

# **POLAND 2017 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Poland is a republic with a multiparty democracy. The bicameral parliament consists of an upper house, the senate (Senat), and a lower house (Sejm). The president, the prime minister, and the Council of Ministers share executive power. Observers considered the May 2015 presidential elections and the October 2015 parliamentary elections free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included some incidents of torture, which were punished by authorities; the imposition of criminal penalties for “defamation;” claims that recent legislative amendments could infringe on judicial independence; and incidents of violence based on ethnic, religious, or sexual orientation. The government took action in response to these problems.

The government took steps to investigate, prosecute and punish officials who committed human rights abuses.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices. There were problems, however, with police misconduct and corrections officers’ abuse of prisoners. The law lacks a clear legal definition of torture, which authorities did not report as a separate crime, but all actions that could be considered “torture” are prohibited and

penalized in criminal proceedings under other provisions of the law that directly apply the country's obligations under international treaties and conventions prohibiting torture. The law outlines disciplinary actions for police, including reprimand, demotion in rank, and dismissal. Civil society groups noted cases of police misconduct against persons in custody.

On September 12, the Poznan regional prosecutor's office charged four former police officers with abuse of power and physical and psychological violence against a 25 year-old man who died in police custody in Wroclaw in May 2016. Video footage shows police beating and using a stun gun on the man who was handcuffed in a jail cell. In May the interior and administration minister dismissed the Lower Silesia regional police commander, deputy commander, and the Wroclaw city police chief in response to the incident. As of September 30, the case against the officers was pending.

As of October 1, prosecutors had charged 18 police officers in Olsztyn with the use of violence and threats to extract testimony from 35 detainees in 2015.

### **Prison and Detention Center Conditions**

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

Physical Conditions: While authorities generally separated juveniles from adults, the law allows shared housing in prisons and detention centers in exceptional cases. Juveniles were at times held together with adult prisoners. Authorities usually sent juveniles between the ages of 17 and 21 accused of serious crimes to pretrial detention.

Authorities often held pretrial detainees in prisons pending trial, but in areas separate from convicts.

In 2013 the CPT found that authorities at the Municipal Police Department in Lublin, the Metropolitan Police Department in Warsaw, and the Warsaw-Bialoleka Police Department did not respect the privacy of communal toilets and showers. At the Bydgoszcz Municipal Police Department, the closed-circuit television coverage included the in-cell toilets. These problems persisted. The criminal code authorizes prison directors to install cameras if the directors determine the cameras are required to prevent criminal activity in the prison.

In May the Helsinki Human Rights Foundation published a report describing systemic problems with medical care in prisons. These included inadequate medical services, including a lack of specialized medical care, too few doctors to handle the workload, and poor medical infrastructure.

According to a July 2016 report by the human rights defender, most prisons and detention facilities did not meet the needs of persons with disabilities. Although prisoners with disabilities may be placed in cells modified for their disability, prisoners with disabilities had limited access to shower rooms, community rooms, and walking areas.

The law permits authorities to commit prisoners to the National Center for the Prevention of Dissocial Behaviors who have served their prison sentences and undergone a custodial therapy program, but who have mental disabilities believed to create a high probability they would commit another serious crime against a person. The Helsinki Foundation for Human Rights pointed out that mandatory detention after completion of sentence may violate the person's freedom and be retroactive. In November 2016 the Constitutional Court ruled the law constitutional.

Administration: Authorities investigated credible allegations of inhuman conditions and made their findings publicly accessible. The human rights defender may join proceedings in civil and administrative courts on behalf of prisoners and detainees, either when these file a complaint or when information otherwise leads to an allegation of inhuman conditions. The human rights defender administers the national preventive mechanism, an independent program responsible for monitoring conditions and treatment of detainees in prisons and detention facilities. During the first nine months of the year, the National Preventive Mechanism team visited five prison and detention facilities, including pretrial detention centers and prison facilities. The human rights defender's office separately visits prisons, including in response to individual prisoner complaints. During the first nine months of the year, the defender's team visited 10 detention facilities. The National Preventive Mechanism and the human right's defender's office published their findings and recommendations to relevant authorities in annual reports.

Independent Monitoring: The government allowed independent monitoring of prison conditions and detention centers on a regular basis by local human rights groups as well as by the European Committee for the Prevention of Torture (CPT).

The Helsinki Human Rights Foundation and other local nongovernmental organizations (NGOs) made occasional visits to prisons.

Improvements: On January 1, a new prison administration modernization law entered into force, allocating 1.5 million zloty (\$409,000) to improve the security of detention facilities, prison infrastructure and working conditions for prison guards from 2017 to 2020.

#### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

#### **Role of the Police and Security Apparatus**

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

The 2016 counterterrorism law designates the ABW as the primary authority for combating terrorism and increased its law-enforcement powers. The human rights defender referred the law to the Constitutional Court, arguing it violates the right to privacy and freedom of communication and was not sufficiently clear on the legal grounds for collecting data on individuals, making arrests, banning demonstrations, disconnecting citizens from the internet, and for surveillance of non-Polish nationals without a court order. The case remained pending before the Constitutional Court at year's end.

Civilian authorities maintained effective control over the police force, the border guard, the ABW, and the CBA, and the government has effective mechanisms to

investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

### **Arrest Procedures and Treatment of Detainees**

The constitution and the law require authorities to obtain a court warrant based on evidence to make an arrest, and authorities generally complied with the law. The constitution and the law allow detention of a person for 48 hours before authorities must file charges and an additional 24 hours for the court to decide whether to order pretrial detention. The law allows authorities to hold terrorism suspects without charges for up to 14 days. The law sets a five-day limit for holding a juvenile in a police establishment for children if the juvenile escaped from a shelter or an educational or correctional facility. It allows police to hold for up to 24 hours in a police establishment for children a juvenile who is being transferred to a shelter or an educational or correctional facility, in case of a “justified interruption of convoy.” The law provides that police should immediately notify a detained person of the reasons for his detention and of his rights. Usually this information is initially delivered orally; later, at the police station, the detainee signs a statement that he has been advised of his rights and duties. Police give the detained person a copy of the report on his detention. Authorities generally respected these rights. Only a court may order pretrial detention.

There was a functioning bail system, and authorities released most detainees on bail. Defendants and detainees have the right to consult an attorney at any time. The government provided free counsel to indigent defendants. The law provides for free legal counsel, including at the pretrial stage, to poor, young, and senior citizens, veterans, members of multichild families, and victims of natural disasters. On February 7, the Public Affairs Institute issued a written appeal to the justice minister to revise the free legal aid law, as eligibility restrictions rendered the law ineffective. Authorities did not hold suspects incommunicado or under house arrest.

Pretrial Detention: The law permits authorities to detain persons charged with a crime for up to three months. A court may extend pretrial detention, but the law specifies that the total time in detention may not exceed two years, except in certain complex cases, when the court may petition an appellate court for an extension beyond two years. In January 2016 the human rights defender referred to the Constitutional Court several provisions of the code of criminal proceedings that provide for the possibility of extending pretrial detention without specifying the maximum length of detention and without providing specific justification. The

case remained pending at year's end. According to the Ministry of Justice, extension beyond two years may occur if criminal proceedings are suspended, there is a need to identify or confirm the identity of the detainee, a very complicated investigation must be performed outside the country, or the detainee purposefully prolongs the proceedings. As of June 30, authorities had custody of eight persons who had served more than two years in pretrial detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Arrested persons are entitled to challenge before a court the legal basis or arbitrary nature of their detention within seven days of the court's decision.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence. During the year it introduced judicial reform legislation that drew strong criticism from some judicial experts, NGOs, and international organizations. On July 24, the president signed into law amendments to the common courts law. The revised law gives the justice minister the power to appoint court presidents (chief judges) in lower courts as well as to approve service extension requests for lower court judges who have reached the mandatory retirement age. The revised law also introduces different retirement ages for female (60) and male (65) judges, although they may request extensions from the justice minister to serve longer. On July 26, the European Commission issued a rule of law recommendation directing the state to revise the amended law on common courts and initiated an infringement procedure against the state on the grounds that the law may undermine the courts' independence by granting the justice minister discretionary power to prolong the mandate of judges who have reached retirement age.

On December 20, President Andrzej Duda signed into law legislation reforming the Supreme Court and the National Judicial Council. In July the president had vetoed draft legislation, stating the proposed legislation gave the prosecutor general/justice minister too much power and did not require a parliamentary three-fifths majority vote to select judges to serve on the National Judicial Council. In September the president formally proposed his own legislation reforming the Supreme Court and National Judicial Council. Governing Law and Justice party representatives held extensive negotiations with the president and his office to reach an agreement on the proposed reforms and submit them to parliament. Many NGOs, Polish legal experts, and international organizations were critical of the law, arguing that the National Judicial Council reform act and the Supreme Court

reform act would put judicial independence at serious risk, as they had the ultimate effect of allowing the government to replace a majority of justices on the constitutional court within short order. On December 20, the European Commission proposed the Council of the European Union adopt a decision under Article 7(1) of the Treaty on European Union, due to the commission's conclusion that there is a "clear risk of a serious breach of the rule of law" in Poland and giving the government three months to address the commission's concerns. The government denied these claims and insisted that its reforms do not infringe rule of law.

On June 8, the CBA detained former chief judge of the Krakow Appellate Court for abuse of powers, participating in an organized criminal group, and accepting bribes. By October 1, the CBA had arrested 16 persons as part of the investigation, including former appellate court and justice ministry officials, eight of whom were placed in pretrial detention.

On April 4, the Katowice prosecutor's office indicted the former head of the appeals prosecutor's office and regional prosecutor on charges of accepting bribes and abuse of power following a disciplinary court's final decision to remove her from office. The CBA detained the accused official on June 22. As of the end of September, the trial had not started.

### **Trial Procedures**

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to prompt and detailed notification of the charges against them, with free interpretation for defendants who do not speak Polish from the moment charged through all appeals. They have the right to a fair and public trial without undue delay and the right to be present at their trial. Trials are usually public, although the courts reserve the right to close a trial in some circumstances, including divorce proceedings, cases involving state secrets, and cases whose content may offend public morality.

Defendants have the right to legal representation, and indigent defendants may consult an attorney provided without cost. The government must provide defendants and their attorneys adequate time and facilities to prepare a defense. They may confront and question witnesses and present witnesses and evidence on their own behalf. Prosecutors may grant witnesses anonymity if they express fear of retribution from defendants. The prosecutor general may release to media

information concerning any investigation, except if such information is classified, with due consideration to important public interests. Defendants may not be compelled to testify or confess guilt.

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

The law extends the above rights to all defendants.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

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

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

The dispute regarding judicial appointments to the Constitutional Court in 2015 and 2016 was not resolved by the end of the year.

### **Property Restitution**

The law provides for restitution of communal property, such as synagogues and cemeteries, seized during the Communist era or under Nazi occupation, but the process proceeded very slowly during the year. By the end of September, the property commissions resolved 6,914 of slightly more than 10,500 communal property claims.

The government has put in place legal and administrative procedures for private property restitution, but NGOs and advocacy groups reported it did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. No comprehensive law addresses the return of or compensation for



private property, but individuals may seek the return of confiscated private property through administrative proceedings and the courts. NGOs and advocacy groups have described the current process as cumbersome and ineffective.

On February 22, Warsaw city authorities began publishing lists of properties under a 2016 law barring Warsaw public properties from being returned to their precommunist-era owners and extinguishing long-dormant claims after a six-month notice period if no claimant stepped forward to pursue a restitution case. The legislation was intended to end abusive practices in the trading of former property owners' claims. Nonetheless, NGOs and advocacy groups expressed serious concerns that it fell short of providing just compensation to former owners who lost property as a result of nationalization of properties by the communist-era government and also properties taken during the Holocaust era. The Constitutional Court upheld the legislation, and the law entered into force in September 2016. By October 1, the city authorities issued 34 decisions denying the return of properties currently used for public purposes, including schools, preschools, a park, and a police command unit.

In October the Ministry of Justice announced comprehensive private property restitution draft legislation that would block any physical return of former properties, provide compensation of 20-25 percent of the property's value at the time of taking in cash or government bonds, and set a one-year claims-filing period. The legislation drew intense media coverage and public scrutiny. Critics argued the legislation would exclude potential foreign citizen claimants, many of whom were Holocaust survivors or their heirs. As of December 8, the Justice Ministry had not submitted the draft legislation to the Council of Ministers (cabinet) for review and approval to send to parliament.

In December the Union of Jewish Communities in Poland reported that a construction project uncovered human remains on a privately owned commercial lot located within the original boundaries of the cemetery in the eastern town of Siemiatycze. Although the law requires construction activities immediately cease and police be contacted, the dirt and human remains were removed from the site, and construction continued. Local prosecutors instructed police to investigate if the construction project violated the law prohibiting disturbing a grave site. The investigation continued at year's end.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions but allows electronic surveillance with judicial review for crime prevention and investigation.

In early 2016 the president signed a law regulating police and security services surveillance. On February 18, the human rights defender referred the law to the Constitutional Court, arguing it infringes privacy rights and EU data privacy norms and does not provide sufficient protections for privileged communications (e.g., attorney-client, priest-penitent). At year's end, the case was pending before the Constitutional Court.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

While the constitution provides for freedom of speech and press, laws restrict these freedoms.

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

Violence and Harassment: On July 31, prosecutors charged two men with robbery and physical assault after they beat a television news reporter and stole his camera when he was filming logging activity in the Bialowieza forest.

Censorship or Content Restrictions: The constitution prohibits censorship of the press or social communication. At the same time, laws regulating broadcasting and media prohibit, under penalty of fines, license revocation, or other authorized sanctions, the promotion of activities endangering health or safety, or contrary to law, morality, or the common good and requires that all broadcasts “respect the religious feelings of the audiences and, in particular, respect the Christian system of values.” These laws also specify that journalists must be unbiased and balanced in their coverage and verify quotations and statements with the person who made them before publication.

The National Radio and Television Broadcasting Council, a five-member body appointed by the Sejm (two members), the Senat (one member), and the president (two members), is constitutionally responsible for protecting freedom of speech and has broad power to monitor and regulate programming, allocate broadcasting frequencies and licenses, apportion subscription revenues to public media, and

impose fines or other sanctions on all public and private broadcasters that violate the terms of their licenses or laws regulating broadcasting and media. While council members are required to suspend their membership in political parties and public associations, critics asserted that the council remained politicized. Critics also allege persistent progovernment bias in state television news broadcasts.

On December 11, the National Radio and Television Broadcasting Council announced a 1.48 million zloty (\$420,000) fine against private broadcaster TVN. The broadcasting council issued the fine, after finding TVN had violated Article 18 of the broadcasting law, which outlaws programs or other content that would promote actions which violate the law, Polish national interest, morality and social good, incite hatred, or pose a threat to life, health or the natural environment. The fine was in response to a complaint about TVN's news coverage of December 2016 protests in front of the national parliament building and an opposition sit-in inside the main parliamentary chamber. In its decision, the broadcasting council stated that due to TVN's coverage of the protests, viewers may have decided to join the protests, which initially had been permitted but had later been declared illegal by the police and allegedly endangered public safety.

Libel/Slander Laws: Defamation is a criminal offense and includes publicly insulting or slandering members of parliament, government ministers, or other public officials, as well as private entities and persons. Defamation outside the media is punishable by a fine and community service. The courts rarely applied maximum penalties, and persons convicted of defamation generally faced only fines or imprisonment for up to one year. The maximum sentence for insulting the president or the nation is three years' imprisonment. Journalists have never received the maximum penalty in defamation cases, according to the Helsinki Human Rights Foundation. Media owners, particularly of small local independent newspapers, were aware that potentially large fines could threaten the financial survival of their publications. According to Ministry of Justice statistics for 2016, the latest data available, courts convicted one person of insulting the president and two persons for insulting constitutional organs of the government. In 2016 the courts fined one person for public defamation.

The prosecutorial investigation into remarks published in a 2015 German newspaper interview with Polish-American Princeton University historian Jan Gross continued at year's end. In October 2016 the Katowice prosecutor assigned to the case discontinued the investigation, but a supervisory prosecutor overturned the decision and instructed the prosecutor to seek expert opinions on whether Gross's statement that Poles had killed more Jews than they had Nazis during the

World War II German occupation offended the Polish nation, a violation of Criminal Code Article 133 which assigns a sentence of up to three years' imprisonment.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications or email without appropriate legal authority. The 2016 antiterrorism law authorizes the ABW to block websites without a prior court order in cases relating to combating, preventing, and prosecuting terrorist crimes, shut down telecommunications networks when there is a terrorist threat, and conduct surveillance of foreign nationals for up to three months without a court order. During the year there were no reports by media or NGO sources of the blocking of websites by the ABW.

The law against defamation applies to the internet as well. In 2016, the latest year for which statistics were available, prosecutors investigated 701 hate speech cases involving the internet, compared with 793 cases in 2015. In 2016, according to data from the International Telecommunication Union, 19.2 percent of the population had a fixed broadband subscription, and 73.3 percent of the population used the internet.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. The 2015 antiterrorism law permits restrictions on public assemblies in situations of elevated terrorist threats. During the year there were no cases of banning public assembly due to elevated terrorist threat.

On March 16, the Constitutional Court upheld as constitutional the December 2016 public assembly law amendments that established a new category of "cyclical" or recurring assemblies. On March 18, the president signed the legislation, and it entered into force on April 2. The Helsinki Foundation for Human Rights stated the amendments create a "hierarchy" of assemblies.

The Mazowsze regional government granted ‘cyclical’ status for the monthly marches in commemoration of the deaths of former Polish president Lech Kaczynski and others in the 2010 crash of the presidential aircraft near Smolensk, Russia, requiring counterdemonstrations be set back at least 330 feet (100 meters). Police regularly detained counterdemonstrators who tried to block or otherwise disrupt the commemorations.

### **c. Freedom of Religion**

See the Department of State’s International Religious Freedom Report at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

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

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

Abuse of Migrants, Refugees and Stateless Persons: In addition to the guarded centers for foreigners, the government operated 11 open centers for asylum seekers with an aggregate capacity of approximately 2,000 persons in the Warsaw, Bialystok, and Lublin areas. Some incidents of gender-based violence occurred, but UNHCR reported that local response teams involving doctors, psychologists, police, and social workers addressed these cases. UNHCR reported no major or persistent problems with abuse in the centers.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Each person who arrives receives consideration for asylum if requested.

According to government statistics, the country approved 206 asylum claims by Ukrainians in the first 10 months of the year, compared with 32 approvals in the whole of 2016. Authorities continued also to use temporary residence and visa mechanisms to authorize Ukrainians' legal residence in Poland.

On April 6, border guard officers used force and pepper spray against three Chechen men at a guarded detention center in Biala Podlaska. They reportedly took this action after the men physically assaulted border guard officers in an effort to stop them from deporting a Chechen woman and two children. In September the Biala Podlaska prosecutor's office discontinued the investigation into abuse of power by the border guard.

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

Employment: Asylum seekers are not allowed to work during the first six months of the asylum procedure. If the asylum procedure lasts longer than six months, they gain the right to work until the asylum decision is final.

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

Temporary Protection: The government also provided temporary protection to 241 individuals who may not qualify as refugees during the first 10 months of the year.

## **Stateless Persons**

According to UNHCR, there were 10,825 stateless persons in the country at the end of 2014, the most recent figures available.

The law affords the opportunity to gain nationality. The Halina Niec Legal Aid Center observed in its 2016 report on statelessness, however, that the government did not implement a formal procedure of identifying stateless persons, leading to protection gaps and exposing stateless persons to many negative consequences, including detention.

UNHCR occasionally received complaints from stateless persons regarding problems with employment, mainly involving the lack of identity documents, which discouraged employers from offering employment to stateless persons.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The presidential elections and the parliamentary elections in 2015 were both considered free and fair.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

Corruption: The law provides criminal penalties for corruption by officials, and criminal prosecutions for official corruption occurred. There were several reports of corruption during the year that resulted in legal action.

In August prosecutors indicted the Supreme Audit Chamber (NIK) president and former justice minister Krzysztof Kwiatkowski, former parliamentarian Jan Bury, and a NIK branch office official with abuse of power for illegal interference in the recruitment process for NIK headquarters and branch office leaders. All three accused pleaded not guilty and face up to three years imprisonment if convicted. The indictment follows the October 2016 parliament vote to lift Kwiatkowski's immunity as NIK president in the long-running investigation.

On February 1, a former deputy director of the Warsaw City property office was charged with accepting a 2.5 million zloty (\$683,000) bribe in connection with a Warsaw property restitution case.

On December 19, the National Prosecutor's Office initiated the process to lift the immunity of governing Law and Justice Party senator Stanislaw Kogut as part of a continuing two-year corruption investigation in which the CBA has detained five other persons, including Kogut's son. The Law and Justice Party leadership suspended Kogut's membership in the party, and Senator Kogut voluntarily surrendered his parliamentary immunity on December 20.

On December 21, the CBA searched the apartments of opposition party Civic Platform secretary general and Sejm deputy Stanislaw Gawlowski as part of an anticorruption investigation initiated in 2013 in which 56 persons have already been charged. Gawlowski was suspected of accepting a 200,000 zloty (\$56,000) bribe while serving as the deputy environment minister from 2007 to 2015.

On December 22, the National Prosecutor's Office announced it had requested the Senat lift the parliamentary immunity of opposition Civic Platform Party senator and the deputy chair of the Senate Defense Committee, Maciej Grubski, based on allegations he falsified earlier financial disclosures and passed confidential information to a private firm in an attempt to influence the outcome of a military tender.

Financial Disclosure: Various laws oblige elected and appointed public officials to submit financial statements about their financial assets, real property, stocks, and bonds. According to the Stefan Batory Foundation, an NGO, the CBA was able to screen less than 1 percent of all financial disclosure statements filed by politicians and senior officials. With the exception of certain situations provided for by law, the regulations protect information included in financial statements as "restricted access" information that may be made public only with the written permission of the provider.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.



Government Human Rights Bodies: The law entrusts the human rights defender and the government plenipotentiary for civil society and equal treatment with the task of “implementing the principle of equal treatment.”

The country’s independent human rights defender processes complaints, conducts investigations, institutes and participates in court proceedings, undertakes studies, provides other public bodies with advice, proposes legislative initiatives, conducts campaigns, and cooperates with NGOs. The human rights defender has no authority to mediate disputes between private entities, even in cases of racial discrimination. The human rights defender presents an annual report to the Sejm on the state of human rights and civic freedom in the country. His office received 52,551 cases in 2016.

The government plenipotentiary for civil society and equal treatment has a mandate to counter discrimination and promote equal opportunity for all. The plenipotentiary implements the government’s equal treatment policy, develops and evaluates draft acts, analyzes and evaluates legal solutions, and monitors the situation within the scope of application of the principle of equal treatment. The plenipotentiary is subordinate to the prime minister’s office, did not have the same institutional independence as the human rights defender, and did not have a separate budget.

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

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

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to 12 years in prison. According to national police statistics, in the first six months of the year police sent 1,297 cases involving alleged rape to prosecutors for indictment and another 26 cases (involving underage offenders) to family courts.

While courts may sentence a person convicted of domestic violence to a maximum of five years in prison, most of those found guilty received suspended sentences.

The law permits authorities to place restraining orders without prior approval from a court on spouses to protect against abuse.

During the first half of the year, police identified 964 cases of alleged domestic violence.

The Women's Rights Center reported that police were occasionally reluctant to intervene in domestic violence incidents if the perpetrator was a police officer or if victims were unwilling to cooperate.

The law requires every municipality in the country to set up an interagency team of experts to deal with domestic violence. During 2016, the most recent year for which statistics are available, 2,505 interagency teams operated around the country, assisting more than 180,000 persons. According to some NGOs, interagency teams focused on resolving the "family problem" rather than initially treating claims of domestic violence as criminal matters.

Centers for victims of domestic violence operated throughout the country. The centers provided social, medical, psychological, and legal assistance to victims; training for personnel who worked with victims; and "corrective education" programs for abusers.

Sexual Harassment: The law prohibits sexual harassment, and violations carry penalties of up to three years in prison.

According to the Women's Rights Center, sexual harassment continued to be a serious and underreported problem.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The constitution provides for the same legal status and rights for men and women and prohibits discrimination against women, although few laws exist to implement the provision. The constitution requires equal pay for equal work, but discrimination against women in employment existed (see section 7.d.).

The plenipotentiary for civil society and equal treatment has a mandate to counter discrimination and promote equal opportunity for all.

## **Children**

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

Child Abuse: A government ombudsman for children's rights issued periodic reports on problems affecting children, such as the need for improved medical care for children with chronic diseases. The ombudsman's office also operated a 24-hour free hotline for abused children. In 2016 the ombudsman received 46,213 complaints of infringements of children's rights. Of those complaints, 11 percent concerned the right to protection against abuse. The government continued running advertising campaigns, aimed at preventing physical violence or sexual abuse against children.

On July 13, a revision of the criminal law introduced a legal obligation to report any case of child abuse to law enforcement and introduced harsher penalties for crimes against children.

Early and Forced Marriage: The country's legal minimum age of marriage is 18, although the guardianship court may grant permission for girls as young as age 16 to marry under certain circumstances.

Sexual Exploitation of Children: The law prohibits sexual intercourse with children younger than 15. The penalty for statutory rape ranges from two to 12 years' imprisonment. According to the Ministry of Justice, in 2016, the most recent year for which statistics were available, courts convicted 604 persons of sexual intercourse with persons under age 15 and seven persons of pimping minors.

Child pornography is illegal. The production, possession, storage, or importation of child pornography involving children younger than 15 is punishable by imprisonment for a period of three months to 10 years. During the year police conducted several operations against child pornography and pedophiles.

According to the government and the Children Empowerment Foundation, a leading NGO dealing with trafficking in children, trafficking of children for sexual exploitation remained a problem.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

The Union of Jewish Communities estimated the Jewish population at 20,000. Anti-Semitic incidents continued to occur, often involving desecration of significant property, including synagogues and Jewish cemeteries, and sometimes involving anti-Semitic comments on radio and social media. Jewish organizations expressed concern about their physical safety and security.

On August 4, the Union of Jewish Religious Communities (ZGWZ) sent a letter to PiS chairman Jaroslaw Kaczynski expressing deep concern over increased anti-Semitic attitudes, hate speech, and violent behavior, which it said left the group fearing for Jews' future in the country, and asking for intensified government action. On November 17, Kaczynski met with ZGWZ leaders and the chief rabbi of Poland to discuss the safety of Jewish communities. He stated he had been shocked upon hearing of recent anti-Semitic incidents and promised to help set up a meeting between Jewish community representatives and Interior and Administration Minister Mariusz Blaszczak.

According to a Warsaw University Prejudice Research Center report published January 24, anti-Semitic attitudes in the country rose between 2014 and 2016, particularly among young people. The report showed a growing acceptance of anti-Semitic attitudes and popularity of anti-Semitic hate speech on the internet and television.

Jewish community leaders described an increase in anti-Semitic incidents during the year, including hostile phone calls to community centers, vandalism of offices, attempted forced entry of community property, and a fake bomb found at a Jewish cemetery.

On August 2, a group of masked pseudo soccer fans attacked two members of the technical staff of the Israeli Hapoel Petach Tikvah team after its exhibition game

against MKS Ciechanow. MKS Ciechanow condemned the incident. The victims chose not to file a complaint to police, and there was no investigation. The Ministry of Foreign Affairs stated that, according to police, it was a hooligan attack.

On November 11, the annual “Independence March” in Warsaw drew more than 50,000 marchers, including some from extremist groups elsewhere in Europe. The march was organized by a coalition of groups, including the extremist groups National Radical Camp and All Polish Youth. The main theme of the march was “We want God!” Most participants marched with Polish flags. Some participants displayed anti-Semitic and anti-Muslim imagery, and there were slogans calling for a “white Europe,” and Nazi salutes. Polish political leaders, including President Andrzej Duda and Law and Justice Party chairman Jaroslaw Kaczynski condemned the racist banners and chants. A November 13 Foreign Ministry statement condemned “racist, anti-Semitic and xenophobic ideas” and stated that the march was “largely patriotic.”

Piotr Rybak, convicted in 2017 of burning an effigy of a Jew at a demonstration against immigration, led a separate Independence Day march in the western city of Wroclaw with approximately 2,000 participants. Jacek Miedlar, a former priest who co-led the march, called on the crowd to take “extreme action” against “forces of evil,” including Jews who “threatened” the state.

On March 21, a group of Warsaw residents celebrated the first day of spring by burning an effigy of a Jewish woman.

On March 2, a Radio Maryja commentator made anti-Semitic comments on his regularly scheduled broadcast, asserting that young people are rejecting the “noxious legends” told to them by Jewish communists and looking for their “roots” and “real” heroes.

On February 27, the Lublin district court sentenced five men to six- to eight-month suspended prison sentences for public offense and incitement to hatred on national grounds for hanging anti-Semitic posters around the city of Lublin between 2012 and 2014. One of the convicted persons was a former Majdanek Nazi concentration camp worker.

In January Holocaust survivors, Prime Minister Beata Szydlo, and other political and religious leaders gathered to mark International Holocaust Remembrance Day and commemorate the 72nd anniversary of the liberation of Auschwitz-Birkenau.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. While the government effectively enforced these provisions, there were reports of some societal discrimination against persons with disabilities. The government restricted the right of persons with certain mental disabilities to vote or participate in civic affairs.

The law states that buildings should be accessible for persons with disabilities, but many buildings remained inaccessible. Public buildings and transportation generally were accessible, although older trains and vehicles were often less so, and many train stations were not fully accessible.

## **National/Racial/Ethnic Minorities**

A number of xenophobic and racist incidents occurred during the year.

On December 20, the National Prosecutor's Office reported prosecutors had investigated 696 new cases of hate crimes in the first six months of the current year--an increase of almost 23 percent over the previous year.

The NGOs Never Again and Open Republic reported a noticeable increase in the total number of hate crimes, pointing out that, although perpetrators mainly used hate speech in the past, violent attacks had also increased. For example, there were isolated incidents of racially motivated violence, including verbal and physical abuse, directed at persons of African, Asian, or Arab descent.

On January 2, police detained 28 protesters who vandalized a kebab restaurant in Elk after a Tunisian employee allegedly stabbed a Polish man to death for stealing two beverage bottles from the restaurant. Protesters smashed windows and chanted anti-immigrant slogans. On January 3, unknown perpetrators threw a bottle with gasoline into a kebab store in Wroclaw run by an Egyptian resident.

On August 5, five men attacked a black Polish boxer at a Szczecin nightclub, shouting racial insults and attacking him with an axe. The victim was hospitalized, and police were investigating the case at year's end.

In June several Muslim organizations submitted a written appeal to the speaker of the lower house of parliament to protect the Muslim minority in the country. The authors asserted that political debates reinforced anti-Muslim messages in media and could lead to an escalation of xenophobic behavior against Muslims.

Societal discrimination against Roma continued to be a problem. The 2011 national census recorded 16,723 Roma, although an official government report on the Romani community estimated that 20,000 to 25,000 Roma resided in the country. Romani community representatives estimated that 30,000 to 35,000 Roma resided in the country.

On July 12, the Supreme Administrative Court ruled that the Limanowa municipal authorities' plan to resettle a Romani family to a neighboring municipality was not valid. The court ruling ended a case started in February 2016, when Czchow municipal authorities protested the resettlement of Romani community members after municipal authorities from neighboring Limanowa purchased and renovated property in Czchow to resettle three Romani families living in a dilapidated building.

Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, media, and education.

During the year the government allocated 10 million zloty (\$2.8 million) for programs to support Roma communities, including for educational programs. In addition, the Ministry of Education helped finance school supplies for Romani children. The Ministry of Interiors and Administration provided school grants for Romani high school and university students, postgraduate studies on Romani culture and history in Krakow, and Romani-related cultural and religious events.

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

The Ukrainian and Belarusian minorities continued to experience harassment and discrimination. On May 27, a group verbally and physically assaulted 15 Ukrainians and their employer in the northeastern village of Chwaszczyno. Police

arrested seven men who were charged with verbally attacking and violently threatening the victims on the grounds of their national identity.

On August 21, the Przemysl local court sentenced 20 persons to four to 10 months of community service for disrupting the June 2016 religious procession of Greek Catholic and Orthodox Church members who were marching from the local cathedral to the military cemetery to commemorate the Ukrainian soldiers who fought for Poland from 1918 to 1920.

Extremist groups, while small in number, maintained a public presence in high-profile marches and on the internet and disrupted lectures or debates on issues they opposed. On April 29, several hundred members of the extremist National Radical Camp chanted anti-Muslim and anti-immigrant slogans during an organized march through Warsaw marking the 83rd anniversary of the group's founding. Red Watch, a webpage run by the neo-Nazi group Blood and Honor, listed by name "traitors of the race," politicians, and activists. The entries often included the home addresses and telephone numbers of the persons listed. Authorities stated they could not do anything, since the site's servers were located outside the country.

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

While the constitution does not prohibit discrimination on the specific grounds of sexual orientation, it prohibits discrimination "for any reason whatsoever." The laws on discrimination in employment cover sexual orientation and gender identity, but hate crime and incitement laws do not. The prime minister's plenipotentiary for civil society and equal treatment is charged with monitoring discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals and groups. LGBTI advocacy groups, however, criticized the plenipotentiary's office for a lack of interest and engagement in LGBTI issues. The human rights defender continues to work on LGBTI human rights cases.

NGOs and politicians reported increasing acceptance of LGBTI persons by society but also stated that discrimination was still common in schools, workplaces, hospitals, and clinics. There were some reports of societal discrimination against LGBTI persons, but NGOs maintained that most cases went unreported.

On June 9, unknown perpetrators broke into the office of Stonewall Group, a Poznan-based LGBTI organization and main organizer of the Poznan Equality



Parade. In May unknown perpetrators broke windows in the office of Campaign against Homophobia, the largest NGO promoting LGBTI rights in the country.

On March 15, the Poznan prosecutor's office decided to press charges against a man who verbally and physically assaulted an LGBTI couple in Poznan on March 1. Prosecutors did not automatically pursue homophobic hate crimes and required a formal complaint, unlike the crimes committed on racist, religious or xenophobic grounds. The prosecutors decided it was in the public interest to prosecute the Poznan case.

On September 14, the Poznan local court imposed a 500 zloty (\$139) fine on a self-defense instructor who refused to provide training to the Stonewall Group, arguing he did not support same-sex unions, especially those who raise children, and did not want to be identified with something with which he disagrees.

On September 19, Justice Minister and Prosecutor General Zbigniew Ziobro appealed to the Supreme Court to review an upheld misdemeanor conviction against a Lodz printer who refused services to the LGBT Business Forum Foundation in 2016. The trial court found the printer guilty of a misdemeanor but did not impose a sentence. The district court judge upheld the decision on the grounds that equality is a chief principle of the country's legal order and everyone has the right to be treated equally regardless of sexual orientation.

On December 13, a Warsaw hotel and restaurant vocational school formally issued an apology to one of its former students for the harassment he suffered because of his sexual orientation. The apology followed a November 17 Warsaw Appellate Court ruling that the student's personal dignity and privacy were violated while he attended the school and school administrators and teachers did nothing to prevent it.

## **Section 7 Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, and provides legal measures under which workers fired for union activity may demand reinstatement. There are several legal restrictions to these rights. The law does not provide for the right to form a union to persons who entered into an employment relationship based on a civil law contract, or to

persons who were self-employed. In 2015 the Constitutional Court ruled that any limitation to the freedom of association violates the constitution and required the government and parliament to amend the law on trade unions, but as of September 30, the government had not revised the law. Members in senior-level positions in the civil service cannot hold office in worker organizations.

Government workers, including police officers, border guards, prison guards, and employees of the supreme audit office, are limited to a single union. Workers in services deemed essential, such as security forces, the Supreme Chamber of Audit, police, border guards, and fire brigades, do not have the right to strike. These workers have the rights to protest and to seek resolution of their grievances through mediation and the court system.

Trade unions are registered when at least 10 eligible persons adopt a resolution to form a trade union. Newly established trade unions must appoint a founding committee consisting of three to seven persons. A new trade union must register with the National Court Registry within 30 days of the resolution. The court may remove a trade union from the registry only if a trade union adopts a resolution to dissolve; is no longer able to operate due to the bankruptcy, liquidation, or reorganization of the company in which the trade union operated; or if a trade union has fewer than 10 members for more than three months.

Legal strike ballots require the support of the majority of union voters. To allow for required mediation, a strike may not be called fewer than 14 days after workers present their demands to an employer. The law obligates employers to notify the district inspection office in their region about a group dispute in the workplace. Cumbersome procedures made it difficult for workers to meet all of the technical requirements for a legal strike. What constitutes a strike under the labor law is limited to strikes regarding wages and working conditions, social benefits, and the trade union rights and freedoms of workers. The law prohibits collective bargaining for key civil servants, appointed or elected employees of state and municipal bodies, court judges, and prosecutors.

The penalties for obstructing trade union activity range from fines to community service. The government did not effectively enforce applicable laws. Resources, inspections, and remediation efforts were not adequate, and the small fines imposed as punishment were an ineffective deterrent to employers. Administrative and judicial procedures were subject to lengthy delays and appeals. Unions alleged that the government did not consistently enforce laws prohibiting retribution against strikers.

Violations of freedom of association and the right to collective bargaining occurred. While many workers exercised the right to organize and join unions, many small- and medium-sized firms, which employed a majority of the workforce, discriminated against those who attempted to organize.

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

### **b. Prohibition of Forced or Compulsory Labor**

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

The government effectively enforced the law. Penalties for forced labor violations were sufficiently stringent to deter violations. In 2016, the last year for which statistics were available, the government assisted in removing 83 victims from forced labor.

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

In June a government representative reported on the country's implementation of the International Labor Organization (ILO) Forced Labor Convention, 1930 (No. 29) to the ILO Committee on the Application of Standards. The government report responded to a formal observation by the ILO Committee of Experts on the Application of Conventions and Recommendations to a 2016 report filed by the Solidarity trade union on the vulnerability to forced labor in the country of laborers from the Democratic Republic of Korea.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children under age 16, with exceptions in the cultural, artistic, sporting, and advertising fields when parents or guardians and the local labor inspector give their permission. The labor inspector issues a permit on the basis of psychological and medical examinations. Child labor is not allowed if the work may pose any threat to life, health or physical and mental development of the child, or will conflict with the child's education.

The National Labour Inspectorate NLI reported many employers underpaid minors or paid with delays. Some children under age 18 also engaged in hazardous work in agriculture, primarily on family farms. Migrant Romani children from Romania were subjected to forced begging. Commercial sexual exploitation of children also occurred (see section 6).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation in any way, directly or indirectly, on the grounds of race, sex, color, religion, political opinion, national origin, ethnic origin, disability, sexual orientation, age, trade union membership, and regardless of whether the person is hired for definite or indefinite contracts, or for full- or half-time work. The law does not specifically prohibit such discrimination based on language, HIV-positive status, gender identity, or social status. According to the Polish Society for Antidiscrimination Law, by law the accused must prove that discrimination did not take place, but judges often placed the burden on the victim to prove that discrimination occurred.

Discrimination in employment and occupation occurred with respect to gender, age, minority status, disability, political opinion, sexual orientation and gender identity, and HIV-positive status. According to an EC report on equality published in March, the gender wage gap in 2015 was 7.7 percent. Discrimination against Romani workers also occurred (see section 6).

#### **e. Acceptable Conditions of Work**

The national monthly minimum wage and the minimum wage for formal work agreements meet the social minimum monthly income level. There is no minimum wage for informal work agreements. The government effectively enforced wage laws; however, there were reports of employers withholding wages or underpaying laborers on informal work agreements, particularly among Ukrainian migrant workers.

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

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

Resources were inadequate to enforce effectively minimum wage, hours of work, and occupational health and safety in the formal or informal sectors. The number of labor inspectors was/was not sufficient to deter violations.

According to the inspectorate's 2016 report, the most frequent labor rights violations concerned failure to pay or delayed payment of wages. Most wage payment violations occurred in the services, construction, and processing industries. Seasonal workers were particularly vulnerable to such violations. The national inspectorate's report did not cover domestic workers because inspectors could only conduct inspections in businesses, not private homes. The second-most common problem was inaccurate timekeeping records for hours worked.

Employers often ignored requirements regarding overtime pay. A large percentage of construction workers and seasonal agricultural laborers from Ukraine and Belarus earned less than the minimum wage. The large size of the informal economy--particularly in the construction and transportation industries--and the low number of government labor inspectors made enforcement of the minimum wage difficult. The Main Statistical Office definition of informal economy includes unregistered employment performed without a formal contract or agreement, and is not counted as a contribution to social security and from which income taxes are not deducted. According to the Main Statistical Office, in 2014

(the latest year for which data were available), approximately 4.5 percent of workforce (711,000 persons) worked in the informal economy.

Trade union leaders stated penalties for employers were not sufficient to deter violations. In the case of serious violations, labor inspectors may submit the case to a court, which may impose a fine of up to 30,000 zloty (\$7,600). According to labor laws, persons who maliciously violate the labor rights of employees may face up to two years' imprisonment. According to the NLI, employers implemented 95 percent of all labor-inspection decisions, although a report by the NLI indicated that some legal restrictions, such as the requirement in some sectors that a company receive seven days' advance notification of upcoming inspections, weakened the effectiveness of labor inspections. International observers noted that the NLI's mandate both to confirm the legal status of workers and to monitor working conditions creates a potential conflict of interest.

In 2016 the NLI began a three-year campaign to lower the number of work-related accidents in logging and timber companies and finished its two-year campaign on stress reduction at work, targeting employers and employees of all branches of industry. In addition, the NLI organized a prevention and information campaign--"Construction Site. No More Accidents!"--that targeted construction companies and included training on work safety standards for employees and employers. During the year the NLI visited many private farms to assess safety conditions and organized a number of competitions for individual farmers.

In 2016 the NLI continued a public-awareness campaign, "Before you start," targeting mainly senior high-school and university students to inform them of their labor rights. In cooperation with the Central Institute of Labor Protection, senior high schools, educational authorities, universities, local governments and trade unions, the NLI continued an educational program called "Safety Culture" to instruct senior high-school and university students about workplace safety and to promote general knowledge about labor law.

In the first half of the year, the Central Statistical Office reported 39,093 victims of workplace accidents, a decrease of 140 from the same period in 2016. The highest number of victims worked in industrial processing, the retail and wholesale trade, the health-service sector, transportation, warehouse management, and construction. In 2016 the inspectorate investigated 2,224 accidents in which there were deaths or injuries, including 254 workers killed and 792 persons seriously injured. The NLI reported that, as in previous years, most of the fatal accidents occurred in the construction, industrial-processing, transport, farming and forestry, mining, and

trade industries. Employers routinely exceeded standards limiting exposure to chemicals, dust, and noise. According to the inspectorate's 2016 report, inadequate training of employees, the poor quality of job-related risk assessment tools, and inadequate measures by employers to prevent accidents were the leading causes of workplace accidents.