**EXTRACT FROM POLISH CRIMINAL CODE**

**Principle of humanitary treatment**

**Art. 3.**Penalties and other measures provided for in this Code are applied with regard to principles of humanitarianism, in particular with respect for human dignity.

**Statutes of limitations (applicable also for crimes of torture etc.)**

**Art. 101 Limitation period for punishability.**

§ 1. An offence shall no longer be punishable if, from the moment it was committed, the following number of years have passed:

1) 30 - where the act constitutes an indictable offence of homicide;

2) 20 - where the act constitutes any other indictable offence;

2a) 15 - where the act constitutes a summary offence punishable by imprisonment exceeding 5 years;

3) 10 - where the act constitutes a summary offence punishable by imprisonment exceeding 3 years;

4) 5 - for all other summary offences;

5) (*repealed*)

§ 2. An offence prosecuted by an aggrieved party shall cease to be punishable after 1 year from the date on which the aggrieved party became aware of the identity of the offender, but not later than 3 years from the moment the offence was committed.

§ 3. In the cases provided for in §§ 1 or 2, if commission of the offence depends on a result specified by law, the period of limitation starts to run from the moment the result occurred.

§ 4. In respect of:

1) summary offences against life and health, committed to the detriment of a minor, punishable by a sentence whose upper limit exceeds 5 years’ imprisonment,

2) offences specified in Chapter XXV, committed to the detriment of a minor, or where pornographic content involves a minor,

- may not cease to be punishable before the minor attains 30 years of age.

**Art. 102. Extending the limitation period.**If proceedings are initiated within the period referred to in Article 101, the offences defined in Article 101 §1 shall cease to be punishable after 10 years or after 5 years in other cases, from the end of that period.

**Art. 105. Exceptions to the limitation period.**

§ 1. The provisions of Articles 101 to 103 shall not apply to indictable offences against peace, indictable offences against humanity or war crimes.

§ 2. The provisions of Articles 101 to 103 shall not apply to the intentional offences of homicide, grievous bodily harm, serious damage to health, or unlawful imprisonment connected with particular suffering, committed by a public official in connection with his or her official duties.

**Types of forbidden acts constituting a torture or another cruel treatment in a broad sense**

**CHAPTER XVI. OFFENCES AGAINST PEACE, HUMANITY, AND WAR CRIMES.**

**Art. 118. Annihilation.**

§ 1. Anyone who murders or causes grievous bodily harm to a person belonging any ethnic, racial, political or religious group, or a group with a different perspective on life, with the purpose of partially or completely annihilating such group shall be liable to imprisonment for a minimum term of 12 years, 25 years’ imprisonment or life imprisonment.

§ 2. Anyone who, acting with the intention specified under § 1, creates living conditions threatening the biological annihilation of the members of such a group, or uses means to prevent births within this group, or forcibly removes children from those belonging to such a group, shall be liable to imprisonment for a minimum term of 5 years or 25 years’ imprisonment.

§ 3. (*repealed*)

**Art. 118a. Mass attack on people.**

§ 1. Anyone who, while taking part in a mass attack or even one of repeated attacks directed against a group of people taken to implement or support the policy of a state or organisation:

1) murders,

2) causes grievous bodily harm to human health,

3) creates living conditions threatening the biological existence of a group of people, in particular by preventing access to food or medical care, which is aimed at their annihilation,

shall be liable to imprisonment for a minimum term of 12 years, 25 years’ imprisonment or life imprisonment.

§ 2. Anyone who, taking part in a mass attack or even one of repeated attacks directed against a group of people taken to implement or support the policy of a state or organisation:

1) causes a person to become enslaved or maintains a person in a state of slavery,

2) deprives a person of their freedom for a period exceeding 7 days or with special torment,

3) uses torture or subjects a person to cruel or inhuman treatment,

4) commits a rape or otherwise violates a person’s sexual freedom by means of violence, an unlawful threat of violence or deceit,

5) uses violence or an unlawful threat of violence either in order to impregnate a woman in an attempt to influence the ethnic composition of a group of people or to carry out other serious breaches of international law,

6) deprives a person of freedom and refuses to provide information relating to the person or their location, or provides inaccurate information on the person or their location with the intent to deprive that person of legal protection for a longer period,

shall be liable to imprisonment for a minimum term of 5 years or 25 years’ imprisonment.

§ 3. Anyone who takes part in a mass attack, or even in one of repeated attacks against a group of people in order to implement or support the policy of a state or an organisation and, in doing so:

1) compels, in violation of international law, such people to change their lawful place of residence,

2) severely persecutes a group of people for reasons recognised as inadmissible under international laws, in particular for reasons of political, racial, national, ethnic, cultural, religious belief or lack of religious belief, world view or gender nature, thereby depriving them of their fundamental rights,

shall be liable to an imprisonment for a term not shorter than 3 years.

**Art. 119. Violence and unlawful threat.**

§ 1. Anyone who uses violence or makes an unlawful threat towards a person or a group of people on national, ethnic, racial, political or religious grounds, or because of a lack of religious belief, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. (*repealed*)

**Art. 120. Means of mass extermination.**Anyone who uses means of mass extermination prohibited by international law, shall be liable to imprisonment for a minimum term of 10 years, 25 years’ imprisonment or life imprisonment.

**Art. 121. Additional information.**

§ 1. Anyone who violates a prohibition imposed by international or national law by manufacturing, amassing, purchasing, trading in, storing, transporting or dispatching a means of mass extermination or means of warfare, or who undertakes research aimed at the manufacture or use of such means, shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. Anyone who allows others to commit the act specified in § 1 shall be liable to the same penalty.

**Art. 122. Impermissible attacks and means of warfare.**

§ 1. Anyone who, during military operations, attacks an undefended locality or facility, sanitary, demilitarised or neutral zone, or uses any other means of warfare prohibited by international law, shall be liable to imprisonment for a minimum term of 5 years, or 25 years’ imprisonment.

§ 2. Anyone who, while on military operations, uses a means of warfare prohibited by international law shall be liable to the same penalty.

**Art. 123. Attack on a person.**

§ 1. Anyone who, in violation of international law, murders:

1) persons who have surrendered by laying down their arms or having no means of defence,

2) the wounded, sick, shipwrecked persons, medical personnel or clergy,

3) prisoners of war,

4) civilians in an occupied area, an annexed area or an area under warfare, or anyone else who is protected by international law during warfare,

shall be liable to imprisonment for a minimum term of 12 years, 25 years’ imprisonment or life imprisonment.

§ 2. Anyone who, in violation of international law, causes grievous bodily harm to the persons specified under § 1, or who subjects such persons to torture, cruel or inhumane treatment, or who makes them the objects of cognitive experiments, even with their consent, or who uses their presence to protect a certain area or facility, or armed units from warfare, or who holds such persons as hostages shall be liable to imprisonment for a minimum term of 5 years or 25 years’ imprisonment.

**Art. 124. Other violations of international law.**

§ 1. Anyone who, in violation of international law, forces the persons specified in Article 123 § 1 to serve in the enemy’s armed forces, or to engage in hostilities directed against his or her own country, uses corporal punishment, violence, unlawful threat of violence or deceit to engage in sexual intercourse or to submit to another sexual act or to perform such an act or an assault on personal dignity, in particular humiliating or degrading treatment, deprives them of their freedom or their right to be heard by an independent and impartial court or tribunal, or restricts their right to a defence in criminal proceedings, or who proclaims the rights or the claims of citizens of an opposing party as abolished, suspended or inadmissible in court, shall be liable to imprisonment for a minimum term of 3 years.

§ 2. Anyone who, in violation of international law, delays the repatriation of prisoners of war or civilians, displaces, resettles or deports civilians, or who conscripts or recruits to the armed forces anyone under 18 years of age, or effectively uses such persons in hostilities shall be liable to the same penalty.

**Art. 126a. Public approval of or incitement to offences.**Anyone who publicly incites others to commit an act specified in Articles 118, 118a, 119 § 1, or Articles 120 to 125, or who publicly approves the acts specified therein, shall be liable to imprisonment for a term going from 3 months to 5 years.

**Art. 126b. Failure to fulfil a duty of proper supervision.**

§ 1. Anyone who, by failing to fulfil a duty of proper supervision, allows the act referred to in Article 117 § 3, Articles 118, 118a, 119 § 1, or Articles 120 to 126a to be carried out by a person under their effective authority or control, shall be liable to the penalty specified therein.

§ 2. If the offender acts unintentionally, he or she shall be liable to imprisonment for a term going from 3 months to 5 years.

**Art. 126c. Preparation for an offence.**

Anyone who makes preparations for the offence referred to in Article 117, Article 118 or Article 120, shall be liable to imprisonment for a term not shorter than 3 years.

§ 2. Anyone who makes preparations for the offence specified in Article 118a §§ 1 or 2, Article 122 or Article 123, shall be liable to imprisonment for a term going between one year and 10 years.

§ 3. Anyone who makes preparations to commit the offence specified in Article 124 § 1 or Article 125, shall be liable to imprisonment for a term going up to 3 years.

**CHAPTER XIX. OFFENCES AGAINST LIFE AND HEALTH.**

**Art. 148. Homicide.**

§ 1. Anyone who kills a human shall be liable to imprisonment for a minimum term of 8 years, 25 years’ imprisonment or life imprisonment.

§ 2. Anyone who kills a human:

1) with particular cruelty,

2) in relation to taking a hostage, rape or robbery,

3) for motives deserving particular condemnation,

4) with the use of explosives,

shall be liable to imprisonment for a minimum term of 12 years, 25 years’ imprisonment or life imprisonment.

§ 3. Anyone who kills more than one person in a single act, or has previously been convicted for homicide by a final and non-appealable judgment, or who has killed a public official in the course of or in relation to performing his official duties relating to the protection of people’s safety or security or public order shall also be liable to the penalty specified in § 2.

§ 4. Anyone who kills a person under the influence of an intense agitation justified by the circumstances shall be liable to imprisonment for a term going between one year and 10 years.

**Art. 152. Abortion with consent.**

§ 1. Anyone who, with a woman’s consent, terminates her pregnancy in violation of law shall be liable to imprisonment for a maximum term of 3 years.

§ 2. The same penalty shall be imposed on anyone who assists a pregnant woman in terminating her pregnancy in violation of law, or who incites her to do so.

§ 3. Anyone who commits the act specified in §§ 1 or 2 after the conceived child is capable of living outside the pregnant woman’s body shall be liable to imprisonment for a term going between 6 months and 8 years.

**Art. 153. Abortion without consent.**

§ 1. Anyone who terminates pregnancy by using force towards a pregnant woman or otherwise terminates pregnancy without her consent, or causes her, by force, unlawful threat or deceit, to terminate pregnancy shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. Anyone who commits the act specified in § 1 after the conceived child is capable of living outside the pregnant woman’s body shall be liable to imprisonment for a term going between one year and 10 years.

**Art. 154. Death of a pregnant woman.**

§ 1. If the act specified in Articles 152 §§1 or 2 results in the death of the pregnant woman, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. If the act specified in Articles 152 § 3 or in Article 153 results in the death of the pregnant woman, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

**Art. 156. Grievous bodily harm.**

§ 1. Anyone who causes grievous bodily harm by:

1) depriving a person of their sight, hearing, speech or the ability to procreate,

2) causing other severe disability, an incurable or prolonged illness, a potentially fatal illness, a permanent mental illness, a permanent total or significant incapacity to perform a profession, or a permanent serious bodily disfigurement or deformation,

shall be liable to imprisonment for a minimum term of 3 years.

§ 2. If the offender acts unintentionally, he or she shall be liable to imprisonment for a maximum term of 3 years.

§ 3. If the act specified in § 1 results in a person’s death, the offender shall be liable to imprisonment for a term exceeding 5 years, 25 years’ imprisonment or life imprisonment.

**Art. 157. Other bodily harm.**

§ 1. Anyone who causes a bodily injury or an impairment to health other than that specified in Article 156 § 1 shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who causes a bodily injury or an impairment to health lasting up to 7 days shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 3. If the offender of the act specified in §§ 1 or 2 acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 4. If the bodily injury or an impairment to health has not lasted more than 7 days, the offence specified in §§ 2 or 3 shall be prosecuted by a private prosecutor unless the aggrieved party is a household or family member living with the offender.

§ 5. If the aggrieved party is a household or family member, the offence specified in § 3 shall be prosecuted on the aggrieved party’s request.

**Art. 158. Fight and beating.**

§ 1. Anyone who participates in a fight or a beating likely to result in a fatality or in a consequence referred to in Article 156 § 1 or in Article 157 § 1 shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the fight or beating results in grievous bodily harm, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. If the fight or beating results in a person’s death, the offender shall be liable to imprisonment for a term going between one year and 10 years.

**Art. 159. Fight and beating involving dangerous objects.**Anyone who takes part in a fight or beating using a firearm, knife or any other similarly dangerous object shall be liable to imprisonment for a term going between 6 months and 8 years.

**CHAPTER XXIII. OFFENCES AGAINST LIBERTY.**

**Art. 189. Unlawful deprivation of liberty.**

§ 1. Anyone who deprives another person of their freedom shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the deprivation of freedom has lasted longer than 7 days, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 2a. If the deprivation of liberty referred to in § 2 concerns a vulnerable person because of his/her age, mental or physical condition, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 3. If the deprivation of liberty referred to in §§ 1 to 2a involves particular torment, the offender shall be liable to imprisonment for a minimum term of 3 years.

**Art. 189a. Human trafficking.**

§ 1. Anyone who carries out human trafficking shall be liable to imprisonment for a minimum term of 3 years.

§ 2. Anyone who makes preparations to commit the offence referred to in § 1 shall be liable to imprisonment for a term going between 3 months and 5 years.

**Art. 190. Punishable threat.**

§ 1. Anyone who threatens to commit an offence to the detriment of another person or his or her family or household member, where there is a justifiable fear that the threat will be carried out, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the aggrieved party’s motion.

**Art. 190a. Stalking.**

§ 1. Anyone who, through persistent harassment of another person or another person’s family or household member, creates a justified sense of danger, humiliation or anguish or significantly violates the person’s privacy, shall be liable to imprisonment going for a term between 6 months and 8 years.

§ 2. Anyone who personates another person and uses his or her image or other personal or other data on the basis of which that person is publicly identifiable, for the purpose of causing property or personal damage, shall be liable to the same penalty.

§ 3. If the act specified in §§ 1 or 2 results in an attempted suicide of the person, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 4. The offence specified in §§ 1 or 2 shall be prosecuted on the aggrieved party’s motion.

**Art. 191. Force.**

§ 1. Anyone who uses violence or an unlawful threat to force another person to perform, refrain from performing or to forbear a specific action shall be liable to imprisonment for a maximum term of 3 years.

§ 1a. The same penalty shall be imposed on anyone who, for the purpose set out in § 1, uses other types of violence in a manner persistently or substantially hindering another person from using the occupied residential unit.

§ 2. If the offender acts in the manner specified in § 1 for the purpose of recovering debt, he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. The offence referred to in § 1a shall be prosecuted on the aggrieved party’s motion.

**Art. 192. Performing a medical procedure without consent.**

§ 1. Anyone who performs a medical procedure without the patient’s consent shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the aggrieved party’s motion.

**CHAPTER XXV. OFFENCES AGAINST SEXUAL FREEDOM AND DECENCY.**

**Art. 197. Rape.**

§ 1. Anyone who, by force, unlawful threat or deceit, causes another person to engage in a sexual intercourse shall be liable to imprisonment for a term going between 2 and 12 years.

§ 2. If the offender causes another person to submit themselves to, or to perform another sexual activity, in the manner specified in § 1, he or she shall be liable to imprisonment for between 6 months and 8 years.

§ 3. If the offender commits a rape

1) jointly with another person,

2) against a minor under the age of 15,

3) against a descendent, ascendant, adopter, adoptee, brother or sister,

he or she shall be liable to imprisonment for a minimum term of 3 years.

§ 4. If the offender commits the rape specified in §§ 1 to 3, with particular cruelty, he or she shall be liable to imprisonment for a minimum term of 5 years.

**Art. 198. Taking advantage of vulnerability or diminished capacity.**Anyone who takes advantage of the vulnerability of another person, or their inability to recognise the significance of the act or ability to control their conduct, as a result of a mental disability or disorder in order to cause such person to engage in a sexual intercourse, or to submit themselves to, or to perform another sexual activity shall be liable to imprisonment for a term going between 6 months and 8 years.

**Art. 199. Abuse of a relationship of dependency.**

§ 1. Anyone who, by abusing a relationship of dependency or taking advantage of a critical situation, causes another person to engage in a sexual intercourse or to submit themselves to, or to perform another sexual activity, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the act specified in § 1 has been committed to the detriment of a minor, the offender shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. The penalty specified in § 2 shall be imposed on anyone who engages in a sexual intercourse or another sexual activity with a minor or who causes a minor to submit to or to perform same, by an abuse of trust or by giving or promising him or her a financial or personal benefit in exchange.

**Art. 200. Sexual intercourse with a minor.**

§ 1. Anyone who engages in a sexual intercourse or another sexual activity with a minor under the age of 15, or causes the same to submit to or to perform such activity, shall be liable to imprisonment for a term going between 2 and 12 years.

§ 2. (*repealed*)

§ 3. Anyone who presents pornographic content to a minor under the age of 15 or provides him or her with objects of such nature or disseminates pornographic material in a manner allowing such a minor to become familiar with it shall be liable to imprisonment for a maximum term of 3 years.

§ 4. The penalty specified in § 3 shall be imposed on anyone who, for the purpose of obtaining his or her own sexual gratification or that of another person, presents the performance of a sexual activity to a minor under the age of 15.

§ 5. The penalty specified in § 3 shall be imposed on anyone who advertises or promotes the act of disseminating pornographic material in a manner allowing a minor under the age of 15 to become familiar with it.

**Art. 200a. Prohibition on establishing a contact with a minor.**

§ 1. Anyone who, for the purpose of committing the offence specified in Article 197 § 3 subparagraph 2 or Article 200, as well as for the purpose of producing or preserving pornographic materials, establishes contact with a minor under the age of 15 via an information system or telecommunications network, with the purpose of meeting him or her by misleading him or her, exploiting his or her error or incapacity to properly understand the situation, or by using unlawful threat, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who, via an information system or telecommunications network, offers a minor under the age of 15 to engage in a sexual intercourse, to submit to or to perform another sexual activity, or to participate in the creation or preservation of pornographic material and takes steps to give effect to such offer, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

**Art. 200b. Prohibition on propagation of paedophilic behaviour.**Anyone who publicly propagates or approves paedophilic behaviour shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

**CHAPTER XXVI. OFFENCES AGAINST FAMILY AND GUARDIANSHIP.**

**Art. 207. Maltreatment.**

§ 1. Anyone who mentally or physically maltreats his or her family or household member or another person being in a permanent or temporary relationship of dependence to the offender, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 1a. Anyone who maltreats a person who is physically or mentally vulnerable because of his or her age, mental or physical condition, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the act specified in §§ 1 or 1a is committed with the use of particular cruelty, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 3. If the act specified in §§ 1 to 2 results in an attempted suicide by the aggrieved party, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

**CHAPTER XXX. OFFENCES AGAINST ADMINISTRATION OF JUSTICE.**

**Art. 245. Witness tampering.**Anyone who uses force or an unlawful threat for the purpose of influencing a witness, an expert, a translator, a prosecutor or the accused, or who commits a battery on them, shall be liable to imprisonment for a term going between 3 months and 5 years.

**Art. 246. Extorting a statement.**A public official, or anyone acting under his or her command who, for the purpose of obtaining specific testimony, explanations, information or a statement, uses force, unlawful threat, or exerts physical or mental cruelty in whatever form on another person, shall be liable to imprisonment for a term going between one and 10 years.

**Art. 247. Maltreatment of a detainee.**

§ 1. Anyone who exerts physical or mental cruelty on a legally detained person shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the offender acts with particular cruelty, he or she shall be liable to imprisonment for a term going between one and 10 years.

§ 3. A public official who, in violation of a duty, allows the offence specified in §§ 1 or 2 to be committed shall be liable to the penalty specified therein.

**Art. 247a. Application of provisions.**The provisions of Articles 233 to 237 and Articles 239, 245 and 246 shall apply accordingly to an act committed in connection with proceedings before an international criminal tribunal or an authority acting under an international agreement to which the Republic of Poland is a party, or appointed by an international organisation constituted under an agreement ratified by the Republic of Poland.

**CHAPTER XXXII. OFFENCES AGAINST PUBLIC ORDER.**

**Art. 252. Taking a hostage.**

§ 1. Anyone who takes or detains a hostage with the purpose of compelling a state or local government authority, an institution or organisation, a natural person or a legal person, or a group of individuals to act in a specific manner, shall be liable to imprisonment for a minimum term of 3 years.

§ 2. If the offence specified in § 1 is combined with particular torment to the hostage, the offender shall be liable to imprisonment for a minimum term of 5 years or for 25 years’ imprisonment.

§ 3. Anyone who makes preparations to commit the offence specified in § 1 shall be liable to imprisonment for a maximum term of 3 years.

§ 4. Anyone who has abandoned the intention of extortion or who releases the hostage shall not be liable to the penalty for the offence specified in § 1.

§ 5. The court may apply an extraordinary mitigation of penalty against the offender of the act specified in § 2 who has abandoned the intention of extortion and released the hostage and applies an extraordinary mitigation of penalty if abandoning the intention to extort and the release of the hostage has been voluntary.

**Art. 253 (*repealed*)**

**Art. 254. Public riot.**

§ 1. Anyone who actively takes part in a riot knowing that its participants are jointly committing a violent assault on a person or property shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If a violent assault results in the death of a person or grievous bodily harm, the participant in the riot specified in § 1 shall be liable to imprisonment for a term going between 3 months and 5 years.