Ministry
of Foreign Affairs
Department of the United
Nations and Human Rights

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With reference to the Call for Submissions of Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the report on the impact of the thematic reports presented by Special Rapporteur, to be presented at the seventy-ninth session of the United Nations Human Rights Council, Poland would like to present its responses to the questionnaire below.

I. Report of extra-custodial use of force

1. How relevant was the report to the national context?

Poland has signed the international law acts mentioned in the Report, the provisions included in these acts have already been adopted into national law.

2. What impact, if any, did the recommendations included in the report have (providing examples):

Taking into consideration that the obligations and prohibitions related to the use of coercive measures outside of detention facilities grounded in the abovementioned international law acts were already implemented into the Polish law, it should be noted that the general content of these recommendations is already recognized. However, due to the existing need for constant improvement of the quality and transparency of the performed tasks and due to technological progress, innovative solutions are being implemented which allow the officers' every day duty to be thoroughly monitored and assessed for potential misconducts. A good example of improving standards is the continuous implementation of individual body cams worn by officers during their shifts. The material recorded by these body cams provides a detailed record of the officer's actions as well as the actions of citizens at the scene.

The first trials of police body cams were held in 2015. More body cams have been purchased since 2017. Since there are around 100 000 officers in the Polish Police, out of which 20 000 are field officers who perform patrol duty, gradually equipping the officers with body cams is one of key elements of the modernization process of the force, funded solely by the agency's own budget.

III. Global impact analysis of the thematic reports presented by the Special Rapporteur (2016-2021)

1. How relevant was the report to the national context?

The Special Rapporteur's Report has had a significant impact on the internal activities of the Police force when it comes to preventing torture and combating its manifestations among police officers.

2.What impact, if any, did the recommendations included in the report have (providing examples):

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c) Numerous mechanisms have been developed by the Police in order to combat and prevent torture, the example of which is the work of the Police Internal Affairs Bureau and control units in the field of investigating cases of incidents involving torture. Educational activities are carried out as well both in police schools and in police units. Additionally, a network of Police plenipotentiaries for human rights protection was also established. These officers conduct educational and informational activities. The plenipotentiaries act according to the National Mechanism for Prevention of Torture which operates in the Office of the Commissioner for Human Rights. A Human Rights Protection Plan has been developed for the Police. The plan also focuses on anti-torture education. An expert training called Counteracting Torture in the Police has been adopted as well. Within the framework of the program all police officers are familiarized with the subject of torture. Cooperation with other entities and agencies is continuously maintained, e.g. the Museum of the History of Polish Jews in Warsaw. The cooperation focuses on training. A publication about the protection of human rights titled "Human First" was developed. The recommendations included in the Report are currently implemented.

d) The developed disciplinary solutions significantly counteract aggression and other manifestations of inhuman treatment among police officers. The police do not investigate cases of alleged torture involving police officers. Investigations are carried out by an independent prosecutor's office. In other words, the police do not serve as judges in their own cases. The recommendations of the Report are being implemented.

V. Relevance of the prohibition of the torture and ill-treatment to the context of domestic violence

1. How relevant was the report to the national context?

Poland has signed the international law acts mentioned in the report in question, the provisions included in these acts have already been adopted into national law.

2. What impact, if any, did the recommendations included in the report have (providing examples):

Taking into consideration that the recommendations related to preventing domestic abuse, resulting from the abovementioned international law acts, were previously implemented into the Polish law, it should be noted that the general content of these recommendations is already recognized.

In Poland, the main tool used in combating domestic abuse is called "Niebieska Karta" (the Blue Card). This procedure, regulated by Act on preventing domestic abuse from 29 July 2005, features a range of activities initiated and carried out by social service workers, community committees for solving alcohol-related problems, the Police, school system workers, healthcare workers, whenever there is reasonable suspicion that domestic abuse is present in a given family. At the same time, the Police, apart from the abovementioned authorities, bear the legal responsibility to prevent domestic violence.

It is also worth noting that in November 2020 the Polish police officers were granted the authority to temporarily evict an individual suspected of domestic abuse within the meaning of the Act on preventing domestic abuse. In this regard, the police officer has legal power, proportionately to circumstances, to issue a suspected domestic abuse offender with a warrant which forces him to immediately vacate the premises of the commonly occupied household or issue a restraining order against that offender which prevents him from coming into close vicinity of the household for the duration of 14 days.

When discussing statistical data in relation to domestic violence it should be noted that the Prevention Bureau of the National Police HQ in Warsaw collects all data, for statistical purposes, concerning activities initiated by Police officers in domestic abuse cases whenever the "Blue Card" procedure was used, based on legal regulations included in the Order 37 of the Commander-in-Chief on the Polish National Police from 6 February 2017 on methods and forms of accounting and reporting in the Police.

The abovementioned data contains:

- the number of "Blue Card – A" survey cards filled out by officers, divided into categories according to cards that require the initiation of the procedure and cards that were filled out when the procedure was already in motion and cards containing the place of residence of a person who may have become a victim of domestic abuse (village, city);
- number of people who may have become a victim of domestic abuse according to their sex (female, male, underage: girls, boys) and according to their age (up to 65 years old and above 65 years old);
- number of people who are suspected of domestic violence according to their sex (female, male, underage: girls, boys);
- number of people arrested on suspicion of using domestic violence according to their sex (female, male, underage: girls, boys);
- number of people who are suspected of domestic violence and under the influence of alcohol according to their sex (female, male, underage: girls, boys) including:

a) intoxicated offenders taken into police custody and placed in drunk-tanks or other sobering-up centers,

b) intoxicated offenders taken into police custody and placed in a police detention center or intoxicated offender placed in police custody suites in order to sober up,

- number of children placed under the care of an non co-residing adult, in a foster family or in an educational care facility/foster care center;
- number of cases involving specific types of domestic violence according to its type: psychological violence, physical violence, sexual violence, economic violence and other type of violence;
- number of different types of assistance provided to a person who is considered to be a victim of domestic violence.

VII. Biopsychosocial factors conducive to torture and ill-treatment

1. How relevant was the report to the national context?

The Special Rapporteur's Report has had a significant impact on the Police's internal efforts to prevent torture. The answer to further questions can be found in Div. III. (c and d). The recommendations contained in the Report are being implemented.

VIII. Effectiveness of the cooperation of States with the mandate holder on official communications and requests for country visits

1. How relevant was the report to the national context?

The Special Rapporteur's Report has had a significant impact on the Police's internal efforts to prevent torture, the Polish Police force is open for cooperation with the Special Rapporteur. The recommendations contained in the Report are being implemented by the Police.

Additionally, Poland would like to offer more thematic input, regarding law and practice of combating torture, and other cruel, inhuman or degrading treatment or punishment. The information falls outside of the scope of the questionnaire, however, Mr. Special Rapporteur might find it useful.

In the light of Article 1(1) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Polish Journal of Laws — Dz.U.1989.63.378; hereinafter the 'Convention'), 'torture' means: 'any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.'

The Special Rapporteur on Torture's report *Torture and other cruel, inhuman or degrading treatment or punishment* (20 March 2020, A/HRC/43/49) distinguished and defined 'psychological torture' as: 'all methods, techniques and circumstances which are intended or designed to purposefully inflict severe mental pain or suffering without using the conduit or effect of severe physical pain or suffering,' and 'physical torture' as: 'all methods, techniques and environments intended or designed to purposefully inflict severe physical pain or suffering, regardless of the parallel infliction of mental pain or suffering.'

Polish Criminal Code (Act of 6 June 1997 — Criminal Code, Dz.U.2020.1444, as amended, hereinafter 'CC') gives no definition of torture [the lawmaker does, however, employ this term but only in Chapter XVI 'Crimes against peace or humanity and war crimes' — see Article 118a(2) CC (attack directed against a group of people) and Article 123(2) CC (attack against persons in violation of international law)].

Nevertheless, the Criminal Code contains numerous provisions on the basis of which conduct of this type (containing elements of torture) may be prosecuted and punished. We can distinguish two groups of such provisions. The first group includes provisions directly classifying the various behaviours showing elements of torture. These include primarily Article 189(1, 2, 2a and 3) CC (unlawful imprisonment), Article 190(1) CC (criminal threat), Article 191(1, 1a and 2) CC (extortion), Article 197(1, 2, 3 and 4) CC (rape), Article 199(1, 2 and 3) CC (procuring sexual intercourse or engaging in some other sexual activity through the abuse of dependence), Article 207(1, 1a, 2 and 3) CC (abuse), Article 231(1 and 2) CC (excess of powers or failure of duty by a public official), Article 245 CC (use of violence or

unlawful threat to influence a witness, expert, translator, prosecutor or defendant), Article 246 CC (abuse by a public official or a person acting on a public official's instruction, for the purpose of obtaining specific testimony, explanation, information or statement), Article 247 CC (abuse of a person in custody), Article 352 CC (abuse of a subordinate by a member of the military). In this context it is also worth noting that 'inhumane treatment degrading to the dignity of persons in custody' is expressly provided as an example of breach of military discipline by a Prison Service officer (Article 230(3)(3) of the Act of 9 April 2010, Dz.U.2021.1064, as amended).

Examples of the second group of provisions defining the consequences of conduct as torture are Article 148 CC (homicide), Article 156 CC (grave injury to health), Article 157 CC (injury to health other than grave).

Here, it must be underscored that abuse can take either a physical or a mental form. Similarly, the Article 157 can take the form of causing a lasting mental disease.

When analysing the question of the use of torture, we must not forget that Polish Code of Criminal Procedure identifies illicit methods of interrogation. In the light of Article 171(5) of the Code of Criminal Procedure (Act of 6 June 1997 — Code of Criminal Procedure, Dz.U.2021.534, as amended; hereinafter 'CCP'), the following are not permissible:

1. influencing the interrogated person's statements by force or unlawful threat;

2. use of hypnosis or chemical or technical agents affecting the mental processes of the interrogated person or intended to control the unconscious reactions of such person's organism in connection with the interrogation.

As a final note in the discussion of the criminalization in Polish criminal law of the conduct the Convention defines as torture, it is necessary to emphasize that all such sets of facts as the Convention definition refers to are criminalized under Polish criminal law. The Republic of Poland has implemented the UN-recommended (Special Rapporteur's report *Torture and other cruel, inhuman or degrading treatment or punishment*, 16 January 2019, A/HRC/40/59) rigorous policy of zero tolerance both for corruption and for torture or ill-treatment in across all branches and tiers of public governance. The report concerns itself primarily with 'corruption linked to torture', i.e. such abuses and excesses of powers by officials that take the form of torture or ill-treatment. The provisions criminalizing such types of conduct are listed above.

The Republic of Poland has also undertaken legislative means with a view to the criminalization and prevention of domestic violence or and to the strengthening of the victims' position so that they could resist or escape such violence, including without limitation restraining orders, as mentioned in the *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence* (12 July 2019, A/74/148).

It must be emphasized that Polish Code of Criminal Procedure already provides for special measures whenever necessary to interrogate a victim or witness (especially underage) in proceedings involving violence (especially sexual violence). In cases of crimes committed with the use of violence or unlawful threat or defined in Chapters XXIII (Crimes against liberty), XXV (Crimes against sexual freedom and morality) and XXVI (Crimes against the family and custody) of the Criminal Code a victim below the age

of 15 as at the time of interrogation shall be interrogated as a witness only when his or her testimony can be material to the outcome of the case and only once, unless such material circumstances come to light, the explanation of which requires a new interrogation, or unless demanded by a defendant not having had defence counsel as at the time of the victim's first interrogation (Article 185a(1) CCP). The interrogation is carried out by the court in a hearing attended by an expert psychologist without delay, though no later than 14 days of the receipt of the motion (Article 185(2) CCP). During the main hearing the audio-visual record of the interrogation is played out and the transcript is read (Article 185(3) CCP). In cases of crimes set out in § 1, an underage victim who attained 15 years of age at the time of the interrogation must be interrogated in circumstances set forth in §§ 1–3 whenever there is justified concern that interrogation in any other circumstances could have adverse impact on the victim's mental condition (Article 185(4) CCP).

In cases of crimes committed with the use of violence or unlawful threat or defined in Chapters XXV and XXVI of the Criminal Code a witness younger than 15 as at the time of the interrogation must be interrogated in circumstances set forth in Article 185a(1–3) if such witness's testimony can be material to the outcome of the case (Article 185a(1) CCP). In cases of crimes set out in § 1 an underage victim aged 15 or older as at the time of the interrogation must be interrogated using the procedure set forth by Article 177(1a) (with the use of technical devices enabling this to be done remotely with the simultaneous direct transmission of video and audio) whenever there is justified concern that the defendant's direct presence at the interrogation could have a chilling effect on the witness's testimony or adverse effect on the witness's mental condition (Article 185a(2) CCP). These provisions do not apply to a witness collaborating in the commission of the criminal offence being the subject-matter of the proceedings or a witness whose act is linked thereto. In cases of crimes defined in Articles 197 to 199 of the Criminal Code (sexual crimes) the crime report, if filed by the victim, is only required to contain the most important facts and evidence (Article 185c(1) CCP). A victim 15 or older as at the time of the interrogation is to be interrogated as a witness only if his or her testimony can be material to the outcome of the case and only once, unless such material circumstances emerge as the explanation of which requires a new interrogation (Article 185c(1a) CCP). The interrogation is carried out by the court in a hearing attended by an expert psychologist without delay, though no later than 14 days of the arrival of the motion (Article 185c(2) CCP). Interrogations in the aforementioned procedure are held in suitably adapted rooms within the courthouse or without (Article 185d(1) CCP).

As regards the matter of strengthening the position of the victims or potential victims so that they could resist or escape such violence (as referred to in the aforementioned Report A/74/148 of 12 July 2019), it must be noted that Polish Criminal Code, in Article 39, specifies the following 'punitive measures' (additional penalties): prohibition against being present in certain environments or places, contacting specific persons, approaching specific persons or leaving a specified place of stay without the court's approval item 2b), and order to leave temporarily the dwelling occupied jointly with the victim (item 2a). Furthermore, similar obligations may be imposed on a convicted defendant in connection with probation. When suspending the enforcement of a prison term the court must impose (or may, if imposing a punitive measure) at least one of the obligations from the list in Article 72(1), including without limitation, apologizing to the victim (item 2), refraining from the abuse of alcohol or other narcotic drugs (item 5), refraining from being present in certain environments or places (item 7), refraining from contacting the victim or others in a specific way or approaching them (item 7a), or

vacating the dwelling shared with the victim (7b). The court may also impose the aforementioned obligations on the perpetrator in the case of conditional dismissal of proceedings (Article 72(1) CC in conjunction with Article 67(3) CC) or parole (Article 72(1) CC in conjunction with Article 159(1) of the Act of 6 June 1997 — Criminal Enforcement Code, Dz.U.2021.56, as amended; hereinafter 'CEC'). It must be emphasized that in the case of conditionally suspended enforcement of a prison term or parole for an offender convicted of a crime committed with the use of violence or unlawful threat against a close person or other minor sharing a dwelling with the perpetrator, a flagrant violation of the legal order by again using violence or unlawful threat against a close person or other minor sharing a dwelling with the perpetrator represents mandatory grounds for revoking the suspension or parole (Articles 75(1a) CC and 160(2) CEC) respectively). Since 2007 a prison term may be served in the form of electronic surveillance. The latter is currently regulated in the Criminal Enforcement Code (Chapter VIIA *The electronic surveillance system*) in the form of approach surveillance, consisting in preventing the surveilled person (the convict) from approaching the protected person (the victim) or mobile surveillance consisting in serving the term at one's place of residence, to be left only in accordance with such timetable and for such purposes as the court may determine (as set out in Article 43na CEC, including without limitation employment and religious worship). In accordance with Article 43nb(1) CEC the penitentiary court may impose obligations set forth in Article 72(1) CC on a convict serving a prison term in the form of electronic surveillance. In turn, the CCP provides for the pretrial measure of prohibiting the suspect/defendant from leaving the residential premises. In accordance with Article 275a(1) CCP by way of a pretrial measure a defendant accused of a crime committed with the use of violence against a person sharing a dwelling, if there is a justified concern that the defendant will again commit a crime with the use of violence against such person, especially if the defendant has already threatened to do so. Furthermore, in line with Article 275(3) CCP, if the grounds are met for the pretrial detention of a defendant accused of a crime committed with the use of violence or unlawful threat against a close person or other person sharing a dwelling with the perpetrator, surveillance may be used in lieu of the pretrial detention, provided that the defendant shall within a set time leave the dwelling shared with the victim and specify a new place of stay.

The above analysis of Polish criminal provisions from the perspective of compliance with UN standards permits the conclusion that the provisions meet the standards.

The National Prosecutor's Office, acting on the Prosecutor General's guidelines of 27 June 2014, case PG VII G 021/4/14, on prosecutors conducting proceedings in crimes involving the taking of a life or inhuman or degrading punishment committed by Police officers or other public officials, constantly monitors proceedings falling under this category conducted by common prosecutors' offices throughout the country.

On the basis of the aforesaid guidelines regional prosecutors' offices, within their territories, procure and forward to the National Prosecutor's Office reports from studies of discontinued cases in this category, as well as appropriate statistical data. Prosecutors have been appointed to co-ordinate this category of cases.

As regards crimes involving domestic violence, it must be noted that prosecutors' proceedings implement the Prosecutor General's Guidelines of 22 February 2016, no. PG VIII 021.6.2016, on the

rules of proceeding for the organizational units of the common prosecution service in respect of counteracting violence in the family.

Moreover, with the interests of minor victims in mind, in order to streamline and increase the effectiveness of pretrial proceedings concerning crimes against them, including without limitation proceedings involving domestic violence, the National Prosecutor's Office has developed and addressed on 10 December 2019 to all prosecutors' offices the appropriate recommendations in this regard.

The core legislation on the terms of serving a prison term, including the rights of persons in custody, is the Act of 6 June 1997 — Criminal Enforcement Code (Dz.U. 2021.53, as amended). The latter is rounded out by abundant delegated legislation issued by the Minister of Justice as regulations.

In the context of the prohibition against the use of torture and other cruel, inhuman or degrading treatment or punishment, it must be noted that in accordance with Article 4(1) CEC penalties, punitive measures, compensation measures, forfeiture, protective measures and pretrial measures are to be enforced in a humane way respecting the convicted defendant's human dignity. The use of torture or inhuman or degrading treatment or punishment is prohibited.

Inmates' right to freedom from torture and other ill treatment is strengthened by the aforesaid Article 247 CC criminalizing the conduct that consists in physical or mental abuse of a person lawfully deprived of liberty. The aggravated offence under this head is an act committed with peculiar cruelty. For public officials (including without limitation members of the Prison Service), not just the act directly committed by the official is punishable but also the conduct consisting in failure to take action to prevent the abuse of a person deprived of liberty or failure to react to abuse when discovered.

The duty of humane treatment of inmates is emphasized also by Article 2(2) of the Act of 9 April 2010 on the Prison Service (Dz.U. 2021.1064, as amended), in whereby the Prison Service's primary tasks include treating inmates humanely and making sure their rights are respected, especially humane living conditions, respect for their dignity, health-care and religious care.

The use of physical coercion or firearms by public officials is regulated by the Act of 24 May 2013 on Physical Coercion and Firearms (Dz.U.2019.2418). Making a reference to this Act, Article 19 of the Act on the Prison Service defines which means of physical coercion may be employed by members of the Prison Service against persons in custody and in what circumstances firearms can be used. Physical coercion in used in the manner necessary to achieve the purpose of the use, proportionately to the degree of the threat, selecting the least severe means possible. Against visibly pregnant women, persons whose appearance suggests no more than 13 years of age, as well as visibly disabled persons, members of the Prison Service must only use incapacitation techniques. If necessary to avert a direct unlawful assault on the life or health of the member or some other person and the use of physical coercion against such categories of persons is insufficient or impossible, the officer may employ other means of physical coercion or use firearms. In such case the physical coercion must account for the characteristics and the condition of the person against who it is to be used. Against all others physical coercion may be used on general terms set forth in the Act.

As regards firearms, it must be emphasized that its use is permitted only in exceptional situations — when the use or application of physical coercion has proven insufficient for the achievement of its purpose or is impossible due to the circumstances of the event.

All tiers of professional development of members of the Prison Service provide instruction on means of physical coercion, including matters of lawfulness of the use, with special emphasis on the principles of humane treatment of those against whom such means are used.

Reports of the UN Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment devote special attention to such rights of inmates as the right of contact (especially directly after being detained) with the family, legal counsel or physician and the right to lodge complaints at any time. Attention has also been paid to the necessity of guaranteed protection for inmates with special weaknesses against violence by prison staff and other inmates.

Convicted persons admitted in order to serve their terms, after being put in a transitional cell, are submitted, among other things, to preliminary medical examinations in order to assess their health; this being of relevance to proper classification. Things are similar for pretrial detainees — upon admission they are subjected to appropriate medical examinations and sanitary procedures.

If and to the extent needed, an inmate, with the inmate's consent, undergoes psychological and even psychiatric examination in appropriate diagnostic centres.

Pregnant and breastfeeding women are provided with specialist care, and maternity houses are set up near penitentiaries in order to ensure sustained direct care of a child by the mother. The mothers are entitled to a longer walk and to making additional (above-normative) purchases of food, nor are certain disciplinary punishments used on the women.

In connection with the right to the preservation of one's health convicts are provided with suitable food, clothing, living conditions, rooms, and health-care benefits and suitable terms of hygiene. The administration of a penitentiary is required to act to ensure their personal safety, Serving this purpose are, without limitation, solutions concerning security for inmates affected by a serious hazard or direct concern that a hazard to life or health could arise.

As regards medical services in the strict sense, it must be noted that convicts are provided with free health-care, medicines and sanitary articles, as well as prostheses, orthopaedic items and accessories if their lack could deteriorate the person's health or prevent the penalty from being served.

Health-care benefits are provided to convicts primarily by health-care establishments for people in custody, in the form of outpatient departments in all penitentiaries throughout the country and prison hospitals with specialized departments with various profiles. Non-prison health-care establishments collaborate with prison health-care in order to provide health-care benefits to the inmates whenever the immediate provision of benefits is necessary due to a threat to life or health, as well as for the purpose of carrying out specialist examinations, treatment or rehabilitation and such necessary benefits as cannot be provided within prison health-care.

Health-care for the inmates consists not only in providing them with medical care but also with such conditions at the prison as will guarantee their personal security. This is the purpose served, among other things, by the classification of convicts with allocation the appropriate penalty-enforcement

system, type of facility and its internal layout. Pretrial detainees in principle reside at pretrial-detention centres, separated from convicts in line with the principles set forth in Article 212 CEC, in order to prevent mutual demoralization and accounting for the necessity to isolate persons ordered isolated by the authority in whose disposal they are.

Moreover, departments have been introduced as an organizational solution to improve the safety of inmates in penitentiaries. Departments constitute a separated part of a prison, pretrial-detention centre or external department, with suitable staff selection. The departments fulfil penitentiary, security, record-keeping, financial, quartermaster and health-care tasks. They focus primarily on penitentiary work. It deserves to be underlined that in penitentiary departments smaller, complementary officer teams can respond more rapidly and successfully to everything that happens within their scope of operation, as well as any threat arising and any concerning behaviour among the inmates.

The Prison Service explains cases of violence and aggression among inmates in detail in order to avoid such type of events from arising in the future. A report is made of any explanatory activities, reflecting the circumstances and the course of the event and actions taken in response to it, as well its causes, and more. If the event shows the elements of a criminal offence, law enforcement is notified. Inmate violence is the subject of training courses for members of the Prison Service.

Contact with the external world is provided for convicts serving prison terms, depending on the type of the facility and the convict's status. The right of the inmates to contact their defence counsel or representative is guaranteed by Article 102(7) CEC.

All inmates are allowed visits from close persons on terms prescribed for the relevant type of facility and depending on the inmate's classification group. Things are similar with phone calls. Moreover, it must be noted that in the COVID-19 pandemic period and related restrictions placed on the inmates' options for contact with the external world, a particularly important role has been played by the opportunity to use Web messengers to communicate with close persons.

As regards pretrial detainees, in accordance with Article 211 CEC immediately upon admission to the pretrial-detention centre they have the right to notify a close person or other person, association, organization or institution, as well as their defence counsel, of the place where they will be staying. A pretrial detainee who is a foreign citizen also has the right to notify the relevant consular office or, in the absence thereof, diplomatic mission (for stateless persons — the representative of the state in which they have permanent residence).

The opportunity for pretrial detainees to contact their defence counsel by phone is guaranteed by Article 217c CEC. This does require the approval of the authority in charge of the person, but withholding the approval may only by justified by the realistic concern that the conversation will be used in the commission of a crime or for the purpose of unlawful obstruction of criminal justice.

Persons in custody have a right to submit applications, motions, complaints and requests to the authorities enforcing the ruling. Furthermore, they may challenge any decision of the enforcement-proceedings authority mentioned in Article 2(3–6) and Article 10 CEC as unlawful.

The procedure for hearing complaints concerning the activities of the organizational units and the conduct of the members of the Prison Service is regulated in detail by the Regulation of the Minister

of Justice of 13 August 2003 concerning the manner of dealing with applications, motions, complaints of person placed in penitentiaries and pretrial detention centres (Dz.U.2013.647), ensuring comprehensive examination of each case initiated by the stakeholder, with full availability of an appeal against the authority's position to the directly superior authority. A guarantee of humane treatment of inmates is provided by the system of control exercised both by the Prison Service's internal supervision and inspection system and by external inspection authorities (e.g. by the Civil Rights Ombudsman or international watchdogs for inmate rights). An important role in this system belongs to the institution of penitentiary supervision by penitentiary judges. The penitentiary judge has an unrestricted right to enter and inspect penitentiary institutions, contact inmates or take appropriate action to eliminate any irregularities found (including without limitation by quashing any unlawful decisions made by Prison Service authorities and, upon discovering unlawful imprisonment, notifying the authority in charge of the person or the authority having referred its decision to enforcement, or — if needed — releasing such person). If there is a need to enter a decision not within his or her purview, the penitentiary judge may request the competent authority to do so and if that authority takes a position unsatisfactory to the judge, refer the case to the superior authority. In the event of flagrant irregularities in the functioning of the penitentiary institution or in the place where inmates are staying or if the circumstances existing therein do not ensure that the inmate's rights will be respected, the penitentiary judge may request the competent superior authority to remove the existing irregularities within a set time. If such irregularities are not eliminated within said time-limit, the penitentiary judge will petition the competent minister to suspend the activities or wholly liquidate the relevant prison or pre-trial detention facility.

Staying in a closed prison is the most severe type of serving the punishment. However, in respect of convicts sentenced to restriction of liberty to one year and 6 months, the penitentiary court may approve a less rigorous manner of serving the penalty — in the form of electronic surveillance. This replaces the need to serve the penalty in absolute prison isolation and makes it possible to serve the penalty in the convict's house or such other place as the court may specify.

To sum up, the conclusion is that in the Republic of Poland the enforcement of imprisonment and other penalties and measures resulting in the loss of liberty takes place in a humane way, with the human dignity of each of the detainee being respected, along with their civic rights and freedoms. The rare deviations happening in practice from the aforementioned principles incur appropriate responses from the state's competent authorities, and thus they have no bearing on the evaluation of the Polish system of enforcement and measures leading to the loss of liberty.

I also wish to advise that works are currently underway on amendments to the Criminal Enforcement Code, resulting in a draft bill amending the Criminal Enforcement Code and certain other acts, submitted for entering on the Council of Ministers' list of travaux. This draft includes a broad scope of changes to, among other things, the lodging of complaints by the inmates, telephone conversations, and introducing matters relating to inspecting the inmates and pretrial detainees (including personal search) to the statute.

In pursuance of its obligations relating to the organization, co-ordination, supervision and implementation of public statistical data the Department of Strategy and European Funds at the

Ministry of Justice gathers the statistics on the functioning of the justice system via various systems and tools, on the basis of the Act of 29 June 1995 on Public Statistics. Statistical data are obtained in two ways. Statistical information about adults finally and unappealably convicted of criminal offences defined in the Criminal Code and specialized statutes are obtained in yearly cycles in the form of statistical tables from the database of the National Criminal Register. Another main source of data are statistical reports filled in by employees of common courts in quarterly, semi-annual and annual cycles, in an accrual manner, cumulatively via an IT system dedicated to the needs of statistical accounting. Statistical reports are divided according to legal fields and instance tiers.

We also wish to advise that introductory training for judge and prosecutor trainees, including training in supplementary form, as well as continued training provided by the Centres of the National School of the Judiciary and the Prosecution Service in Cracow and Lublin in the period from 1 November 2016 to 31 August 2021 no courses directly discussing the thematic reports compiled by the UN Special Rapporteur for torture and other cruel, inhuman or degrading treatment have been conducted and none are planned. Nevertheless, the initial training for judge trainees, along with supplementary training, has discussed and continues to discuss matters relating to the prohibition against the use of torture and other cruel, inhuman or degrading treatment or punishment, including without limitation as arising from international instruments.

Since 2018 introductory training courses linked to these topics have been held twice annually:

- 4th Judicial Traineeship Conference — concerning, inter alia, sentencing guidelines (8 hours of type G instruction);
- 5th Judicial Traineeship Conference — concerning, inter alia, criminal-trial safeguards in the case of the use of violence (16 type B hours);
- 6th Judicial Traineeship Conference — concerning, inter alia, crimes against life and health, personal honour and physical integrity (10 type G hours);
- 12th Judicial Traineeship Conference — concerning, inter alia, human rights and their protection (4 type A hours).
- In years 2020–2021 the following conferences took place for the 1st year of supplementary judicial training dealing with the aforementioned topics:
- 3rd Supplementary Judicial Traineeship Conference — concerning, inter alia, sentencing guidelines (4 type G hours);
- 4th Supplementary Judicial Traineeship Conference — concerning, inter alia, criminal-trial safeguards in the case of the use of violence (7 type B hours);
- 5th Supplementary Judicial Traineeship Conference — concerning, inter alia, crimes against life and health, personal honour and physical integrity (4 type G hours);
- 12th Judicial Traineeship Conference — concerning, inter alia, human rights and their protection (1 type A hour).

In years 2016–2017 (twice annually) the following judicial traineeship conferences dealing with the aforementioned topics took place:

- 2nd Judicial Traineeship Conference — concerning, inter alia, sentencing guidelines (6 type Ghouls);
- 3rd Judicial Traineeship Conference — concerning, inter alia, crimes against life and health, personal honour and freedom (6 type G hours);
- 9th Judicial Traineeship Conference — concerning, inter alia, decisions in the scope of proceedings in criminal cases arising from international relations (4 type A hours).

Within the prosecution traineeship and supplementary prosecution traineeship the following are a fixture in the curriculum:

1. human rights in criminal cases, including the case-law of the European Court of Human Rights concerning, inter alia, the ban on torture;

2. propriety of use and consequences of improper use of physical coercion in connection with criminal proceedings;

3. select topics from the Act of 29 July 2005 on Counteracting Violence in the Family.

Polish criminal law knows no separate offence of torture or cruel, inhuman or degrading treatment or punishment; however, the various individual types of offences in the Criminal Code with elements corresponding to the various forms of ill treatment prohibited in international law constitute a repeat subject of instruction in numerous training courses in the area of substantive criminal law for trainee prosecutors, concerning e.g. crimes against health and life, crimes against family and custody, or crimes against freedom. The training courses also include the case-law of international courts, including the International Court of Human rights among the subjects of instruction.