducted an investigation on the medical services provided by prison.

—  
Prisons are placed under the supervision of penitentiary judges. According to article 32-36 of the Code of Execution of Penalties Penitentiary, the prison judge may access any prison at any time. In practice, penitentiary judges visit prisons at most once a year

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## FOR MORE IN-DEPTH INFORMATION

### | KEY WEBSITES \_

- [Central Board of the Prison Service](#)
- [Commissioner for Human Rights](#)
- [Helsinki Foundation for Human Rights](#)

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### | REPORTS \_

- British Embassy Warsaw, "[Information Pack for British Nationals Imprisoned in Poland](#)", 2015.
- Commissioner for Human Rights, "[MNP Annual report 2015](#)", 2016.
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- European Committee for the Prevention of Torture, "[Report to the Polish Government on the visit to Poland carried from 11 to 22 May 2017](#)", 2018.
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- Helsinki Foundation for Human Rights, "[The Practice of pre-trial detention in Poland – Research report](#)", 2015.
- Polish Penitentiary Administration, "[Prisoner Guide](#)", 2017.
- SPACE, "[SPACE | 2016, Facts and Numbers](#)", 2018.
- United Nations General Assembly, "[National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Poland](#)", 2017.

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### | ECtHR JUDGEMENTS \_

- [Al Nashiri v. Poland](#), 24 July 2014.
- [Horych v. Poland](#), 17 April 2012.
- [Husayn \(ABU ZUBAYDAH\) v. Poland](#), 24 July 2014.
- [Jakóbski v. Poland](#), 7 December 2010.
- [Kauczor v. Poland](#), 3 February 2009. (in Polish)
- [Orchowski v. Poland](#), 22 October 2009.
- [Pugżyls v. Poland](#), 14 September 2016. (in Polish)
- [Sikorski v. Poland](#), 22 January 2010. (in Polish)
- [Szafranski v. Poland](#), 15 December 2015.



# Poland

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