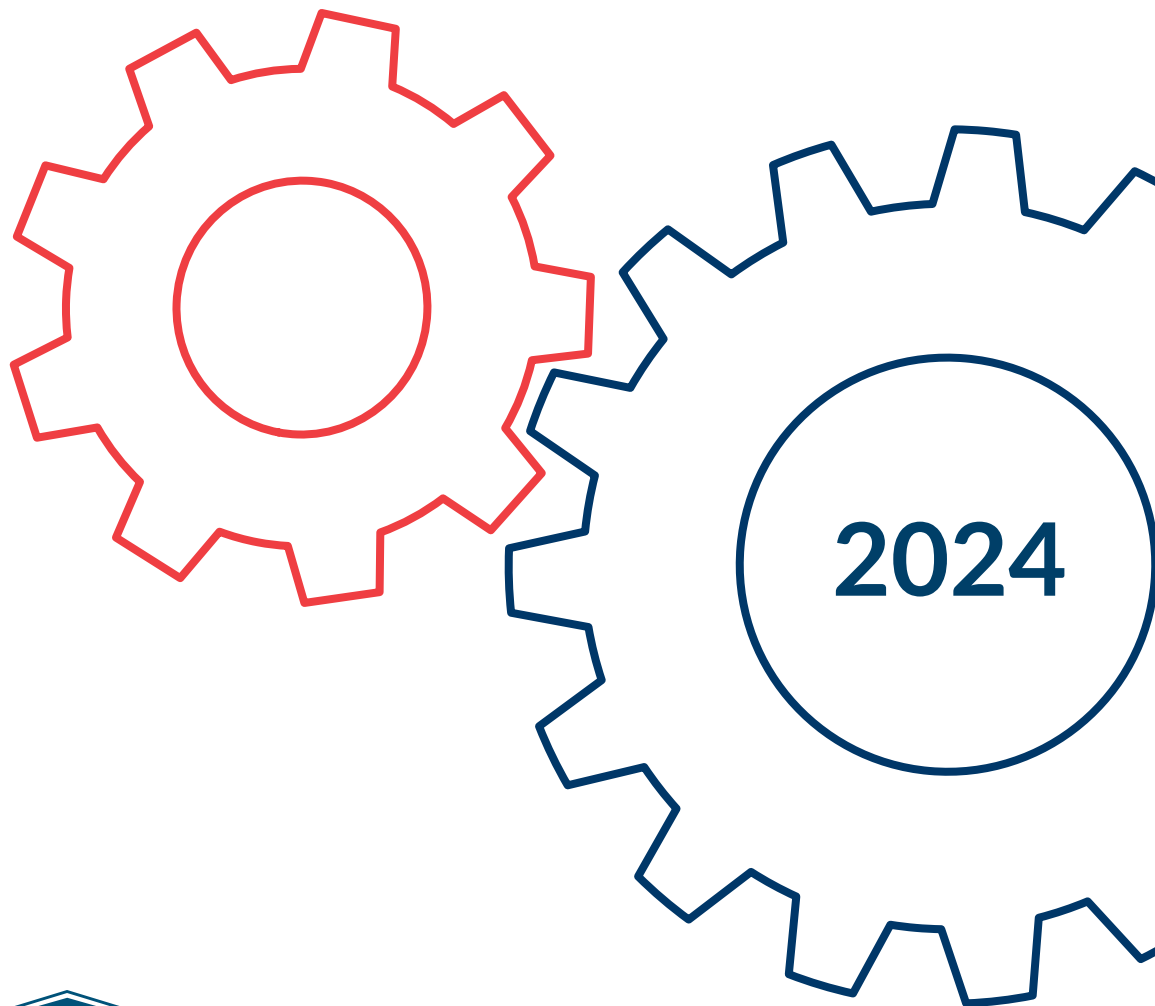


REPORT

of the Commissioner for Human Rights on the Activities of the National Preventive Mechanism



**COMMISSIONER
FOR HUMAN RIGHTS**



**NATIONAL
PREVENTIVE
MECHANISM**

Report of the Commissioner for Human Rights on the Activities of the National Preventive Mechanism in Poland in 2024



COMMISSIONER
FOR HUMAN RIGHTS

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PREVENTIVE
MECHANISM**

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Part IV – Situation in places of detention

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Contents

Contents.....	4
Foreword	5
Part I – Composition of the NPM Department and organisation of its work.....	6
Financing of the NPM	7
Part II – Methodology and scope of work of the NPM	8
Methodology of NPM visits	8
Number of NPM visits	9
Educational activities	10
CHR's general intervention letters drawn up at the initiative of the NPM	13
Part III – Violations of OPCAT	16
Difficulties in the implementation of the NPM mandate	16
Violation of the prohibition of reprisals	17
Part IV – Situation in places of detention.....	18
Military Police custody rooms	18
Rooms for detained persons within Police organizational units	19
Police establishments for children	22
Sobering-up centres	25
Psychiatric hospitals	27
Border Guard units	30
Penitentiary establishments	32
District youth care centres	46
Juvenile detention centres and youth shelters	51
Private long-term care facilities	52
Social care homes	56
Residential care and treatment facilities	58
Visits of the National Preventive Mechanism in 2024 – tables by type of establishment.....	60

FOREWORD

On 10 December 1984, the UN General Assembly adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Poland ratified the Convention in 1989, and thus it became a part of Polish legal system (Journal of Laws No. 63, item 378).

The Convention contains a legal definition of torture, emphasises the absolute prohibition of its use, and points to the need to take preventive and follow-up measures when it occurs. It also requires criminalisation of torture as a separate and specific type of crime. Unfortunately, despite many years of appeals by the Commissioner for Human Rights – acting as the National Preventive Mechanism – as well as recommendations by international institutions and even declarations by the authorities on the urgent need to criminalise torture, Polish law does not recognise it as a type of crime. In this anniversary year, marking the 40th anniversary of the adoption of the Convention and in view of lack of explicit criminalisation of torture in Poland, the activities of the National Mechanism take on a particular significance.

Torture and inhuman and degrading treatment are manifestations of utmost contempt for inherent human dignity; but also for institutions of the state, especially when perpetrated by officials acting on its behalf, often against those most vulnerable: persons with disabilities, the elderly, minors, foreigners, and persons deprived of their liberty.

Places where such persons are held are monitored by representatives of the NPM, who point out systemic problems and call for changes to laws regulating operation of places of detention, while also identifying such areas of their operation as do not require changing the law, but merely modifying practices in a way that will reduce irregularities and increase protection against ill-treatment.

The CHR's Annual Report on the activities of the NPM in Poland, as a summary of experiences resulting primarily from visits to many types of detention facilities and reflection over the formulation of NPM recommendations taking into account international standards, serves to advocate for human rights but also has practical significance. Every year, it serves as a reminder of the unequivocal prohibition of ill-treatment in all its forms. It indicates directions for legal reforms conducive to the prevention of torture. It may influence the educational content prepared for officers, officials and employees of places of detention. It builds public awareness in the area of torture prevention.

I hereby present to you a report summarising the activities of the NPM in 2024, in the hope that it would be widely disseminated and, above all, that the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment would be fully implemented in Polish law and practice.

Marcin Wiącek

Commissioner for Human Rights

Part I

Composition of the NPM Department and organisation of its work

The National Preventive Mechanism constitutes one of the departments within the CHR Office. In 2024, its work was supervised by Deputy CHR Wojciech Brzozowski, Ph. D. Hab., professor of the University of Warsaw.

In the reporting year, the composition of the department underwent significant changes. The NPM duties were carried out jointly by 23 specialists supported by secretaries. NPM Director Przemysław Kazimirski, Deputy Director Marcin Kusy and team members Ewa Kownacka, Magdalena Niemczyk, Paulina Wróbel and Grażyna Kalisiewicz ceased to work for the National Mechanism.

The NPM team was composed of persons with education in the fields of law, sociology, psychology, criminology, pedagogy and other areas. The team was supported also by external experts who took part in two preventive visits¹ and drew up expert opinions regarding health care for prisoners, the observance of the standards for the protection of minors in establishments for juveniles, and psychological aspects of the development of children who live with their mothers serving prison sentences.

■ Team members of the National Preventive Mechanism in 2024:

Rafał Kulas – Director of the NPM Department; lawyer;
Katarzyna Kopystyńska – Deputy Director; educator;
Karina Balicka – criminologist, internal security specialist;
Paweł Borkowski – lawyer;
Klaudia Dębowska – lawyer, political scientist;
Anna Grabowska – sociologist;
Justyna Józwiak, Ph.D. – sociologist;
Mikołaj Kidoń – lawyer;
Renata Kłyż-Urbańska – lawyer, criminologist;
Sylwia Kozarzewska – social prevention and rehabilitation specialist;
Dorota Krzysztoń – political scientist;
Magdalena Laskowska – lawyer;
Aleksandra Nowicka – criminologist, internal security specialist;
Aleksandra Osińska – psychologist;
Oliwia Rybczyńska-Gryguc – lawyer;
Karolina Sobocińska – lawyer;
Aleksandra Tokarska – psychologist, lawyer;
Tomasz Żółtek – psychologist, coach.

¹ Visit to the District Youth Care Centre in Falenica and visit to the prison in Krzywaniec.

FINANCING OF THE NPM

Expenditures on the activities of the NPM are covered from the state budget allocation to the CHR Office. According to the Annual Report on the Activity-Based Expenditures of the State Budget and the European Funds Budget, in 2024 the CHR Office disbursed 5 684 895.18 PLN for the activities of the National Preventive Mechanism.

Part II

Methodology and scope of work of the NPM

The powers of the NPM are laid down in Article 19 of the OPCAT². The conducting of preventive visits to places of detention is, according to OPCAT, only a part of the complex process aimed at improving the treatment of persons deprived of their liberty. In order to prevent torture and inhuman treatment it is also necessary to take other measures including education, training and activities increasing public awareness, as well as advisory activities such as the issuing of recommendations concerning changes in the legislation and of opinions on draft legislative acts.

METHODOLOGY OF NPM VISITS

The NPM may visit all places where people are deprived of liberty. These are places where persons deprived of their liberty are or may be held on the basis of an order from a public authority or at its instigation, with its consent or with its permission³. NPM is not an investigative body. It does not consider complaints either⁴. The aim of the NPM visits is to identify factors increasing the risk of torture and ill-treatment of persons deprived of liberty and to propose solutions to eliminate the risk.

During the visits, the NPM representatives may record sound and image with the consent of individuals who are going to be recorded, as well as hold meetings, without the presence of other parties, with persons deprived of their liberty and with individuals expected to provide significant information⁵. The findings made by the NPM during the visits are therefore based on various sources, including the Mechanism's own observations, conducted interviews, analysis of documents and video surveillance footage.

In all the visited establishments, the NPM follows the same core methodology. The first stage is to establish the composition of the visiting team. The visiting team consists of several persons, with one person performing the role of the coordinator who is responsible for drawing up a report on the visit. Two persons, including the team coordinator, inspect the premises and buildings of the establishment, while others have individual conversations with persons deprived of their liberty. External experts (e.g. physicians) may also participate in the visits and draw up expert opinions on the functioning of the visited establishment; such opinions are incorporated in the visit report.

The NPM visits are not announced. The duration of a specific visit depends on the size of the visited establishment and is between 1 and 5 days. An NPM visit comprises the following stages: conversation with the establishment's managers; inspection of all spaces used by persons deprived of their liberty; interviews with individual detainees and groups of detainees; interviews with the

² Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), adopted by the United Nations General Assembly in New York on 18 December 2002 (Journal of Laws of 2007, No. 30, item 192).

³ See: Article 4 OPCAT.

⁴ See: Ninth Annual Report of the SPT of 22 March 2016, CAT/OP/C/57/4, Annex thereto, part II, point 6. See also the publication of the Office of the United Nations High Commissioner for Human Rights entitled „Preventing Torture. The Role of National Preventive Mechanisms. A Practical Guide“, Professional Training Series No. 21, United Nations High Commissioner for Human Rights, New York and Geneva 2018, p. 4-6.

⁵ Article 13(1a) of the Act on the Commissioner for Human Rights of 15 July 1987 (Dz. U. [Journal of Laws] of 2024, item 1264, as amended).

staff; analysis of documents and video surveillance footage; formulation of preliminary post-visit recommendations, and listening to the establishment managers' opinions on the presented recommendations.

If, during the visit, a person deprived of his or her liberty reports an unlawful act and expresses the desire to have it investigated, he or she has the opportunity to lodge an official complaint. The complaint is then forwarded to the competent team within the Office of the Commissioner for Human Rights. If the content of the complaint reveals grounds for notifying the prosecutor's office about a suspected crime, the decision in this regard is taken by the Commissioner for Human Rights.

Yet, if the person does not consent to addressing the issue officially, the visiting team shall only use the information for the purposes of analysing the operation of mechanisms intended to protect persons deprived of their liberty at a specific establishment and for the purpose of issuing relevant recommendations.

During every visit the establishment directors, staff members and persons deprived of liberty are informed of the prohibition of reprisals, provided for in Article 21(1) of the OPCAT. According to it, no sanctions may be drawn against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

When the visit is completed, a report is drawn up which describes all the findings and conclusions, as well as recommendations for the body managing the visited establishment and for its supervisory authorities. When formulating its conclusions and recommendations, the NPM takes into account international human rights standards, in particular those set out by the UN⁶ and recommendations of international bodies. If the establishment's managers do not agree with the recommendations, the NPM representatives request the supervisory body to issue their opinion and position on the matter. Such a dialogue is conducted to strengthen the protection of the rights of persons deprived of their liberty at the visited place.

NUMBER OF NPM VISITS

In 2024, representatives of the NPM conducted 113 preventive visits, including:

- 31 visits to rooms for detained persons within Police organizational units;
- 10 visits to Military Police custody rooms;
- 9 visits to rooms for persons detained by the Border Guard;
- 9 visits to remand prison;
- 8 visits to prisons;
- 8 visits to district youth care centres;
- 7 visits to social care homes;
- 7 visits to private long-term care facilities;
- 5 visits to police establishments for children;
- 4 visits to youth care centres;
- 4 visits to sobering-up centres;
- 3 visits to psychiatric hospitals;
- 2 visits to prison ward branches;
- 2 visits to juvenile detention centres;

⁶ Article 19(b) OPCAT.

- 2 visits to residential care and treatment facilities;
- 1 visit to a shelter for minors;
- 1 visit to a police station.

EDUCATIONAL ACTIVITIES

In 2024, representatives of the NPM continued training activities within the campaign “State without Torture”. The aim of the campaign is to increase the awareness of what torture is, who may become its victim and how to prevent it. The campaign also aims at building a culture of non-acceptance of torture. It is addressed to officers and employees of places of detention, as well as school and university students. In 2024, representatives of the NPM conducted a total of 11 training courses.

The NPM team continued its cooperation with the TZMO *Razem Zmieniamy Świat* (Together We Change the World) foundation by organising online training for employees of social care homes and private long-term care facilities, which was provided to representatives of over 250 institutions.

In 2024, large groups that took part in the NPM training were representatives of the Border Guard (officers serving at the Guarded Centre for Foreigners in Lesznowola, and Border Guard commanders’ representatives for human rights) and representatives of the Prison Service (officers from the prisons in Tarnów and Nowy Wiśnicz and the remand prison in Kraków).

In 2024, the NPM’s mission was also presented to students of the uniformed services class from the Secondary School no. 4 with Sports Championship Divisions in Gdańsk and university students on internship at the Office of the Commissioner for Human Rights, who in the future may come into contact with persons deprived of their liberty in their professional work, e.g. as lawyers or psychologists.

During every preventive visit to a place of detention, the NPM analyses also the training offer available to the establishment’s staff. If any gaps are identified, the Mechanism recommends that the scope of the training be broadened to cover issues of importance for the prevention of torture, such as international human rights standards, the Istanbul Protocol⁷, interpersonal communication, conflict de-escalation and methods of coping with stress and burnout. The participation in such courses can significantly contribute to improved treatment of persons held in detention as it has a preventive value.

The statements and presentations for the media, made by Wojciech Brzozowski, Deputy Commissioner for Human Rights and other employees of the NPM Department on the activities of the NPM also have educational dimension as they increase public awareness in the field of torture prevention.

■ Conferences, study visits and meetings at the international level

The activities of the NPM in the field of prevention of torture and ill-treatment are a subject often discussed by Deputy Commissioner for Human Rights Wojciech Brzozowski with representatives of other countries and international organisations including, in particular, the Council of Europe.

Representatives of the NPM took part in two international conferences of national preventive mechanisms, organised in Strasbourg by the Council of Europe. In 2024, the NPM Team was represented by NPM Deputy Director Katarzyna Kopystyńska and by Tomasz Żółtek. The discussed topics

⁷ Istanbul Protocol: United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition). The Polish version is available on the website of the Commissioner for Human Rights: <https://bip.brpo.gov.pl/pl/content/rpo-protokol-stambulski-nowa-wersja-lumaczenie-ms-odpowiedz-kolejna>.

included pre-trial detention and the improvement of health of persons deprived of liberty who have disorders related to the use of psychoactive substances.

NPM member Aleksandra Nowicka together with representatives of the National Mechanisms from France, Ireland, Slovenia and Italy took part in the Council of Europe's working group responsible for developing a manual for national preventive mechanisms on monitoring the implementation by individual countries of the European Commission's recommendations on the material conditions of detention and the procedural rights of persons in pre-trial detention.

NPM Deputy Director of Katarzyna Kopystyńska represented the National Mechanism at the Warsaw Human Dimension Conference devoted to the prevention of torture, and at a meeting organised in cooperation with ODIHR on the subject of gender-based violence and its incorporation into the training programmes for the Prison Service and the Police.

Magdalena Laskowska represented the National Mechanism at a meeting organised by ODIHR in Warsaw on the protection of human rights in the context of countering radicalism and terrorism.

Other activities in the field of the NPM's international cooperation in 2024 included:

- A study visit to Denmark, during which Katarzyna Kopystyńska and Magdalena Laskowska, representatives of the NPM met with representatives of the Danish Ombudsman who also serves as the country's national preventive mechanism, and jointly with the Danish counterparts visited places of detention there.
- Hosting a visit of a delegation of the Ethiopian Human Rights Commission at the CHR Office. In view of the fact that Ethiopia has ratified the UN Convention against Torture and is preparing for the establishment of its national preventive mechanism, the talks focused on the methodology of work of the NPM.
- Hosting a visit of representatives of the Armenian Ministry of Internal Affairs, Police and civil society to the CHR Office. The discussion focused, among others, on the NPM's role in monitoring the work of the Police, the training activities conducted by the NPM, the use of body cameras as well as surveillance mechanisms.
- The NPM team took part in drafting and translating into Polish the OSCE/ODIHR publication entitled *"Quick guide on preventing and addressing sexual and gender-based violence in places of deprivation of liberty"*.

The exchange of experience was also conducted during webinars organised by international institutions:

- Aleksandra Tokarska attended a GANHRI and APT webinar on the cooperation between national preventive mechanisms and NHRI, aimed at more effective prevention of torture.
- Klaudia Dębowska attended an online meeting on counteracting trade in products used for torture and capital punishment, organised by the Steering Committee for Human Rights (CDDH).
- Karolina Sobocińska and Anna Grabowska took part in an APT webinar devoted to the publication of APT's global report on the situation of women in penitentiary isolation.
- Mikołaj Kidoń participated in an ERA seminar focused on the ECtHR case law regarding the rights of persons deprived of liberty.
- Karina Balicka took part in a webinar organised by the UN Committee Against Torture (CAT) on the role that NHRIs can take by getting engaged in the process of reporting and providing relevant information to Treaty monitoring bodies.

■ Conferences, debates and meetings at the national level

In 2024, representatives of the NPM took part in the following meetings:

- Deputy Commissioner for Human Rights Wojciech Brzozowski and NPM Director Rafał Kulas took part in a meeting of the Senate Committee on Human Rights and Rule of Law, devoted to the CPT report on its visit to Poland in 2022.
- Regular meetings were also held of Deputy Commissioner for Human Rights Wojciech Brzozowski, NPM team members and representatives of the Penalties Enforcement Department of the CHR Office with representatives of the Prison Service and the Ministry of Justice, including Undersecretary of State at the Ministry of Justice Maria Ejchart who is responsible for matters related to the penitentiary system. The meetings focused on exchanging information and putting forward proposals for changes.
- The annual meeting of the Prison Service commanders, held at the Prison Service Training Centre in Popowo, was attended by Deputy Commissioner for Human Rights Wojciech Brzozowski who gave a lecture on problems identified in prisons and remand prisons during visits by employees of the National Preventive Mechanism and the CHR Office's Penalties Enforcement Department.
- The Director of the NPM together with its representative Justyna Józwiak participated in a meeting of the Expert Committee on Health that operates within the CHR Office. The meeting was devoted to the subject of healthcare available to people held in penitentiary facilities and the functioning of the prison healthcare system.
- NPM representative Paweł Borkowski took part in the debate *Freedom of assembly: keeping a balance between the right to protest and public safety*. He also chaired the panel entitled *Your rights and the powers of special services*. Both events took place as part of the Pol'and'Rock festival in which representatives of the CHR Office take part on annual basis.
- Aleksandra Nowicka took part in the 4th Congress on Mental Health. The panel entitled *The rights and freedoms of people in mental crisis* focused e.g. on the subjects of incapacitation, medical treatment without the patient's consent, the use of restraint and the right of children/young people to medical treatment.
- Representatives of the NPM including Deputy CHR Wojciech Brzozowski took part in a seminar in Pszczyna on the 20th anniversary of the Human Rights Protection System within the police. The session entitled *Police intervention features with particular focus on the protection of public gatherings by the police* was co-organised by the CHR Regional Representative's Office in Katowice, and during the session Oliwia Rybczyńska-Gryguc, a member of the NPM Department gave a lecture on the activities of the NPM.
- Deputy CHR Wojciech Brzozowski participated in the national celebrations of the Prison Service Day at Józef Piłsudski Square in Warsaw.
- The Director of NPM took part in the national celebrations of the Police Day at the Castle Square in Warsaw.

■ NPM statements

Since 2017, the National Mechanism has been using a communication tool in the form of NPM statements. The statements present the NPM's position on issues significant from the point of view of the prevention of torture and other forms of ill-treatment. The statements issued in 2024 concerned⁸:

- Publication of the report of the European Committee for the Prevention of Torture (CPT) as well as Poland's accession to the procedure of automatic publication of CPT reports together with the responses of the Polish authorities.
- The situation of women in prisons.
- The death of a man with regard to whom an intervention by police officers was carried out in Inowrocław on 22 May 2024.
- The judgment of the Regional Court in Wrocław regarding the use of torture and a person's death in a sobering-up centre in Wrocław.
- The International Day in Support of Victims of Torture.
- The 40th anniversary of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

CHR'S GENERAL INTERVENTION LETTERS DRAWN UP AT THE INITIATIVE OF THE NPM

The Commissioner, in the exercise of his role as the National Preventive Mechanism, not only conducts preventive visits and training activities but also takes numerous measures to improve the situation of persons deprived of their liberty. The measures include the submission of the Commissioner's general intervention letters to public authorities. In 2024, the CHR submitted such letters on the issues such as: the need to introduce a separate crime of torture into the Polish Criminal Code, the monitoring of foreign nationals' deportations, the method of documenting injuries in persons held in penitentiary establishments, the translation and dissemination of the international standards applicable to the prevention of torture (the Istanbul Protocol, the Bangkok Rules and the Mendez Principles), the prison health care system reform and the need to provide support to persons who are not self-dependent and have been placed at rooms for detained persons within Police organizational units.

Below is a list of main general intervention letters submitted in 2024. Their content and the responses to them can be found on the Commissioner's website.⁹ The letters of key importance are also described in the Report on the activities of the Commissioner for Human Rights and on the state of observance of human and civil rights and freedoms in 2024.¹⁰

1. CHR's general intervention letter to the Minister of Justice of 21 February 2024 on prisoners serving custodial sentences in prisons located far from their place of residence (KMP.571.1.2024).

⁸ The content of the NPM statements can be found on the website of the Commissioner for Human Rights, see: <https://bip.brpo.gov.pl/pl/tagi/oświadczzenia-krajowego-mechanizmu-prewencji-tortur>.

⁹ By using the search engine to enter the letter's reference number on the website <https://bip.brpo.gov.pl/pl> or by using the thematic subpage on the rights of persons deprived of liberty https://bip.brpo.gov.pl/pl/sprawny-wazne-dla-obywateli?term_node_tid_depth=All&term_node_tid_depth_1=1022&term_node_tid_depth_2=1326.

¹⁰ See: Report on the activities of the Commissioner for Human Rights and on the state of observance of human and civil rights and freedoms in 2024, available at: <https://bip.brpo.gov.pl/sites/default/files/2025-09/Informacja%20Roczna%202024%20-%20wersja%20interaktywna.pdf>, s. 69-81.

2. CHR's general intervention letters to the Minister of the Interior and Administration of 26 February 2024 and of 2 June 2024 on difficulties faced by the NPM to audio and video materials held by police units (KMP.570.1.2024).
3. CHR's general intervention letter to the Minister of Justice of 4 March 2024 on the need to translate and disseminate the Bangkok Rules (KMP.571.4.2024).
4. Deputy CHR's general intervention letter to Director General of the Prison Service of 4 March 2024 on the situation of women in penitentiary establishments (KMP.571.5.2024).
5. Deputy CHR's general intervention letter to the Undersecretary of State at the Ministry of Justice of 22 March 2024 on the situation of convicts and remand prisoners with regard to the exercise of their right to contact with the outside world (KMP.571.3.2024).
6. CHR's general intervention letter to the Minister of the Interior and Administration of 25 March 2024 on the monitoring of deportation procedures (KMP.572.5.2018).
7. Deputy CHR's general intervention letter to Director General of the Prison Service of 26 March 2024 on methods of documenting injuries sustained by prisoners (KMP.571.2.2024).
8. Deputy CHR's general intervention letter to the Minister of Justice of 19 April 2024 on the need to translate and disseminate the new version of the Istanbul Protocol (KMP.571.6.2024).
9. CHR's general intervention letter to the Minister of Justice of 20 June 2024 on the need to introduce the crime of torture into the national legislation (KMP.570.3.2018).
10. CHR's general intervention letter to the Minister of the Interior and Administration of 20 June 2024 on the need to amend legal regulations on police officers' identification signs (KMP.570.12.2020).
11. CHR's general intervention letter to the Minister of Justice of 24 June 2024 on the need to change the method of documenting injuries of people held in penitentiary establishments (KMP.571.12.2024).
12. Deputy CHR's general intervention letter to Director General of the Prison Service of 6 August 2024 on the inclusion of issues related to sexual violence and gender-based violence in training programmes for Prison Service officers (KMP.571.14.2024).
13. Deputy CHR's general intervention letter to Director General of the Prison Service of 15 October 2024 on the lack of privacy in shower rooms in prisons and remand prisons (KMP.571.22.2024).
14. CHR's general intervention letter to the Minister of Justice of 16 October 2024 with suggestions regarding the reform of the prison health care system (KMP.571.24.2024).
15. CHR's general intervention letter to the Minister of Justice of 21 October 2024 on the need to translate into Polish and disseminate the Mendez Principles (KMP.570.8.2021).
16. Deputy CHR's general intervention letter to Police Commander-in-Chief of 28 October 2024 on releasing from police detention rooms of people who are not self-dependent (KMP.570.33.2024).
17. Deputy CHR's letter to Director General of the Prison Service of 29 October 2024 on NPM employees' security checks during their visits to prisons and remand prisons (KMP.571.21.2024).
18. Deputy CHR's general intervention letter to Director General of the Prison Service of 30 October 2024 on the Prison Service's pilot programme to permit prisoners to make telephone calls from their cells (KMP.571.23.2024).

■ Issuing opinions on legislative acts

Issuing opinions on legislative acts is a form of preventing torture and other cruel, inhuman or degrading treatment or punishment. In 2024, the Commissioner for Human Rights drew up opinions¹¹ on the draft regulation of the Minister of the Interior and Administration of 19 September 2024 amending the regulation on police uniforms. The opinion was a continuation of efforts taken since 2020¹² to introduce the legal requirement for all police officers have to wear individual identification badges making it possible for relevant authorities to establish their identity and hold them accountable in the event of abuse of power. The Commissioner raised doubts as to the badges' proposed design and place on the uniforms. He also pointed out that the regulation contains no procedure for wearing balaclavas and scarves by police officers, nor does it specify in any way how to identify plainclothes officers.

¹¹ See: https://bip.brpo.gov.pl/pl/content/rpo-policja-znaki_identyfikacyjne-projekt-opinia-mswia.

¹² CHR's general intervention letters to the Minister of the Interior and Administration of 11 December 2020 (KMP.570.12.2020.RK) and 20 June 2024 (KMP.570.12.2020.DK).

Part III

Violations of OPCAT

DIFFICULTIES IN THE IMPLEMENTATION OF THE NPM MANDATE

In 2024, representatives of the NPM recorded cases of violation of the OPCAT and obstruction of the NPM's mandate. Difficulties were encountered in the establishments mentioned below.

At the visited Ward for Mentally Ill Patients at the hospital in Czeladź, there was a patient who had been brought there from the prison in Wojkowice for the purpose of diagnosis and treatment. He stayed in a separate room under the supervision of Prison Service officers. The officers did not initially agree to the NPM representatives' confidential interview with the patient without their presence in the room. The interview was held only after a telephone conversation with Wojkowice prison Director who was the officers' supervisor¹³.

During the visit to the police establishment for children in Olsztyn¹⁴ the delegation requested access, after the visit, to several archival detention reports that were not available during the visit. Access to the documents was refused in writing.

During the visit to the district youth care centre in Studzieniec, the director of the facility exerted pressure on the members of the delegation by interrupting their work, inquiring repeatedly about the content of the future report on the visit and suggesting its content¹⁵.

The NPM representatives encountered difficulties at the beginning of their visit to SCPU Addiction Centre in Szczecin, which has a sobering-up centre within its structure. Upon arrival, the visiting team was informed that the facility director was absent and that it was not possible to commence the visit in her absence. The waiting time for her arrival was 25 minutes although the National Mechanism should be granted immediate access to detainees and spaces where they are held¹⁶.

During the visit to the prison in Goleniów, the NPM delegation was refused access to the correctional officer's room for the purpose of conducting confidential interviews with inmates or to any other room where such conversations could be held. The room was made available only after the correctional officer arrived on site¹⁷.

At the room for detained persons within the Border Guard Maritime Unit in Kołobrzeg, Border Guard officers refused to allow NPM employees to enter the premises based on their professional documents (professional ID cards and letters of authorisation issued by the Commissioner for Human Rights). The officers required also the presentation of the employees' private identity cards and questioned the authenticity of the professional IDs, which delayed their entry into the facility¹⁸.

¹³ See: NPM report on the visit to the Ward for Mentally Ill Patients in Czeladź of the Poviát Health Care Complex in Będzin (KMP.574.2.2024), pp. 3–4.

¹⁴ See: NPM report on the visit to the police establishment for children in Olsztyn (KMP.570.4.2024), pp. 3–4.

¹⁵ See: NPM report on the visit to the district youth care centre in Studzieniec (KMP.573.11.2024), p. 3.

¹⁶ See: NPM report on the visit to SCPU Addiction Centre in Szczecin (KMP.574.3.2024), p. 3.

¹⁷ See: NPM report on the visit to the prison in Goleniów (KMP.571.17.2024), p. 3.

¹⁸ See: NPM report on the visit to the room for detained person within the Border Guard Maritime Unit in Kołobrzeg (KMP.570.27.2024), pp. 4–5.

The above described situations show that it is necessary to conduct information activities among detention establishments' staff in order to raise their awareness of OPCAT and its goals, the work of the NPM and the powers of National Mechanisms. In particular, it is necessary to inform that OPCAT grants to National Mechanisms the freedom to select places to be visited by their representatives and persons with whom they want to hold confidential interviews, as well as unhindered access to all places and information required for National Mechanisms to fulfil their mandate.

VIOLATION OF THE PROHIBITION OF REPRISALS

In 2024, several reports were received concerning possible violations of the prohibition of reprisals, set out in Article 21(1) of the OPCAT.

During the follow-up visit to the district youth care centre in Studzieniec, young people reported that the facility director, after the first visit by the NPM, had asked them about the content of the interviews and expressed his resentment that they had provided information to the delegation. He had also checked the CCTV footage to determine the duration of the interviews with individual young people¹⁹.

During the visit to the room for detained persons at the Municipal Police Headquarters in Wrocław, some of the persons interviewed by the NPM were subjected to a body search after the interviews. In the opinion of the NPM, there is no justified reason for subjecting people to such an invasive procedure because of taking part in the interview. The National Mechanism, before the visit, had not come across such a practice that can have an intimidating effect and discourage people from taking part in confidential interviews with the NPM²⁰.

During the follow-up visit to Prison no. 1 in Łódź the visiting team members were informed that after the first visit, the inmates had been asked by some officers about the content of the interviews. According to the inmates, the questions had been asked jokingly ("so what was the nice chat about?"). The NPM would like to point out that asking questions to inmates, even in the form of jokes, about the NPM interviews is not in line with the procedure and should not be done. In the opinion of the NPM, questions about the content of the interviews may constitute a form of psychological pressure by the NPM because of the hierarchical relationship of the inmates with the officers, and are therefore unacceptable²¹.

At the prison in Goleniów, after the NPM visits to inmates' cells, some officers allegedly tried to identify the cells where the NPM team had stayed for the longest time and the inmates who had been most willing to speak with the team members²².

During the follow-up visit to the prison in Krzywaniec, the NPM delegation found out that the officers had recoded, in the ward's internal logbook, the names of the inmates who had taken part in the confidential interviews conducted by the NPM during the first visit to the establishment. The National Mechanism emphasises that this should not be done. Recording or highlighting, in the prison's documentation, the names of inmates with whom the NPM delegation holds interviews may be considered a violation of the principle of protecting inmates against reprisals²³.

The above examples of actions of administration and staff of places of detention should serve as an important reminder that, according to Article 21(1) of the OPCAT, no person or organization may be sanctioned for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

¹⁹ NPM report on the visit to the district youth care centre in Studzieniec (KMP.573.11.2024).

²⁰ NPM report on the visits to rooms for detained persons in Łomża, Białystok, Poznań, Leszno, Rzeszów, Krosno, Zambrów, Ostrołęka, Chrzanów, Sopot, Człuchów, Parczew and Wrocław (KMP.570.39.2024).

²¹ NPM report on the visit to Prison No. 1 in Łódź (KMP.571.15.2024).

²² NPM report on the visit to the prison in Goleniów (KMP.571.17.2024).

²³ NPM report on the visit to the prison in Krzywaniec (KMP.571.27.2024).

Part IV

Situation in places of detention

MILITARY POLICE CUSTODY ROOMS

In 2024, the National Mechanism decided to conduct visits to all custody rooms within Military Police units in the country²⁴ (hereinafter referred to as MP custody rooms), in order to assess their functioning and the treatment of people detained there. The previous visits to MP custody rooms were conducted in 2015 and 2018. Thus, there was a need for a broad-scale analysis of the current situation at the facilities. The analysis did not reveal any systemic problems in the functioning of the rooms, i.e. problems that would require legislative changes. Detailed conclusions and areas for improvement are set out in the summary report on the visits²⁵.

■ Key recommendations of the NPM

The key recommendations issued by the NPM concerned, among others, improving material conditions in some of the custody rooms, in particular the separation of toilets in multi-person custody rooms, the systematic removal of architectural barriers for persons with disabilities, and the installation of monitoring cameras in the rooms that had none of them. It was also suggested that detainees be provided with at least one hot meal (instead of dry or canned food), including a meat-free option, and that the practice of delivering meals to detainees through a window in the cell door at one of the MP rooms be discontinued. The practice, in the opinion of the NPM, can be considered an excessive and unjustified measure that can lead to violation of people's dignity.

Some of the recommendations were closely connected with the main anti-torture safeguards. They related e.g. to the need to ensure confidentiality of medical examinations and to conduct them in the presence of duty officers only if so requested by the healthcare professional, or to increase access to legal assistance for detainees.

The NPM found out that electric incapacitating devices may be used in MP custody rooms. According to the international standards developed by human rights institutions, including the UN Committee Against Torture (CAT)²⁶ and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)²⁷, stun guns should not be part of the standard equipment of officers who work in direct contact with detainees. It was thus decided to issue a recommendation to ensure that electroshock devices have in-built cameras. The NPM also called upon the officers who supervise detainees not to use stun guns.

²⁴ According to Regulation no. 17/MON of the Minister of National Defence of 23 September 2022 on the establishment of Military Police custody rooms (Official Journal of the Ministry of National Defence of 2022, item 165), there were twelve Military Police custody rooms in Poland. In the reporting period, the room in Białystok was closed and the room in Bydgoszcz was under renovation. Therefore, the visited rooms were those in: Warsaw, Kraków, Wrocław, Lublin, Poznań, Rzeszów, Szczecin, Elbląg, Bemowo Piskie (located on the premises of the military unit in Orzysz) and Ustka.

²⁵ See: <https://bip.brpo.gov.pl/sites/default/files/2025-07/Raport%20-%20IZ%20%C5%BBW%202024.pdf>.

²⁶ See: CAT concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, CAT/C/GBR/CO/6, para. 29.

²⁷ See: CPT report on the visit to Portugal in 2022, CPT/Inf (2023) 35, para. 54.

During the NPM visits to MP custody rooms, the visiting teams were informed about frequent preventive use by the Military Police of handcuffs on people before their placement in the room, e.g. at the time of their apprehension, conveying or medical examination. The National Mechanism reminded that the use of coercive measures, including handcuffs, should be based on case-by-case risk assessment carried out according to clear criteria, and only if no less restrictive means of risk control are available.

When analysing the treatment of detainees it was noted that, contrary to the applicable regulations, body search was, in some of the MP custody rooms, carried out in a single stage and as a routine procedure, without any specific reasons for conducting it. Not all of the interviewed soldiers could properly differentiate between a body search and a preventive check. A change of practice in this area was recommended.

The NPM paid attention to the situation of female detainees and recommended an increase in the number of female staff trained to serve at Military Police custody rooms. A female soldier should be present in such a room throughout the period in which a female detainee is held there. It also emphasised the need for replacement underwear and menstrual products to be available to women in these rooms.

ROOMS FOR DETAINED PERSONS WITHIN POLICE ORGANIZATIONAL UNITS

In 2024, the NPM carried out visits to 32 rooms for detained persons (RDPs) within police organizational units²⁸. The conclusions were presented in three summary reports describing the preventive visits to: rooms for detained persons within the jurisdiction of Warsaw Municipal Police Headquarters²⁹, rooms for detained persons in other parts of the country³⁰ and other police units visited by the NPM during night-time visits in connection with public gatherings held in Warsaw on Poland's National Independence Day³¹.

■ Systemic problems

Observations made during the visits conducted in 2024 confirmed the persistence of systemic problems broadly described in the previous years³². These include: no mandatory medical examination

²⁸ This chapter discusses problems identified during the visits to the rooms for detained persons within police organizational units (hereinafter referred to as RDPs) and Warsaw District I Police Headquarters. The conclusions from visits to police establishments for children are presented in a separate chapter.

²⁹ The summary report (KMP.570.2.2024) contains conclusions from the visits to the RDPs at: Warsaw Municipal Police Headquarters, Warsaw District VI Police Headquarters, Warsaw District II Police Headquarters, Warsaw District V Police Headquarters, Legionowo Poviát Police Headquarters, Piastów Poviát Police Headquarters, Otwock District Police Headquarters, Mińsk Mazowiecki District Police Headquarters, Grodzisk Mazowiecki Poviát Police Headquarters, Nowy Dwór Mazowiecki Poviát Police Headquarters, Piaseczno Poviát Police Headquarters, Warsaw District IV Police Headquarters and Wołomin Poviát Police Headquarters.

³⁰ The summary report (KMP.570.39.2024) contains conclusions from the visits to police RDPs at: Łomża Municipal Police Headquarters, Białystok Municipal Police Headquarters, Police Station for Poznań-Stare Miasto district, Leszno Municipal Police Headquarters, Rzeszów Municipal Police Headquarters, Krosno Municipal Police Headquarters, Zambrów Poviát Police Headquarters, Ostrołęka Municipal Police Headquarters, Chrzanów Poviát Police Headquarters, Sopot Municipal Police Headquarters, Człuchów Poviát Police Headquarters, Parczew Poviát Police Headquarters and Wrocław Municipal Police Headquarters.

³¹ The summary report (KMP.570.35.2024) contains conclusions from the visits to: Warsaw District I Police Headquarters, RDP at Warsaw Municipal Police Headquarters, RDPs at the Police Headquarters for Warsaw Districts II, IV, V and VI, and the police establishment for children in Warsaw.

³² See: Annual Report on the Activities of the NPM in 2023, pp. 45–50.

required for all detainees upon their placement in a room for detained persons, no access to free legal aid from the outset of detention, no possibility to personally notify a third party of the detention, no requirement for at least two officers to be on duty in the rooms for detained persons, no walking yards at RDPs, the placement at RDPs of persons who have been detained for sobering up, who have taken substances with similar effects or who have mental health problems, despite the fact that police officers, due to their lack of medical education, are unable to provide adequate care to such detainees, and the lack of guidelines for dealing with transgender people placed in a room for detained persons.

■ Key recommendations of the NPM

As in previous years, in 2024 the key recommendations of the NPM focused on the areas mentioned below. The reports assessing the situation at RDPs located within police organisational units in Warsaw and RDPs in other parts of the country show no significant differences as compared to previous years. The arguments supporting the need to implement the NPM's recommendations and relevant international standards are presented in the NPM's annual report for 2023³³ and the summary reports for 2024.

1. Body search and preventive checks

The NPM has consistently pointed to the need to abandon the system of conducting body search of detainees as a routine procedure. The procedure should only be used in exceptional circumstances, if necessary and proportionate, and should be preceded by risk assessment on case-by-case basis. At RDPs, only preventive checks should be mandatory as a basic but sufficient security measure.

The NPM recommended, in particular, that body search and preventive check be carried out in a manner ensuring respect for detainees' dignity and right to privacy, that is in two stages, which makes it possible for detainees to put on some clothing items before taking off others. It is also necessary to remind officers of the difference between a body search (Article 15d of the Act on the Police³⁴) and a preventive check (Article 15g of the Act), and to inform detained people of their right to request a report on the conducted body search and of the possibility to lodge a complaint regarding its conduct. In rooms with CCTV monitoring it is recommended to use screens or image masking functions to ensure that intimate areas are covered.

2. Use of handcuffs and other coercive measures

All coercive measures should be applied in a proportionate, purposeful and time-limited manner, and every instance of their use has to be recorded and reasoned in official documentation, in accordance with applicable regulations. Deviations from these rules in Police practice, found by the NPM, are described in the summary reports for 2024.

The NPM pointed, in particular, to the need to limit the use of handcuffs to situations where their use is actually justified by risk assessment conducted on individual basis. Routine use of handcuffs on detainees, without analysing the circumstances of a given police intervention, is a disproportionate practice and may constitute a violation of human dignity and the principles of humane treatment. In cases where the use of handcuffs is unavoidable, the NPM recommends that they be applied in a manner that ensures security but without excessive pressure that could cause pain or injury, and that they be removed immediately after the reason for their use has ceased to exist.

³³ See: Annual Report on the Activities of the NPM in 2023, pp. 50-67.

³⁴ Act of 6 April 1990 on the Police (Journal of Laws of 2025, item 636, as amended), hereinafter referred to as the Act on the Police.

The NPM recommended that police officers be reminded, on regular basis, of the principles of applying coercive measures and professional ethics. The Mechanism also raised the need for police officers to be made familiar with the NPM's expert report entitled *Police interventions with regard to persons with mental disorders*³⁵, containing guidelines on how to deal with people who require special treatment.

3. Right to information and complaint mechanism

The NPM emphasised that the right of detained people to obtain full and comprehensible information about their rights is one of the fundamental safeguards against torture and other forms of inhuman or degrading treatment. Access to reliable information about the possibility of lodging a complaint or obtaining legal protection is a prerequisite of effective exercise of one's rights.

In this regard, the NPM recommended that information about complaint bodies and human rights institutions be regularly updated and displayed next to the establishments' internal regulations instructions, in a legible and durable manner making it possible for detainees to read their content.

In order to ensure that detainees have real access to professional legal assistance, the NPM recommended updating the lists of attorneys-at-law in consultation with the relevant District Bar Councils. The lists should be standardised, complete and contain up-to-date contact details, including telephone numbers for immediate contact with attorneys. The NPM recommended that the lists should only include the names of lawyers who specialise in criminal cases, with information on the type of assistance provided: either ex officio or paid legal assistance.

4. Detention of foreign nationals at RDPs

The NPM emphasised that effective provision to foreign nationals of information on their rights is an essential procedural safeguard and a condition for the effective enjoyment of protection against inhuman or degrading treatment. Therefore, the NPM recommended that all documents signed by foreign nationals be translated into a language they understand and that, in the event of communication difficulties, officers use the services of an interpreter, regardless of the reason for detention. The fact that interpretation has been provided should be mentioned in the documentation in every case, together with the interpreter's name, signature and stamp. In addition, it is recommended that information on the communication difficulties, including on the language spoken by the detained person, the translation provided, if any, and its extent and method be included in the documentation.

5. Material conditions

In most of the visited RDPs material conditions remained at an acceptable or good level. However, at some RDPs improvements were recommended e.g. because the rooms needed painting, had damaged furniture³⁶, damaged or dirty mattresses or pillows³⁷, no separating wall between showers and toilets³⁸, no space for proper storage of replacement clothing that was kept, in some cases, on

³⁵ See: J. Berent, P. Gałęcki, R. Kubiak, A. Smędra "Interwencje Policji wobec osób z zaburzeniami psychicznymi [*Police interventions with regard to persons with mental disorders*]", Łódź, 8 December 2021. Based on the expert opinion, a manual for police officers was developed. The materials are available on the CHR website: <https://bip.brpo.gov.pl/pl/content/broszura-NPM-interwencje-policji-zaburzenia-psychiczne>.

³⁶ RDP at the Municipal Police Headquarters in Łomża.

³⁷ RDP at the Municipal Police Headquarters in Rzeszów and Krosno and RDP at the Powiat Police Headquarters in Czulchów.

³⁸ RDPs at the Municipal Police Headquarters in Rzeszów and Krosno.

the floor or on rusty shelves³⁹, no cases for pillows⁴⁰, not enough chairs⁴¹ or no chairs at all⁴², or had access to cold water only⁴³.

The NPM also recommended that menstrual products be made available in bathrooms so that women have unrestricted access to basic personal hygiene products without having to ask police officers for them. This is particularly important given that RDP staff are mostly men.

Another frequent recommendation was to ensure that detainees have access to newspapers, in accordance with the requirement set out in Article 10(1)(7) of the Regulation on rooms for detained persons⁴⁴ because during the visits at some RDPs⁴⁵ they had no such access.

6. Taking away of orthopaedic equipment items and glasses

The NPM recommended that glasses or orthopaedic equipment items (e.g. crutches) not be taken away from detainees as a routine measure. This may be done only in exceptional cases, if necessary for safety reasons, according to case-by-case risk assessment. Cases where such items are taken away should be recorded in the duty book each time, together with the reason for doing so.

POLICE ESTABLISHMENTS FOR CHILDREN

In 2024, the NPM carried out visits to four police establishments for children (hereinafter also referred to as the establishments): in Legnica⁴⁶, Warsaw⁴⁷, Opole⁴⁸ and Olsztyn⁴⁹. The key recommendations issued as a result of the NPM's preventive visits in 2024, as well as a good practice found, are described below.

■ Good practice

In one of the establishments⁵⁰ the NPM found a good practice i.e. the use of a special manual on communicating with deaf people. It was drawn up by the Association of Deaf People and contained practical tips, e.g. how to ask a deaf person if he or she suffers of any physical pain, the source of the

³⁹ RDPs at the Municipal Police Headquarters in Zambrów and at the Poviát Police Headquarters in Chrzanów.

⁴⁰ RDPs at the Municipal Police Headquarters in Ostrołęka and Wrocław.

⁴¹ RDPs at the Poviát Police Headquarters in Chrzanów and at the Municipal Police Headquarters in Sopot.

⁴² RDPs at the Municipal Police Headquarters in Rzeszów and Białystok.

⁴³ RDP at the Poviát Police Headquarters in Chrzanów.

⁴⁴ Regulation of the Minister of the Interior of 4 June 2012 on rooms for detained persons or intoxicated persons brought to sober up, on transitional facilities and police establishments for children as well as rules and regulations on the stay in such facilities and procedures regarding image recording there (Journal of Laws of 2023, item 2672, as amended), hereinafter referred to as the regulation on RDPs.

⁴⁵ RDPs at: the Municipal Police Station no. II (ul. Janowskiego), the Poviát Police Headquarters in Piaseczno, the Municipal Police Headquarters in Leszno, the Municipal Police Headquarters in Ostrołęka and the Municipal Police Headquarters in Wrocław.

⁴⁶ NPM report on the visit to the police establishment for children in Legnica (KMP.573.5.2024).

⁴⁷ The police establishment for children in Warsaw was visited twice in 2024 by representatives of the NPM. The conclusions from the first visit are set out in the Report on the visit to the police establishments for children in Warsaw (KMP.570.6.2024). The conclusions from the second visit are included in the summary report on the treatment of persons detained in connection with the public gatherings held in Warsaw on 11 November 2024. On that date, the National Mechanism delegations conducted unannounced night-time visits to police detention facilities, including the police establishment for children in Warsaw (KMP.570.35.2024).

⁴⁸ NPM report on the visit to the police establishment for children in Opole (KMP.573.1.2024).

⁴⁹ NPM report on the visit to the police establishment for children in Olsztyn (KMP.570.4.2024).

⁵⁰ Police establishment for children in Olsztyn.

pain, the person's age or whether they have taken any stimulants. At the facility, it was also possible to connect with a sign language interpreter from the duty officer's room.

■ Systemic problems

In the police establishments for children, visited in 2024, the National Mechanism found systemic problems described in more detail in previous years⁵¹. They concerned the lack of mandatory medical examinations of all minors before their placement in the establishment, documenting injuries in accordance with the recommendations set out in the Istanbul Protocol, access to a lawyer from the outset of detention, the NPM's suggestion that officers at police establishments for children should not wear uniforms⁵², excessive use of handcuffs on detainees for preventive purposes, in particular during conveying, and the lack of guidelines on dealing with transgender detainees⁵³.

■ Key recommendations of the NPM

The NPM's recommendations issued after the visits to the police establishments for children in 2024 concerned mainly:

1. Difference between a body search and a preventive check

In three of the visited police establishments for children⁵⁴ there was a standard practice of conducting, upon the admission of a minor person, a check similar to a body search. In Legnica and Opole there were reports of the requirement to undress completely and squat, while in Warsaw the person's body was checked using also a metal detector. The purpose was to check whether the minors had any prohibited items but the check resembled a body search rather than a preventive check.

The NPM recommended that the officers be reminded of the difference between a body search and a preventive check and of the fact that body search should be conducted only in specific cases justified by security considerations. The requirement for minor persons to take off all clothes is not only a disproportionate interference with their privacy but may also be considered humiliating.

2. Material conditions

In some of the police establishments for children⁵⁵ it was found that outdoor recreation areas had no roofed place and no benches. It was recommended that they be constructed so that the areas could also be used in weather such as strong sunlight or rain. Without any benches the areas cannot be used e.g. by minors with temporarily limited mobility, using walking sticks.

Two of the visited establishments⁵⁶ were not fully adapted to the needs of people with disabilities. In Olsztyn, the call system in the room for people with reduced mobility was placed in a way that made its use from the bed impossible. In Legnica, the establishment had no architectural and technical solutions ensuring accessibility. The applicable regulations do not require police establishments

⁵¹ See: Annual Report on the Activities of the NPM in 2023, pp. 93–95.

⁵² See: CHR's general intervention letter to Police Commander-in-Chief of 28 November 2023 (KMP.573.19.2023). <https://bip.brpo.gov.pl/pl/content/rpo-izby-dziecka-policjanci-ubior-kgp-rpd-odpowiedz>.

⁵³ In previous years, the issue concerned mainly adults detained by police officers; see: Annual Report on the Activities of the NPM for 2023, pp. 52–53. In 2024, the National Mechanism emphasised the need to develop guidelines for dealing with transgender young people.

⁵⁴ Police establishments for children in Opole, Legnica and Warsaw.

⁵⁵ Police establishments for children in Olsztyn, Legnica and Warsaw.

⁵⁶ Police establishments for children in Legnica and Olsztyn.

for children in Poland to be fully adapted for people with disabilities, which results in different levels of their accessibility and makes it difficult to ensure equal conditions for minors across the country.

3. Wearing private clothing

In two police establishments for children⁵⁷ it was found that minors' own clothes were routinely taken away from them and placed in a store room, regardless of their condition or suitability for use in a given season of the year. The NPM points out that this is against the applicable regulations that allow minors to use their own clothes as long as their use is not against safety or hygiene.

The NPM is of the opinion that the practice should be abandoned and minors should be permitted to use their own clothes if they meet hygiene and safety requirements. This would contribute to their sense of personal dignity and psychological comfort, and would be in line with the principle of minimum interference in the privacy and autonomy of the individual, in accordance with the standards of humane treatment.

4. Confidentiality of contacts with defence counsels and family members

In two of the visited establishments⁵⁸ irregularities were found with regard to ensuring confidentiality of minors' contacts with their defence counsels and relatives. In Legnica, telephone conversations took place within the hearing of officers, regardless of whether the caller was a lawyer or a family member. Meetings with lawyers took place in the canteen, within the sight and hearing of officers (who could watch and listen to them through the meal serving window). Contact with family members, both by telephone and in person, was possible only in the presence of officers. At the establishment in Warsaw, there was a room for confidential contacts with a defence lawyer or family members. Yet, there was no list of lawyers that could be made available to minor detainees or their legal guardians, which was a limitation of the possibility to exercise the right of defence.

The NPM calls for ensuring that contacts with defence counsels take place in conditions of real confidentiality and that conversations with family members take place without violation of privacy or intimacy. Furthermore, the NPM recommends that every police establishment for children be provided with an up-to-date list of attorneys-at-law, compiled in cooperation with the District Bar Council, and that information about the list be communicated to minors and their legal guardians. Ensuring the confidentiality of contacts and real access to legal assistance is a key element of the right to defence and protection against inhuman or degrading treatment.

5. Dealing with foreign nationals

In some of the police establishments for children⁵⁹ irregularities were found in the area of ensuring proper communication with minor foreign nationals and documenting activities related to information provision to them. In Legnica, there were cases where information to such minors was provided exclusively in Polish, without receiving their written statement of knowledge of the Polish language. In situations of a language barrier, officers used electronic translators or asked other minors for assistance with translation, which is in violation of the principles of confidentiality and fairness of proceedings. In Opole, there was a practice of 'automatic' entry in the detention report of a statement that the foreign national did not intend to exercise his or her rights, despite the fact that the same

⁵⁷ Police establishments for children in Legnica and Warsaw.

⁵⁸ Police establishments for children in Legnica and Warsaw.

⁵⁹ Police establishments for children in Legnica and Opole.

report mentioned that communication difficulties were encountered and no interpreter took part in the official procedures.

The NPM recommends that minor foreign nationals be given full access to relevant information in a language they understand. This should be done through the mandatory use of an interpreter in the event of any communication difficulties or doubts as to their knowledge of Polish. The NPM also recommends that the practice of using other minors as interpreters be abandoned and that it be mandatory for the documentation to indicate the language spoken by the minor detainee as well as the information on whether an interpreter took part in the procedures and on the language in which information was provided to the minor. This is necessary for safeguarding the right to a fair trial, for the minor to understand his or her rights and obligations and for ensuring that the minors are effectively protected against arbitrary treatment.

SOBERING-UP CENTRES

In 2024, the NPM carried out visits to four sobering-up centres (hereinafter referred to as the centres) in: Chorzów⁶⁰, Warsaw⁶¹, Szczecin⁶² and Zielona Góra⁶³. The key problems as well as the good practices identified during the NPM preventive visits in 2024 are set out below.

■ Good practices

In one of the centres⁶⁴ the NPM identified a good practice that consisted in providing translation into foreign languages of the information on payment required from people placed in the centre.

■ Key recommendations of the NPM

The key recommendations relating to sobering-up centres concerned the following areas.

1. Application of coercive measures

In all the visited sobering-up centres, irregularities were found regarding the application of coercive measures, as described in detail in the reports on the individual visits. The identified problems related in particular to: lack of sufficient supervision over the application of coercive measures, inaccurate documentation on their application, vague descriptions of the reasons for applying coercive measures, and the application of coercive measures with regard to people who were only using vulgar language, which does not constitute grounds for applying coercive measures but for using disciplinary measures only. The use of restraints for a too long time on people who behaved calmly was also an identified problem. In one of the sobering-up centres, there was a practice, for the purpose of restraining a person, of pressing his neck to the bed and covering his face with a sheet in a way that could make breathing more difficult⁶⁵. In another centre, coercive measures were used by police officers

⁶⁰ NPM report on the visit to the sobering-up centre at the Support Facility for Addicts and their Families in Chorzów (KMP.574.4.2024).

⁶¹ NPM report on the visit to the Centre for Intoxicated Persons in Warsaw (KMP.574.5.2024).

⁶² NPM report on the visit to SCPU Szczecin Addiction Centre (KMP.574.3.2024). NPM report on the visit to SCPU Szczecin Addiction Centre (KMP.574.3.2024).

⁶³ NPM report on the visit to the sobering-up centre in Zielona Góra (KMP.574.6.2024).

⁶⁴ Sobering-up centre in Zielona Góra.

⁶⁵ Sobering-up centre in Warsaw.

who brought people there for sobering-up⁶⁶. The NPM takes the view that the officers' role should end when a person is formally placed in the centre.

2. Material conditions

The visiting team had objections with regard to the level of hygiene and the size of rooms in the sobering-up centres. One of the main problems was the lack of privacy in toilets. Three centres had not enough replacement clothes for people brought to sober up, e.g. had no bras and footwear. The NPM also noted the practice of taking away patients' orthopaedic equipment and prescription glasses, which seems to be an excessive measure when applied routinely.

3. Medical examinations and documentation of injuries

During the visits, NPM representatives did not see any improvement in the areas highlighted as problematic in previous years, in particular in the area of documenting injuries, which should be done in a detailed manner. In two of the visited centres, not all injuries sustained by patients were recorded with the use of body maps, or the maps were too small to be of any practical use⁶⁷). No photographic documentation of patients' injuries was made despite the earlier recommendation by the NPM issued in accordance with the Istanbul Protocol. Another important recommendation that still remains is to maintain the confidentiality of medical examinations, in particular to conduct people's initial medical examinations at a sobering-up centre without the presence of police officers who have brought the person to sober up.

4. Right to information and complaint mechanism

One of the main repetitive violations of the right to information, highlighted by the NPM already in its earlier reports⁶⁸ is the fact that basic documents regarding the placement at a sobering-up centre are not translated into foreign languages. The analysed documentation often lacked information on the level of knowledge of the Polish language by persons placed at the centres and on the language in which they were informed about their rights. Changes in this regard were recommended. It was also recommended that the information on the rights of persons brought to sober up and on the external complaint mechanisms be updated and displayed in visible places at the centres.

5. Release of minor persons from sobering-up centres

Apart from the systemic problems in the area of which the National Mechanism formulated recommendations addressed to the sobering-up centre's managers⁶⁹ the Mechanism also identified a disturbing practice of police officers with regard to minor persons. Such persons were not allowed to leave the centre after sobering up and were transferred to the police. This concerned also minors who had not committed any offences and had been brought to a sobering-up centre solely because of their state of intoxication. After sobering up, the minors were transported by police officers to a police station from where they were picked up by their legal guardians. In the opinion of the NPM, the

⁶⁶ Sobering-up centre in Szczecin.

⁶⁷ Sobering-up centres in Chorzów and in Szczecin.

⁶⁸ See: Annual Report on the Activities of the NPM in Poland in 2023, p. 141.

⁶⁹ Sobering-up centre in Warsaw.

practice described is inconsistent with the Act on Upbringing in Sobriety and Counteracting Alcoholism⁷⁰. This was reported to Warsaw Police Commander. The case remains under analysis by the NPM.

PSYCHIATRIC HOSPITALS

In 2024, the NPM carried out visits to three psychiatric hospitals⁷¹. The identified problems and the formulated recommendations related to the areas described below.

■ Systemic problems

At the psychiatric wards visited in 2024, the National Mechanism continued to see the systemic problems identified and described in more detail in previous years. The first one was the need to provide patients with access to a call system⁷². The second one was the release from psychiatric wards of patients who have no support from family members but are not capable of functioning independently. In such situations, depending on the patient's condition, the hospital director applies to a court to place the patient in a social care home. However, the formalities are sometimes very long (e.g. when the patient does not consent to being placed in a social care home). In such cases, the patient remains at the hospital despite the fact there is no longer any medical reason for it. The NPM recognises that this is a systemic problem and its solving requires cooperation of hospital directors and local authorities⁷³. The preventive use of handcuffs during transportation of psychiatric hospital patients was also reported⁷⁴ although such persons are a particularly vulnerable group. For years, the NPM has been pointing out that routine handcuffing of every patient for the time of transport solely because of the fact that the patient has a psychiatric diagnosis is an abuse of law and has no legal grounds⁷⁵. The last systemic problem identified in the reporting year in one of the hospitals⁷⁶ was the practice of holding remote hearings, by supervising judges, of patients placed in the hospital without consent. In the opinion of the NPM, direct contact between the patient and the judge increases the possibility to objectively assess the patient's health condition and the reason for placement in the ward. Furthermore, the patient's in-person contact with a judge is important from the point of view of preventing torture, which is why the NPM recommends abandoning the practice of remote hearings and switch to traditional hearings conducted within the hospital premises.

⁷⁰ Article 42 of the Act of 26 October 1982 on Upbringing in sobriety and counteracting alcoholism (Journal of Laws of 2023, item 2151, as amended) stipulates that after sobering up, a minor person shall be handed over to his or her parents or legal guardians, and if they fail to appear, to the closest establishment for minors.

⁷¹ Psychiatric Ward of Dr J. Psarski Specialist Hospital in Ostrołęka (KMP.574.8.2024), Clinic of Psychiatry, Combat Stress and Psychotraumatology of the Military Medical Institute (MMI) in Warsaw (KMP.574.7.2024), Ward for Mentally Ill Patients in Czeladź of the Poviāt Health Care Complex in Będzin (KMP.574.2.2024).

⁷² The problem was identified in the hospitals in Ostrołęka and Czeladź, and was described in more detail e.g. in the Annual Report on the Activities of the NPM in 2023, p. 127.

⁷³ The problem was noted in hospitals in Warsaw and Czeladź, and was described in more detail in e.g. the Annual Report on the Activities of the NPM in 2022, p. 171.

⁷⁴ The problem was reported in the hospitals in Warsaw and Czeladź.

⁷⁵ The systemic problem is described in more detail e.g. in the Annual Report on the Activities of the NPM in 2023, p. 128.

⁷⁶ Hospital in Czeladź.

■ Key recommendations of the NPM

In 2024, the NPM repeated numerous recommendations addressed to directors of hospitals with psychiatric wards. The recommendations were originally issued in previous years⁷⁷. The recommendations were formulated in particular with regard to the following areas:

1. Medical care

- Documenting injuries in accordance with the guidelines set out in the Istanbul Protocol⁷⁸.
- Medical personnel wearing call signalling devices⁷⁹.
- Checking on restrained patients at least every 15 minutes⁸⁰.
- Administering crushed medications to patients only when so recommended by a doctor, and recording this fact in the patient's medical records⁸¹.

2. Treatment

- Restraining patients in an isolation room or, if there is no free room like this, using a *room dividing screen* to ensure privacy⁸².
- Abandoning the practice of putting diapers on patients instead of making it possible for them to use a toilet⁸³.
- Abandoning the requirement for patients to wear pyjamas during the day⁸⁴.
- Ccessation of collective accountability – there have been reports⁸⁵ that, if a patient escapes from a psychiatric ward, the other patients may not go outdoors to the patio (although it is the only outdoor place for practicing physical activity).
- Purchasing disposable underwear and menstrual products, and collecting clothes for female patients in need⁸⁶.

3. Right to information and complaint mechanism

- Installing a complaints box for patients and other persons at a place ensuring confidence; complaints and other reports left in it (including anonymous reports) should also be recorded in the complaints register⁸⁷.
- Extending the scope of information placed on hospital notice boards by adding contact details of relevant supervisory authorities and human rights organisations⁸⁸.
- Drawing up a booklet in foreign languages (in particular Ukrainian, Russian and English) with key information for patients, formulated in an understandable manner⁸⁹.

⁷⁷ See: Annual Report on the Activities of the NPM in 2023, pp. 129–137.

⁷⁸ Hospital in Czeladź, hospital in Warsaw and hospital in Ostrołęka.

⁷⁹ Hospital in Czeladź.

⁸⁰ Hospital in Ostrołęka.

⁸¹ Hospital in Czeladź.

⁸² Hospital in Czeladź and Hospital in Warsaw.

⁸³ Hospital in Czeladź.

⁸⁴ Hospital in Warsaw and Hospital in Ostrołęka.

⁸⁵ Hospital in Ostrołęka.

⁸⁶ Hospital in Ostrołęka.

⁸⁷ Hospital in Czeladź, Hospital in Warsaw and Hospital in Ostrołęka.

⁸⁸ Hospital in Czeladź, Hospital in Warsaw and Hospital in Ostrołęka.

⁸⁹ Hospital in Warsaw.

- Ensuring that statements to be signed by foreign nationals are translated into a language they understand; recording any difficulties in communication, the language in which the person communicates, and whether and how translation was provided⁹⁰.

4. Therapeutic and psychological activities

- Providing patients with access to organised forms of activity that improve their social adaptation⁹¹ or to occupational therapy⁹² also in the afternoons and at weekends.
- Employment of a psychologist⁹³.

■ Material conditions

During the visit, the NPM representatives drew attention to equipment shortages. The key recommendations issued in 2024 included: removal of window bars and replacing them with other window security devices in accordance with applicable law⁹⁴, adapting the facility to the needs of persons with disabilities during upcoming renovations⁹⁵, providing access to a call system and to locker rooms for personal belongings⁹⁶.

1. Hospitalisation of patients serving custodial sentences

In two of the visited hospitals⁹⁷ the NPM had contact with patients who were placed there as prisoners⁹⁸. Their treatment was carried out in the conditions of excessive security measures applied by prison officers, including without legal basis, such as handcuffing patients to their beds. The National Mechanism issued to the prison director and to Prison Service Warsaw Regional Unit director the recommendations that the practice of patients being handcuffed to their beds 24-hours a day be discontinued (handcuffs should only be used in cases justified by specific circumstances and only for as long as necessary), and that confidentiality of consultations by medical personnel and psychologists be ensured, unless they request the presence of Border Guard officers.

2. Visits to psychiatric ward patients by their children

The National Mechanism expressed doubts as to the introduction, by way of internal regulations of the Clinic of Psychiatry, Combat Stress and Psychotraumatology of the Military Medical Institute in Warsaw, of the limit of the age of 15 for visitors to patients treated in the ward. Visits by children under the age of 15 were possible upon approval by the attending physician or physician on duty. The approval was dependent on the mental and physical condition of the patient and other patients of the psychiatric ward. The reason for the age limit, given by the hospital personnel, was that 'the place was not suitable for children'.

According to Article 5 of the Act on Patient Rights and Patient Ombudsman⁹⁹, the head of the healthcare establishment or a physician authorised by them may restrict the patients' rights in the event of a risk of an epidemic or for other safety reasons. The rights referred to in Article 33(1) – including

⁹⁰ Hospital in Warsaw.

⁹¹ Hospital in Czeladź, Hospital in Warsaw and Hospital in Ostrołęka.

⁹² Hospital in Warsaw and Hospital in Ostrołęka.

⁹³ Hospital in Ostrołęka.

⁹⁴ Hospital in Czeladź.

⁹⁵ Hospital in Ostrołęka.

⁹⁶ Hospital in Ostrołęka.

⁹⁷ Hospital in Czeladź and Hospital in Ostrołęka.

⁹⁸ Prison in Wojkowiec.

⁹⁹ Act of 6 November 2008 on patient rights and patient ombudsman (Journal of Laws of 2024, item 581).

the right to contact other people – may be restricted also due to the establishment's organisational reasons. In the opinion of the National Mechanism, the adoption of the general rule restricting the patient's contacts with their children due to their young age does not meet any of the above-mentioned requirements.

The issue of the age limit for visitors to psychiatric ward patients was analysed by the NPM before¹⁰⁰. Long-term separation of the parent (patient) from the child may adversely affect the bond between them. In particular, in the case of young children, communication other than direct contact (e.g. letters) is not an effective way of maintaining the bond with the parent. It should also be emphasised that the hospitalised parent, in addition to the right to contact with their child, is, in principle, legally required to maintain contact with them, according to Article 113 of the Family and Guardianship Code¹⁰¹. In the described situation the NPM recommended permitting visits to patients regardless of the visitor's age and restricting visits only in cases specified in the Act on Patient Rights and Patient Ombudsman.

BORDER GUARD UNITS

In 2024, the NPM visited nine rooms for detained persons within Border Guard organizational units (hereinafter referred to as: BG RDPs): in Gdańsk¹⁰², Kołobrzeg¹⁰³, Kętrzyn and Gołdap¹⁰⁴, Krowica Sama, Horyniec-Zdrój, Medyka and Przemyśl (two BG RDPs)¹⁰⁵.

■ Systemic problems

The NPM noted, as a systemic problem, the fact that there was no requirement for mandatory medical examinations of all detainees placed in BG RDPs. Currently, such examinations are required only for people from certain groups specified in the Regulation of the Minister of the Interior and Administration¹⁰⁶. The NPM is of the position that all people placed there should undergo a medical examination. It should be carried out in conditions of confidentiality and involve appropriate documentation of any injuries, which is one of the fundamental safeguards against torture.

¹⁰⁰ See: NPM reports on the visits to the hospitals in Ciechanów (KMP.574.6.2023), Bolesławiec (KMP.574.2.2023) and Działdowo (BPG.574.2.2022).

¹⁰¹ Act of 25 February 1964 – Family and Guardianship Code (Journal of Laws of 2023, item 2809, as amended).

¹⁰² Report on the visit to the Maritime Border Guard Unit in Gdańsk (KMP.572.1.2024).

¹⁰³ Report on the visit to the Maritime Border Guard Unit in Kołobrzeg (KMP.570.27.2024).

¹⁰⁴ Report on the visits to BG RDP in Kętrzyn and BG RDP in Gołdap (KMP.570.24.2024).

¹⁰⁵ Report on the visits to Bieszczady Border Guard Unit's RDPs in Przemyśl, Medyka, Krowica Sama and Horyniec-Zdrój (KMP.570.37.2024).

¹⁰⁶ See: Article 1 of the Regulation of the Minister of the Interior and Administration of 27 June 2002 on the procedure of conducting medical examinations of persons detained by Border Guard officers (Journal of Laws of 2022, item 1708). A medical examination of a person detained by Border Guard officers, hereinafter referred to as a 'detained person', shall be carried out when: 1) the detained person has been provided with first aid, 2) there is a reasonable concern that the person is in a condition that threatens their life or health, 3) the detained person has stated that they suffer from a medical condition that requires constant or periodic medical treatment, the interruption of which would pose a risk to their life or health, 4) information held by the Border Guard or the circumstances of the person's detention show that the person may have an infectious disease.

■ Key recommendations of the NPM

Key recommendations included ensuring the confidentiality of medical examinations of detained persons, conducted out of sight and hearing of non-medical personnel¹⁰⁷, as well as confidentiality of related medical records by not attaching them to the detention report¹⁰⁸.

In one of the visited Border Guard RDPs¹⁰⁹ the NPM recommended training BG officers in dealing with people in mental crisis and developing a procedure for this. In another RDP, the NPM recommended an urgent increase in the number of officers¹¹⁰.

The visiting team also recommended ensuring that detainees who do not speak Polish are provided with adequate assistance by professional interpreters both during the placement at the RDP¹¹¹ and during their medical examinations¹¹². Such persons should also receive translations of any documents given to them for signature¹¹³ (including into Braille or sign language)¹¹⁴, should have access to a list of institutions and organisations dealing with migration and human rights issues, together with contact details of such entities¹¹⁵ and should have access to the DRP's internal rules and regulations in their native language¹¹⁶. Furthermore, the NPM recommended purchasing professional electronic translators for the officers for the purpose of communicating with foreign nationals¹¹⁷.

Representatives of the National Mechanism also issued recommendations with regard to ensuring the possibility for detained persons to contact a lawyer and the recording of such a contact in the documentation¹¹⁸, as well as drawing up, in cooperation with the local bar council, of a list of attorneys-at-law who work in the area of jurisdiction of a given Border Guard unit, with the names of attorneys who deal with criminal cases and speak a given foreign language. The list should indicate the attorneys' areas of specialisation and contact details and be available in several language versions¹¹⁹.

The NPM also reminded BG officers that, as a rule, a person placed at BG RDP should be subjected to a preventive check in accordance with the applicable regulations and, if a body search is necessary, the person should be informed of their related rights¹²⁰. The visiting team also drew attention to the need to permit detainees to independently notify another person of the detention and to refrain from permitting to do this only in justified cases¹²¹.

At one BG RDP¹²² the NPM found the presence of stun guns. The NPM pointed out that such devices should have cameras and called on BG officers not to use them as a rule, which is discussed in more detail in the section on Military Police custody rooms. Incapacitating tools using electricity should not be part of the standard equipment of officers who work in direct contact with detainees.

¹⁰⁷ BG RDP in Gdańsk, BG RDP in Kołobrzeg, BG RDP in Gołdap, BG RDP in Kętrzyn and BG RDPs of Bieszczady Border Guard Unit.

¹⁰⁸ BG RDP in Kołobrzeg and BG RDPs of Bieszczady Border Guard Unit.

¹⁰⁹ BG RDPs in Kołobrzeg.

¹¹⁰ BG RDP in Medyka.

¹¹¹ BG RDP in Kołobrzeg, BG RDP in Gołdap, BG RDP in Kętrzyn and BG RDPs of Bieszczady Border Guard Unit.

¹¹² BG RDPs of Bieszczady Border Guard Unit and BG RDP in Kołobrzeg.

¹¹³ BG RDP in Kołobrzeg, BG RDP in Gołdap and BG RDP in Kętrzyn.

¹¹⁴ BG RDP in Gołdap and BG RDP in Kętrzyn.

¹¹⁵ BG RDPs of Bieszczady Border Guard Unit and BG RDP in Kołobrzeg.

¹¹⁶ BG RDPs of Bieszczady Border Guard Unit.

¹¹⁷ BG RDP in Kołobrzeg, BG RDP in Gdańsk, BG RDP in Gołdap and BG RDP in Kętrzyn.

¹¹⁸ BG RDP in Gołdap, BG RDP in Kętrzyn and BG RDPs of Bieszczady Border Guard Unit.

¹¹⁹ BG RDPs of Bieszczady Border Guard Unit and BG RDP in Kołobrzeg.

¹²⁰ BG RDP in Kołobrzeg, BG RDP in Gdańsk, BG RDP in Gołdap, BG RDP in Kętrzyn and BG RDPs of Bieszczady Border Guard Unit d.

¹²¹ BG RDPs of Bieszczady Border Guard Unit.

¹²² BG RDP in Gdańsk.

As regards material conditions, it was recommended that BG RDPs are adapted to the needs of persons with disabilities¹²³, that minor renovation works are conducted within BG RDPs¹²⁴, that menstrual products are purchased and made available to female detainees on regular basis¹²⁵, and that BG RDPs have replacement clothing in various sizes for men and women (including replacement bras)¹²⁶.

PENITENTIARY ESTABLISHMENTS

In 2024, the NPM conducted monitoring visits to fifteen penitentiary establishments¹²⁷. Three of the visits¹²⁸ were focused on verifying compliance with the prohibition of ill-treatment set out in Article 21(1) of the OPCAT. An important issue addressed by the National Mechanism in 2024 was the assessment of the situation of women in penitentiary establishments. The project, as a long-term one, is planned to be continued in 2025 and to be described in more detail only in the next year's annual report on the activities of the NPM in Poland. However, already in 2024 the National Mechanism decided to point to some systemic problems and give recommendations relating to the situation of women; the key observations are presented below. Good practices were also identified.

■ Good practices

In 2024, the National Mechanism decided to highlight two good practices that were part of the activities of the penitentiary establishments visited. The first one was a project for female prisoners to write a fairy tale for children; the best fairy tales were then selected in a national-level competition. The project was an initiative of Prison Service officers from the remand prison in Hajnówka but was addressed to female prisoners from all penitentiary establishments in the country. As part of the project, prisoners write their own fairy tales, also those with therapeutic purpose, and make their audio recordings. The recordings are then sent to their children, grandchildren, as well as children's homes and children's hospitals. The second good practice was an initiative of the Director of the prison in Goleniów in cooperation with Goleniów Association of Women with Oncological Problems. The project related to breast cancer prevention (a mammography bus) and dissemination of knowledge about early detection of cancer, breast self-examination methods and the importance of regular examinations.

■ Systemic problems

In 2024, at the visited penitentiary establishments the systemic problems that the NPM found in previous years continued to exist. These included: insufficient living space per prisoner; accommodation of prisoners in large multi-person cells, including those for up to ten people; location of washbasins outside toilets and no separation of toilets from the cells; no medical examinations conducted immediately upon admission to a penitentiary establishment and after bringing a prisoner from another

¹²³ BG RDPs of Bieszczady Border Guard Unit.

¹²⁴ BG RDP in Kętrzyn.

¹²⁵ BG RDP in Kołobrzeg, BG RDP in Gdańsk; BG RDP in Kętrzyn and BG RDPs of Bieszczady Border Guard Unit.

¹²⁶ BG RDPs of Bieszczady Border Guard Unit and BG RDP in Kołobrzeg.

¹²⁷ Prison in Kamińsk (KMP.571.10.2024), prison in Krzywaniec (KMP.571.27.2024), Prison no. 1 in Łódź (KMP.571.15.2024), prison in Koronowo (KMP.571.19.2024), prison in Goleniów (KMP.571.17.2024), Strzelce Opolskie branch unit of prison no. 1 in Strzelce Opolskie (KMP.571.13.2024), Środa Wielkopolska branch unit of the prison in Gębarzewo (KMP.571.20.2024), remand prison in Kraków (KMP.571.26.2024), remand prison in Elbląg (KMP.571.23.2024), remand prison in Warszawa-Białołęka (KMP.571.3.2024), remand prison in Białystok (KMP.571.18.2024), remand prison in Lublin (KMP.571.9.2024), remand prison in Kielce (KMP.571.7.2024), remand prison in Hajnówka (KMP.571.11.2024) and remand prison in Opole (KMP.571.2.2024).

¹²⁸ Prison in Krzywaniec, remand prison in Warszawa-Białołęka and prison no. 1 in Łódź.

penitentiary establishment; documenting medical examination results in ways that do not comply with the standards set out in the Istanbul Protocol and failure to ensure the confidentiality of medical examinations; difficult situation of chronically ill, dependent and elderly inmates; poor quality of food for prisoners; limited activities available to remand prisoners who spend most of their time inside cells without the possibility to perform any work or engage in other constructive activities during the day; the placement (particularly of women, due to the small number of prisons for women) in prisons located far from their regular place of residence; insufficient access to menstrual products for female prisoners; no standards for dealing with LGBT+ prisoners in penitentiary establishments; insufficient number of penitentiary psychologists working with inmates; application of additional restrictions to inmates, based on the decision of Director General of the Prison Service of 6 April 2022 according to which every situation of contact between a staff member and an inmate may be considered a source of risk, regardless of individual circumstances, which prevents the establishment of any relationship based on mutual trust required for effective social rehabilitation.

The problems issues and related international standards have been described in detail in the annual reports on the activities of the NPM in previous years¹²⁹. In 2024, the National Mechanism decided to focus on analysing other systemic problems observed by representatives of the NPM during the preventive visits to penitentiary establishments. These included:

1. Body search of children

The issue was highlighted by the NPM already in its previous reports on the preventive visits¹³⁰. Applicable regulations on body search of people entering penitentiary establishments to visit a prisoner¹³¹ do not differentiate between adults and minors (including young children)¹³².

The Director General of the Prison Service, in his letter 26 February 2021 to directors of Prison Service regional units, recommended that body search of preschool children be carried out primarily by medical staff members or penitentiary establishment's psychologists. Yet, the recommendation is not binding. Furthermore, according to Article 18(3b) of the Act on the Prison Service, a medical professional may take part in a body search of a prisoner but this is not mandatory, and there is no mention in the provisions that a medical professional may be replaced by a psychologist. It should be noted that in penitentiary establishments there are not enough staff members from the two professional groups. They thus have heavy workloads, which means that in practice, the solution is not used in many cases. It is also unclear why the recommendation applies only to children of pre-school age, as older children, for example those with an intellectual disability, may consider a body search an equally traumatic experience. The lack of detailed regulations on how Prison Service officers should conduct body search of minors results in arbitrariness in the conduct of the procedure. Moreover, the NPM

¹²⁹ See, in particular, the Annual Report on the Activities of the NPM in 2023, pp. 69–80.

¹³⁰ See e.g. the NPM reports on the visit to the prison in Koronowo (KMP.571.19.2024) and to the remand prison in Lublin (KMP.571.9.2024).

¹³¹ The rules governing the conduct of body search of persons entering a penitentiary establishment as visitors are laid down in Article 18(3a) et seq. of the Act of 9 April 2010 on the Prison Service (Journal of Laws of 2024 item 1869, as amended) and Article 9 of the Regulation of the Council of Ministers of 6 July 2023 on the performance of duties by Prison Service officers and the templates of a body search report, preventive check report and vehicles and cargo check report (Journal of Laws, item 1522), hereinafter: the Regulation on body search. The general rule is that a body search has to be carried out by at least two officers of the same gender as the person searched, without the presence of other people (in particular people of the other gender), in a place that is not monitored and is inaccessible to third persons during body search (Article 18(3b) of the Prison Service Act).

¹³² Article 9(3)(9) of the Regulation on body search stipulates that, at the request of the legal representative or close adult relative of a minor person subjected to a body search the minor person's search may be carried out in the presence of the legal representative or close adult relative.

meetings with Prison Service officers showed that in most establishments the staff members were not aware of the said recommendation. The officers declared that they tried to carry out all procedures with respect for the interest of children. Yet, conducting such an invasive procedure according to subjective assessment of an officer is unacceptable, both from the point of view of protecting the rights of the child and the legality of actions of the officers.

The recommendation adopted by the Committee of Ministers of the Council of Europe concerning children of imprisoned parents¹³³ states that “Any security checks on children shall be carried out in a child-friendly manner that respects children’s dignity and right to privacy, as well as their right to physical and psychological integrity and safety. Any intrusive searches on children, including body cavity searches, shall be prohibited”.

The SPT recommended that Poland¹³⁴, in all cases of searching visitors, avoid searching body cavities, in particular in the search of children, in accordance with Rule 60.2 of the Nelson Mandela Rules¹³⁵. The Subcommittee also recommends that technology be used where necessary to avoid the need to conduct body search¹³⁶. In case of persistent doubts, in particular reasonable doubt as to dangerous substances concealed in a child’s body cavities and the need for additional checks, appropriate scanning equipment should be used¹³⁷.

The CPT, in turn, pointed out that: “If there are serious security concerns (arising from specific information held) with regard to a particular visitor, instead of conducting a strip search of the visitor, a closed visit and/or a supervised visit may be arranged”¹³⁸.

In the opinion of the NPM, body search of children should be prohibited and checks of children should be limited to general check (conducted in a friendly manner in a safe environment).

2. Visits to children staying at the Mother and Child Unit of a prison by their father or other family member or close relative

Visits to children staying at the Mother and Child Unit of a prison (MaCU) by their father or other family members or close relatives are not regulated by current legislation, which should be considered a serious systemic gap¹³⁹. This issue was analysed by the National Mechanism on the basis of internal regulations of the penitentiary establishment visited in 2024, i.e. the prison in Krzywaniec, which houses one of the two mother and child prison units in Poland.

¹³³ See: *Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents*, adopted by the Committee of Ministers on 4 April 2018 at the 1312th meeting of the Ministers’ Deputies (hereinafter: Recommendations on children with imprisoned parents).

¹³⁴ See: SPT report on the visit to Poland in 2018, CAT/OP/POL/ROSP/1, para. 111.

¹³⁵ See: the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Resolution of the UN General Assembly of 17 December 2015.

¹³⁶ See: SPT report on the visit to Guatemala in 2023, CAT/OP/GTM/ROSP/1, paras. 46–47.

¹³⁷ The Association for the Prevention of Torture (APT) encourages prison authorities “to use appropriate alternatives, such as electronic equipment (X-rays), metal detectors (...). Alternative screening methods should be available to replace strip searches and invasive searches; for example, X-ray devices, metal detection portals, hand-held metal detectors or BOSS chairs (body security scanners). In cases where detention facilities cannot afford such equipment and where there is a suspicion that contraband is hidden in body cavities, an ultrasound exam can be performed”; the materials in English are available at: https://www.apr.ch/sites/default/files/publications/Women%20and%20prison_Body%20searches_Analysis%20piece_v2.pdf.

¹³⁸ See: CPT report on the visit to Poland in 2013, CPT/Inf (2014) 21, para. 106.

¹³⁹ The problem was highlighted by the Deputy Commissioner for Human Rights in his comments on the draft Regulation of the Minister of Justice on the procedure of admitting children of imprisoned mothers to mother and child wards of prisons and the detailed rules for the organisation and operation of such wards (A 504), contained in a letter to the Minister of Justice of 13 July 2023 (IX.022.2.2023). Legislative work on the regulation has not yet been completed.

The internal regulations of the prison in Krzywaniec stipulate that visits by the child's father (who is at liberty) on the premises of the prison take place on the days and at the times designated for visits, in the visiting room, in accordance with the mother's prisoner classification subgroup. Visits by fathers serving prison sentences at the prison in Krzywaniec, whose children are staying at the same facility with their mothers, take place on the days and at the times designated for visits, in the visiting room, in accordance with the parent's prisoner classification subgroup (Article 68 points 1 and 2).

In turn, the Operating Regulations of the Mother and Child Unit at the prison in Krzywaniec¹⁴⁰ say that visits with the child's father, who is serving a prison sentence at the prison in Krzywaniec, take place in accordance with the Internal Regulations of the prison in Krzywaniec and in accordance with his prisoner classification subgroup. For the purpose of building deeper relationships between the child and their immediate family, the imprisoned mother has the opportunity to participate in additional visits once per quarter in the MaCU education room and the outdoor area adjacent to the MaCU education room (weather permitting, the decision in this regard is made by the MaCU care and education team). The conditions for being granted this visit are: a request from the mother, a good or very good quarterly assessment of maternal behaviour in the quarter preceding the visit, positive behaviour on the part of the imprisoned mother confirmed by the absence of disciplinary penalties in the three month period prior to the planned date of the visit, and a positive opinion from the MaCU care and education team. In addition, the imprisoned mother may use the above-described form of visitation to build a bond between the child and the foster family to which the child is to be formally transferred. In this case, the provisions regarding the criteria for granting visitation do not apply. Visits with the future foster family take place on dates set by the MaCU care and education team and are supervised by MaCU staff. The duration of the visit may not exceed 3 hours (Chapter V).

In the opinion of the NPM, the internal regulations of the prison governing the options for visitation between children and their relatives are inadequate and may result in restricting access. It is inappropriate to make the frequency of visits by the child's father, who is at liberty, dependent on the prisoner classification subgroup of the mother in the internal regulations. Children of imprisoned mothers should not be treated as inmates¹⁴¹. If a female prisoner is entitled to two or three visits per month, and the child's father or other family members would like to meet more often, such contact should be ensured by applying alternative solutions (e.g. if the child's mother cannot accompany it to the visit, she could only bring it, hand it over to the family, and then pick it up afterwards; in exceptional circumstances, these tasks could be performed by qualified personnel). This is particularly important if such persons were to take over the care of the child after it leaves the prison. Introduction of additional visits in the Regulations should be viewed as positive, but granting them is still dependent on the mother's behaviour. In addition, the internal rules should also take into account the child's contact with other relatives (e.g. grandparents, siblings), not only with the father.

A child's interactions with its parents and relatives have a fundamental bearing on its proper development and, above all, on formation of its personality. If there are no legal grounds for restricting contact with individual family members, such contact should take place as often as possible, according to individual circumstances. Prison authorities should demonstrate flexibility in this regard and make decisions based on the circumstances of the child and its family.

The recommendations concerning children of parents imprisoned in penitentiary establishments as adopted by the Committee of Ministers of the Council of Europe aim to ensure that during a child's stay in a penitentiary establishment, they are able to maintain contact with their parent, siblings and

¹⁴⁰ Attachment No. 1 to Order No. 7/II/2024 of the Director of the prison in Krzywaniec of 20 March 2024.

¹⁴¹ Rule 36.1 of the European Prison Rules and Rule 49 of the Bangkok Rules.

other family members living at liberty, unless this contravenes the best interests of the child (Recommendation 37).

The NPM recommended supplementing the internal regulations of the facility with regard to contact between children staying at the prison and their fathers and other family members, regardless of the classification subgroup and behaviour of the mother.

3. Educational opportunities for female prisoners

In December 2024, the Director of the NPM requested information from the Prison Service Central Administration regarding educational opportunities for male and female prisoners. The materials provided show that 15 primary schools for adults have been established at 18 Lifelong Learning Centres at prisons and remand centres, which can provide education for 300 inmates, including 20 women. In addition, there are 18 general secondary schools for adults, which can provide education for a minimum of 360 inmates, including 20 women (a maximum of 1,440 inmates, including 80 women). The number of classes is determined based on the interest of inmates and the number of inmates qualified and referred for education by the penitentiary commission in a given semester.

In the 2024/2025 school year, secondary education was provided in 38 school classes (760 students), including one class for women (20 students). In addition, vocational courses are being launched at the LLC. Women can train in the following professions: tailor, cook, confectioner. The choice for men is wider, covering 32 professions, including hairdresser, IT specialist, photographer, nutrition and catering technician, landscape architecture technician, graphics and digital printing technician. Various penitentiary establishments also offer short courses teaching simple vocational skills.

The Executive Penal Code also allows for education in schools outside the prison (Article 131 of the Executive Penal Code), but in the last four years, only three inmates, including one woman, have taken advantage of this form of education (in previous years, the number was much higher; in 2015, it was 197 inmates; subsequently, it decreased steadily, and in 2020, 20 inmates were studying outside the prison).

In the opinion of NPM, systemic efforts should be made to ensure a broader, more diverse range of education and training opportunities for women deprived of their liberty. Education is an important means of helping women gain employment, self-confidence and independence. Providing training exclusively in gender-stereotyped fields (e.g. laundry, sewing, cooking) may limit their earning potential and hinder their reintegration into society. To counteract this, opportunities must be created for women to develop skills in more lucrative professions. Therefore, there is a need to maintain a balance between the different types of vocational training offered, corresponding to market requirements and aimed at increasing women's real chances of earning a living after release from prison¹⁴².

4. System for identifying sexual violence and gender-based violence

In the visited establishments, there was no system for identifying sexual violence and gender-based violence. The risk of this form of violence affects the entire prison population, but in particular women, young persons, LGBT+ persons and foreign nationals. In a letter to the Director General of the Prison Service, Deputy Commissioner recommended that issues related to this area should be

¹⁴² See: Current issues and good practices in prison management, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, 20 February 2024 A/HRC/55/52, p. 68. See also: Handbook on Women and Imprisonment, Second edition, with reference to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), 2014, pp 50-51.

periodically included in training programmes for Prison Service officers and staff. The letter emphasised that raising the awareness of Prison Service officers and civilian staff towards issues related to gender-based violence and sexual violence would certainly strengthen their professional potential. It would enable them to detect, respond to and, above all, prevent inappropriate behaviour in penitentiary establishments. The appeal was welcomed by the prison authorities, who declared that they would take steps to supplement training programmes with the above issues¹⁴³.

■ Key recommendations of the NPM

Key recommendations issued by the NPM in 2024 with regard to penitentiary facilities included recommendations concerning the following areas.

1. Material conditions

As in previous years, it was recommended to systematically remove dampness and mould¹⁴⁴, carry out renovations¹⁴⁵, eliminate bedbugs¹⁴⁶, install washbasins in sanitary nooks¹⁴⁷ and, where possible, remove blinds¹⁴⁸.

In 2024, a need was indicated to implement solutions that would prepare penitentiary establishments for hot weather¹⁴⁹, install shower curtains to ensure privacy¹⁵⁰, provide access to hot meals for people practising Ramadan¹⁵¹, and replace worn-out bedding and mattresses¹⁵². It was also proposed to increase the variety of equipment in exercise yards¹⁵³ and to adapt them to the needs of persons with disabilities¹⁵⁴. In his recommendations, the NPM constantly strives for the comprehensive, systematic removal of architectural barriers for persons with disabilities when irregularities are noticed in the facilities visited¹⁵⁵.

In 2024, particular attention was paid to the situation of female inmates in terms of the material conditions present in penitentiary establishments. NPM recommendations included creating conditions allowing maintaining intimate hygiene during menstruation and menopause, ensuring access to fans, regular replacement of clothing, maintaining adequate hydration, strengthening bones and other measures based on individual needs. In addition, NPM recommended expanding the range of products available in the prison commissary (after consultation with the prison health service) to include widely available painkillers for menstruation, medications to alleviate the symptoms of menopause, and a

¹⁴³ See: general intervention letter by the Deputy CHR of 6 August 2024. (KMP.571.14.2024).

¹⁴⁴ Prison in Kamiński and prison in Koronowo.

¹⁴⁵ Prison in Kamiński, Strzelce Opolskie prison no. 1, prison in Koronowo, Warsaw-Białołęka Remand Prison, Lublin Remand Prison, Elbląg Remand Prison and Kraków Remand Prison.

¹⁴⁶ Lublin Remand Prison and Kraków Remand Prison.

¹⁴⁷ Elbląg Remand Prison.

¹⁴⁸ Hajnówka Remand Prison and Elbląg Remand Prison.

¹⁴⁹ Łódź Prison No. 1, Środa Wielkopolska branch of Gębarzewo Prison, Hajnówka Remand Prison and Białystok Remand Prison.

¹⁵⁰ Strzelce Opolskie branch of Strzelce Opolskie Prison No.1, Środa Wielkopolska branch of Gębarzewo Prison, Krzywaniec Prison, Warszawa-Białołęka Remand Prison, Opole Remand Prison and Kielce Remand Prison.

¹⁵¹ See: General intervention letter by Deputy CHR to Director General of Prison Service of 28 February 2025 (KMPT.571.2.2025). In response to the letter, penitentiary establishments were instructed to immediately implement practices enabling persons practising Islam to consume a warm meal after dark during Ramadan.

¹⁵² Strzelce Opolskie branch of Strzelce Opolskie Prison No.1, Środa Wielkopolska branch of Gębarzewo Prison and Warszawa-Białołęka Remand Prison.

¹⁵³ Łódź Prison No. 1, Goleniów Prison, Środa Wielkopolska branch of Gębarzewo Prison, Warszawa-Białołęka Remand Prison, Opole Remand Prison, Białystok Remand Prison and Kraków Remand Prison.

¹⁵⁴ Koronowo Prison.

¹⁵⁵ Strzelce Opolskie branch of Strzelce Opolskie Prison No.1, Koronowo Prison, Warszawa-Białołęka Remand Prison, Hajnówka Remand Prison and Lublin Remand Prison.

more diverse range of hygiene products for women, such as sanitary pads in various price ranges and tailored to individual needs, menstrual cups, and underwear. The NPM also pointed out the obligation to inform female prisoners about the possibility of receiving a bra upon request, as well as the need to increase monitoring of stock levels of hygiene products and replacement underwear¹⁵⁶.

The NPM also recommended that women deprived of their liberty be placed in appropriate facilities, observing the principle of separation of women from men, as stipulated in Article 87 § 1 of the Executive Penal Code and the Nelson Mandela Rules¹⁵⁷ as well as standards recommended by the SPT¹⁵⁸. The living conditions of female prisoners were also taken into account in the recommendation concerning the separation of rooms specified in § 10 of Instruction No. 2/2018 of the Director General of the Prison Service dated 21 November 2018 on the treatment of female prisoners, such as an education room for the implementation of social rehabilitation programmes, an exercise room and social facilities¹⁵⁹.

In 2024, the NPM also addressed the issue of children staying with their mothers in detention. Conclusions on this subject, including nutrition, hygiene, care, and material conditions necessary for creating an environment conducive to children's development, were presented in the report on the visit to the Krzywaniec Prison. Given the ongoing long-term project to monitor the situation of women, including mothers, in penitentiary detention, the summary conclusions are to be presented in the next annual report on the activities of the NPM, after completing the series of visits dedicated to this topic.

2. Treatment

In view of reports about inappropriate treatment of inmates, received by the visiting team, the NPM recommended that prison staff receive a clear message from their superiors that all forms of inappropriate treatment are prohibited and will be severely punished. This recommendation was based on numerous reports of offensive and vulgar language being used¹⁶⁰, addressing inmates by their first name or surname without observing proper forms of courtesy¹⁶¹, as well as cases of mocking inmates and commenting on their personal circumstances – in particular their appearance, weight, family situation or sexual preferences – and using threats, such as threats to take away their parental rights¹⁶². Furthermore, the NPM received reports of physical violence in the visited establishments¹⁶³. Some of them could be confirmed by viewing CCTV footage¹⁶⁴.

Another problem observed in penitentiary establishments and affecting the treatment of inmates was transferring inmates to another cell for protective purposes, so that they would not remain

¹⁵⁶ Łódź Prison No. 1; Środa Wielkopolska branch of Gębarzewo Prison; Kielce Remand Prison; Lublin Remand Prison; Białystok Remand Prison and Kraków Remand Prison.

¹⁵⁷ Rule 11: "(...) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate".

¹⁵⁸ See: Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment "Prevention of torture and ill treatment of women deprived of their liberty", 18 January 2016, CAT/OP/27/1, par. 43.

¹⁵⁹ Goleniów Prison; Środa Wielkopolska branch of Gębarzewo Prison; Kielce Remand Prison; Białystok Remand Prison and Kraków Remand Prison.

¹⁶⁰ Kraków Remand Prison, Białystok Remand Prison, Kielce Remand Prison, Opole Remand Prison, Krzywaniec Prison, Środa Wielkopolska branch of Gębarzewo Prison, Goleniów Prison, Łódź Prison No. 1 and Kamiński Prison.

¹⁶¹ Kamiński Prison, Łódź Prison No. 1, Goleniów Prison, Opole Remand Prison and Elbląg Remand Prison.

¹⁶² Białystok Remand Prison, Lublin Remand Prison, Kielce Remand Prison, Opole Remand Prison, Krzywaniec Prison, Środa Wielkopolska branch of Gębarzewo Prison, Goleniów Prison, Strzelce Opolskie Prison branch of Strzelce Opolskie Prison No.1, Łódź Prison No. 1 and Kamiński Prison.

¹⁶³ Krzywaniec Prison, Warszawa-Białołęka Remand Prison, Koronowo Prison and Strzelce Opolskie branch of Strzelce Opolskie Prison No.1.

¹⁶⁴ Warszawa-Białołęka Remand Prison.

alone in their cells. The NPM described a case¹⁶⁵, in which a female inmate, housed in a monitored two-person cell with another inmate who went to work for seven hours every day of the week, was transferred to a four-person cell for smokers, even though she herself was a non-smoker. Moreover, since that cell was fully occupied, the woman had to eat her lunch standing up (there was no extra stool in the cell that she could use). Problems of this kind have been described based on cases previously investigated by the Office of the CHR¹⁶⁶. The NPM recommended that organisational issues related to ensuring the safety of inmates should be planned in such way as to avoid causing excessive and additional discomfort, while at the same time guaranteeing basic rights with regard to spending time during the day, eating meals and resting.

In 2024, NPM also continued to monitor the situation of LGBT+ persons deprived of their liberty. Following a visit to the Remand Prison in Lublin, it was recommended that inmates be provided with access to an unmonitored room where medical procedures prescribed by a doctor after gender reassignment surgery could be performed in hygienic conditions ensuring respect for privacy. The NPM delegation expressed serious concern about the situation of a transgender inmate who required regular medical procedures (neovagina dilation). Upon admission to the penitentiary, she was met with mocking and inappropriate comments from officers regarding the medical equipment used for dilation. In addition, due to her status as a person at risk of suicide, she was held in a monitored cell, which prevented her from performing intimate procedures in private. She was also prohibited from covering herself with a blanket, which meant that she had to undergo medical procedures in full view of the camera. These conditions must be recognised as humiliating¹⁶⁷.

3. Security and safety

In the visited establishments, concerns that had already been raised in previous years were noted, such as: single-stage body searches¹⁶⁸ and their excessive use¹⁶⁹, use of coercive measures contrary to the principles of subsidiarity, proportionality and minimisation of harm¹⁷⁰, preventive use of handcuffs, including combination handcuffs, disregarding the principle of individualisation¹⁷¹, and monitoring of rooms designated for meetings with the defence counsel¹⁷². A detailed description of the problems and the CHR's actions to eliminate them is provided in previous annual reports on the activities of the NPM¹⁷³.

Key recommendations issued by the NPM in this area in 2024 included recommendations regarding, among others:

- Body searches, with regard to which the NPM recommended:
 - providing disposable mats/rugs and hygiene products for women in all rooms where body searches of women are carried out¹⁷⁴;

¹⁶⁵ Łódź Prison No. 1.

¹⁶⁶ CHR's general intervention letter to the Director General of the Prison Service of 20 June 2021 (IX.517.141.2021).

¹⁶⁷ Lublin Remand Prison.

¹⁶⁸ Kamińsk Prison, Krzywaniec Prison, Warszawa-Białołęka Remand Prison, Opole Remand Prison and Hajnówka Remand Prison.

¹⁶⁹ Środa Wielkopolska branch of Gębarzewo Prison, Krzywaniec Prison and Kraków Remand Prison.

¹⁷⁰ Krzywaniec Prison and Kielce Remand Prison.

¹⁷¹ Kamińsk Prison, Łódź Prison No. 1, Środa Wielkopolska branch of Gębarzewo Prison, Krzywaniec Prison, Warszawa-Białołęka Remand Prison, Opole Remand Prison, Białystok Remand Prison and Elbląg Remand Prison.

¹⁷² Strzelce Opolskie branch of Strzelce Opolskie Prison No.1, Koronowo Prison, Warszawa-Białołęka Remand Prison, Opole Remand Prison and Kraków Remand Prison.

¹⁷³ See: Annual Report on the Activities of the NPM in 2023, pp. 82–90.

¹⁷⁴ Łódź Prison No. 1, Środa Wielkopolska branch of Gębarzewo Prison and Krzywaniec Prison.

- carrying out body searches requiring the person to strip naked, body cavity searches, especially in the case of menstruating women, on an individual basis, in conditions that ensure dignity, without using humiliating practices (such as removing sanitary pads without providing a replacement) and only when the use of electronic detection equipment is insufficient¹⁷⁵;
- ensuring dignified conditions for body searches of adults arriving for visits¹⁷⁶;
- informing the persons being searched about the possibility of receiving the search report¹⁷⁷.
- Measures of direct coercion, with regard to which the NPM recommended:
 - abandoning the practice of officers directly supervising prisoners while they use the toilet¹⁷⁸;
 - regular visits to inmates serving solitary confinement by medical staff and a psychologist to monitor their condition¹⁷⁹;
 - recording the use of each type of coercive measure in individual and collective medical records¹⁸⁰;
 - use of identification markings on every uniform/helmet by prison staff at all times while on duty, so that officers involved in specific activities can be identified¹⁸¹;
 - applying coercive measures in a humane manner that does not lead to degrading treatment¹⁸².
- Monitoring and recording of images/sound, with regard to which NPM recommended:
 - equipping ‘front line’ officers who come into direct contact with prisoners with body-worn cameras and using them during all interventions¹⁸³;
 - review of monitoring systems so as to eliminate unmonitored common areas, such as common rooms and corridors¹⁸⁴;
 - analysis of the location of masking zones in images transmitted from toilets, bathrooms, and parts of living quarters intended for sanitary and hygienic purposes – and their installation in a manner that prevents the display of inmates’ intimate body parts, their physiological activities, and bathing¹⁸⁵.

4. Right to information

In 2024, the National Mechanism issued numerous recommendations referring to problems that had also been noted in previous years. The recommendations focused in particular on the following areas: ensuring access to the Public Information Bulletin (BIP) and informing prisoners about the possibility of using it¹⁸⁶ and ensuring access to information for foreigners in languages they understand¹⁸⁷. The situation of foreigners who do not communicate in Polish has been clarified by recommending application of specific rules of conduct:

¹⁷⁵ Łódź Prison No. 1; Środa Wielkopolska branch of Gębarzewo Prison and Krzywaniec Prison .

¹⁷⁶ Warszawa-Białołęka Remand Prison.

¹⁷⁷ Warszawa-Białołęka Remand Prison.

¹⁷⁸ Strzelce Opolskie branch of Strzelce Opolskie Prison No.1.

¹⁷⁹ Opole Remand Prison.

¹⁸⁰ Kraków Remand Prison.

¹⁸¹ Środa Wielkopolska branch of Gębarzewo Prison, and Krzywaniec Prison .

¹⁸² Środa Wielkopolska branch of Gębarzewo Prison and Krzywaniec Prison .

¹⁸³ Opole Remand Prison and Kamiński Prison.

¹⁸⁴ Strzelce Opolskie branch of Strzelce Opolskie Prison No.1 and Lublin Remand Prison.

¹⁸⁵ Łódź Prison No. 1, Strzelce Opolskie d branch of Strzelce Opolskie Prison No.1, Goleniów Prison, Środa Wielkopolska branch of Gębarzewo Prison, Krzywaniec Prison, Kielce Remand Prison, Lublin Remand Prison, Białystok Remand Prison and Kraków Remand Prison.

¹⁸⁶ Łódź Prison No. 1, Strzelce Opolskie branch of Strzelce Opolskie Prison No.1, Koronowo Prison, Goleniów Prison, Warszawa-Białołęka Remand Prison, Opole Remand Prison and Białystok Remand Prison.

¹⁸⁷ Kamiński Prison, Koronowo Prison, Środa Wielkopolska branch of Gębarzewo Prison, Warszawa-Białołęka Remand Prison, Hajnówka Remand Prison and Elbląg Remand Prison.

- recording information about language barriers in the prisoner's documentation;
- providing penitentiary establishments with information brochures for foreigners and issuing them to prisoners in the language appropriate for them;
- informing prisoners about their rights and obligations in a language they understand and recording in the documentation the language in which the information was provided and who participated in the activities (e.g. interpreter);
- translating all documents relevant to the prisoner (e.g. internal regulations, statements, decisions) into a language they understand, especially when these documents have specific consequences for the prisoner and they must certify in writing that they have read them;
- using the services of an interpreter, especially during the initial interview and medical examination, where the prisoner may report any violence used against him or her¹⁸⁸.

5. Medical care

Key recommendations included those concerning provision of 24/7 medical care in penitentiary establishments¹⁸⁹ and – more broadly – strengthening manpower in healthcare¹⁹⁰, as well as reducing lengthy waiting times for appointments with specialists¹⁹¹.

Visiting representatives of the NPM have noted in particular the situation of caregivers of ill persons¹⁹² and recurring reports of mistreatment of inmates by healthcare representatives¹⁹³. Some of these situations could be described as gender-based violence. In one of the establishments¹⁹⁴ the scale of complaints concerning gynaecological consultations, painful examinations and their unpleasant atmosphere, characterised by negative comments from the gynaecologist, was worrying.

The Commissioner for Human Rights, acting as the National Preventive Mechanism, advocates a general reform of the prison healthcare system and in 2024 addressed a letter of intervention on this matter to the Minister of Justice in 2024¹⁹⁵, presenting his motions in detail.

6. Contact with the outside world

In 2024, particular attention was paid to enabling inmates to maintain relationships with their loved ones. Key recommendations in this area included:

- taking systematic broad measures in the area of support for prisoners, referred to in Article 87a, with regard to initiating, maintaining and strengthening their emotional ties with their children, cooperating with facilities where the children of inmates are staying, and supplementing the internal regulations with information that they have the right to additional visits with their children¹⁹⁶;

¹⁸⁸ Środa Wielkopolska branch of Gębarzewo Prison, Warszawa-Białołęka Remand Prison and Elbląg Remand Prison.

¹⁸⁹ Kamiński Prison, Łódź Prison No. 1, Goleniów Prison, Środa Wielkopolska branch of Gębarzewo Prison, Krzywaniec Prison; Warszawa-Białołęka Remand Prison, Opole Remand Prison, Hajnówka Remand Prison, Kielce Remand Prison, Białystok Remand Prison and Elbląg Remand Prison.

¹⁹⁰ Kamiński Prison, Goleniów Prison, Elbląg Remand Prison and Kraków Remand Prison.

¹⁹¹ Łódź Prison No. 1.

¹⁹² Warszawa-Białołęka Remand Prison.

¹⁹³ Krzywaniec Prison and Kielce Remand Prison.

¹⁹⁴ Lublin Remand Prison.

¹⁹⁵ CHR's intervention letter to the Minister of Justice of 16 October 2024. (KMP.571.24.2024).

¹⁹⁶ Łódź Prison No. 1, Środa Wielkopolska branch of Gębarzewo Prison, Krzywaniec Prison, Kielce Remand Prison, Białystok Remand Prison and Kraków Remand Prison.

- increasing the number of stations for visits with relatives (Article 138 § 1(2) of the Executive Penal Code) and more frequent use of rooms for unsupervised visits (Article 138 § 1(3) of the Executive Penal Code)¹⁹⁷;
- removing cameras from rooms designated for unsupervised visits or equipping them with permanent covers¹⁹⁸.

Due to the difficulties experienced by visitors, as observed by the NPM, a number of measures were also recommended to improve visiting conditions. The recommendations included: increasing the number of visiting rounds on each of the designated days and allowing visits also on selected public holidays; extending the hours available for registering visits and allowing registrations more than twice a week; extending the time during which visits can be arranged by telephone; eliminating difficulties related to telephone registration¹⁹⁹. The NPM also pointed out the need to organise visiting rooms in a way that promotes privacy and comfort, by equipping them with tables and chairs that are not fixed to the floor, as well as equipping the children's area with books, toys and writing and drawing materials²⁰⁰. It was also recommended that vending machines located in the general visiting room should stock products suitable for children, such as nappies and baby food²⁰¹. The NPM also called for eliminating situations in which relatives have to wait for several hours to be able to visit²⁰².

Maintaining relations with the outside world is also influenced by rewards and disciplinary punishments imposed on persons deprived of their liberty. The NPM noted a significant disparity in their application – women receive significantly fewer rewards than men²⁰³. A similar disparity is also found in the dispensing of penalties²⁰⁴.

For example, at Prison No. 1 in Łódź, the analysis of the numbers of punishments showed that reprimands were issued to women 343 times (99 times to men), prohibition of visits and telephone calls for up to 28 days – 118 times to women (19 times to men), prohibition of receiving food parcels for up to 3 months – 75 times to women (18 times to men)²⁰⁵. Similarly, at the Remand Prison in Lublin, between 2022 and 2024 (until the date of the visit), women were granted rewards in the form of permission for unsupervised visits six times, while men were granted such rewards 97 times. During the same period, rewards in the form of permission for unsupervised visits in a separate room were granted to women 11 times and to men 109 times²⁰⁶.

In view of the above, it was recommended that an analysis of this phenomenon be carried out in order to determine its causes and that measures be taken to reduce these disparities in the future, while increasing opportunities for contact with the outside world²⁰⁷.

Furthermore, the NPM recommended considering waiving the penalty of revocation of visiting rights and use of the payphone for a period of up to 28 days²⁰⁸, and, if it is deemed necessary, to apply such penalty exclusively in cases justified by the most serious grounds and to consider beforehand

¹⁹⁷ Koronowo Prison, Goleniów Prison and Środa Wielkopolska branch of Gębarzewo Prison.

¹⁹⁸ Hajnówka Remand Prison.

¹⁹⁹ Koronowo Prison and Warszawa-Białołęka Remand Prison.

²⁰⁰ Lublin Remand Prison and Białystok Remand Prison.

²⁰¹ Goleniów Prison.

²⁰² Łódź Prison No. 1.

²⁰³ Lublin Remand Prison.

²⁰⁴ Łódź Prison No. 1.

²⁰⁵ Łódź Prison No. 1.

²⁰⁶ Lublin Remand Prison.

²⁰⁷ Lublin Remand Prison, Łódź Prison No. 1 and Białystok Remand Prison.

²⁰⁸ Środa Wielkopolska branch of Gębarzewo Prison, Krzywaniec Prison, Kraków Remand Prison and Łódź Prison No. 1.

alternative disciplinary measures that do not interfere with the fundamental rights of prisoners to contact their families.

YOUTH CARE CENTRES

In 2024, the National Mechanism conducted visits at four youth care centres (hereinafter referred to as: YCC, centre, facility) – in Wrocław²⁰⁹, Mszana Dolna²¹⁰, and in two²¹¹ centres in Warsaw.

■ Good practices

In one of the centres²¹² the NPM team noted architectural solutions that stood out from other visited facilities. The facility is modern and was designed and built with its function in mind. The spatial layout and architectural solutions, such as glazing, have a positive impact on the centre's security while reducing the feeling of oppression, and blend in with the local nature, allowing educational activities to be based on it. In addition to walking tours of the area, regular stays at Bacówka, a recreational and tourist facility belonging to the YCC teaching base, are organised for the wards. They spend the night, learn to light fires, chop wood and perform other types of farm work. The well-thought-out programme of educational activities using this facility deserves special recognition.

■ Systemic problems

In 2024, the NPM once again raised the systemic problem of the lack of specialised YCCs for minors diagnosed with mental disorders. Under the current regulations²¹³ it is possible to indicate specific areas of social rehabilitation, therapeutic, educational or care activities for wards with specific needs in the statutes of the centres. However, no centre or network of youth care centres specialising in helping young people with mental disorders has been established in Poland so far. For years, the NPM has been calling for improved support for this group of young people²¹⁴.

■ Key recommendations of the NPM

The NPM's key recommendations regarding the operation of the YCCs in 2024 addressed the following areas and issues:

1. Medical care

- Subjecting newly admitted minors to medical examinations without undue delay, preferably within 24 hours of admission; minors returning to the YCC from places where they may have experienced ill-treatment should also be examined²¹⁵.
- Documenting injuries in accordance with the Istanbul Protocol guidelines²¹⁶.

²⁰⁹ Report on the visit to Wojtek Bellon YCC at the Educational Facilities Cluster No. 3 in Wrocław (KMP.573.19.2024).

²¹⁰ Report on the visit to Mszana Dolna YCC (KMP.573.8.2024).

²¹¹ Report on the visit to the Orionine Fathers YCC in Warsaw (KMP.573.17.2024) and Report on the visit at YCC No. 4 in Warsaw (KMP.573.16.2024).

²¹² YCC in Mszana Dolna.

²¹³ See: Article 11 of the Regulation of the Minister of Education and Science of 30 March 2023 on certain public educational institutions (Journal of Laws, item 651).

²¹⁴ The problem was described, among others, in the Annual Report on the Activities of the NPM in 2023 and in the NPM Report on the visit to the YCC in Renice. (KMP.573.3.2019).

²¹⁵ YCC in Wrocław, YCC in Mszana Dolna and YCC of the Orionine Fathers in Warsaw.

²¹⁶ YCC in Wrocław, YCC in Mszana Dolna, YCC No. 4 in Warsaw and YCC of the Orionine Fathers in Warsaw.

- Discontinuing the practice of obtaining blanket consent from parents or legal guardians for providing healthcare services and instead obtaining consent from the legal guardians of wards in each case where the Act on the professions of physician and dentist²¹⁷ requires their consent, and additionally, in the case of minors over the age of 16, their own consent as well²¹⁸.
- Administering medication in crushed form to juveniles exclusively on doctor's order and updating medical records with doctor's recommendations in this regard²¹⁹.
- Storing wards' medication lists in a place inaccessible to unauthorised persons²²⁰.
- Taking steps to employ a physician or establish cooperation with one²²¹.
- Providing nurse's services at the centre over a wider time range²²².
- Ensuring privacy and confidentiality when providing medical services – only in exceptional circumstances and at the request of the person providing the medical service may such services be provided in the presence of facility staff²²³.

2. Treatment

- Placing minors in the infirmary exclusively for health reasons²²⁴.
- Conducting body searches in compliance with applicable laws²²⁵.
- Establishing a procedure for use of coercive measures and familiarising staff with it²²⁶.
- Reminding staff of the requirement to treat minors with respect²²⁷.
- Refraining from the use of sanctions based on collective responsibility and not using physical exercise as a disciplinary measure²²⁸.
- Encouraging the minors to be physically active and enabling them to engage in physical activity for at least two hours every day, including outdoors, weather permitting²²⁹.

3. "Second life"

- Verifying staff actions aimed at eliminating "second life"²³⁰ and training personnel in this regard²³¹.
- Establishing procedures for dealing with incidents of violence at the centre²³².
- Developing a long-term educational plan on non-violent communication and non-discrimination²³³.

²¹⁷ Act of 5 December 1996 on the professions of physician and dentist (Journal of Laws of 2024, item 1287, as amended).

²¹⁸ YCC no. 4 in Warsaw, YCC of the Orionine Fathers in Warsaw and YCC in Mszana Dolna.

²¹⁹ YCC in Wrocław.

²²⁰ YCC in Mszana Dolna.

²²¹ YCC in Mszana Dolna.

²²² YCC in Mszana Dolna.

²²³ YCC of the Orionine Fathers in Warsaw.

²²⁴ YCC No. 4 in Warsaw.

²²⁵ YCC No. 4 in Warsaw.

²²⁶ YCC No. 4 in Warsaw.

²²⁷ YCC of the Orionine Fathers in Warsaw.

²²⁸ YCC in Wrocław, YCC in Mszana Dolna, YCC No. 4 in Warsaw and YCC of the Orionine Fathers in Warsaw.

²²⁹ YCC in Mszana Dolna.

²³⁰ YCC in Mszana Dolna.

²³¹ YCC No. 4 in Warsaw.

²³² YCC in Mszana Dolna.

²³³ YCC in Mszana Dolna.

4. Right to information and a complaints mechanism

- Posting information on supervisory authorities and institutions dealing with the protection of human rights on information boards²³⁴ as well as information on how to submit complaints and suggestions²³⁵.
- Installing a box for complaints and suggestions in a place that ensures confidentiality and is easily accessible²³⁶.
- Recording written information in the register of complaints and suggestions about how each reported case was handled, even if it was reported or dealt with verbally²³⁷.
- Publishing the current versions of the rules and procedures applicable at the centre on its website²³⁸.
- Ensuring that any and all signed statements and documents that are crucial from the point of view of rights and obligations are translated into a language that is understandable to the recipient; in case of problems, using the help of an interpreter and noting this fact on the document (bearing a signature and stamp); documenting any communication difficulties and information on the language in which the minor communicates and whether and how translation took place²³⁹.

5. Living conditions

- Ensuring positive and individualised conditions in minors' personal spaces, e.g. allowing minors to decorate walls, display souvenirs on shelves, etc.²⁴⁰
- Repairing furniture, removing defects, remedying dampness²⁴¹; renovation and refurbishment of rooms²⁴².
- Removal of bars in rooms where minors are housed²⁴³.

6. Psychological and educational support

- Employing a psychotherapist at the centre²⁴⁴.
- Employing psychologists and teachers working at the centre exclusively for tasks related to their positions (in view of the fact that during the visit they were engaging in a number of other tasks – arranging appointments and transporting minors to doctors, court or the police)²⁴⁵.

7. Documentary records

- Separating minors' medical records from minors' dossiers, keeping them accurately and storing them in a manner that protects them from unauthorised access²⁴⁶.
- Appending every statement signed by minors to their records²⁴⁷.

²³⁴ YCC in Wrocław, YCC in Mszana Dolna, YCC of the Orionine Fathers in Warsaw and YCC No. 4 in Warsaw

²³⁵ YCC in Wrocław.

²³⁶ YCC in Wrocław, YCC in Mszana Dolna and YCC No. 4 in Warsaw.

²³⁷ YCC in Wrocław and YCC of the Orionine Fathers in Warsaw.

²³⁸ YCC in Mszana Dolna.

²³⁹ YCC in Wrocław and YCC no. 4 in Warsaw.

²⁴⁰ YCC in Wrocław and YCC in Mszana Dolna.

²⁴¹ YCC in Mszana Dolna.

²⁴² YCC no. 4 in Warsaw and YCC of the Orionine Fathers in Warsaw.

²⁴³ YCC no. 4 in Warsaw.

²⁴⁴ YCC in Mszana Dolna.

²⁴⁵ YCC in Mszana Dolna.

²⁴⁶ YCC in Mszana Dolna and YCC of the Orionine Fathers in Warsaw.

²⁴⁷ YCC in Mszana Dolna.

- Accurate recording and comprehensive description of extraordinary events in the extraordinary events register and reporting their occurrence to the family court²⁴⁸.
- Filling in all fields of the test reports for the presence of psychoactive substances and notifying the family court each time the presence of substances is detected²⁴⁹.
- Keeping records of the use of coercive measures in a manner that allows for a reliable reconstruction of the course of their use²⁵⁰.

8. Contact with the outside world

- Restricting the right to contact with relatives only in the manner prescribed by the Act of 9 June 2022 on the support and rehabilitation of minors²⁵¹ and striving to enable the minors to exercise their right to regular and frequent visits to the fullest extent possible²⁵².
- Designating and preparing visiting rooms with respect for privacy and maintaining a home-like atmosphere²⁵³.
- Enabling the minors to make outgoing calls from the Centre's telephones, and abolishing the practice of staff listening in on the minors' telephone conversations; minors who are restricted from using their private mobile phones for disciplinary reasons should also be able to contact their relatives using centre telephones²⁵⁴.

DISTRICT YOUTH CARE CENTRES

In 2024, the NPM conducted visits to six district youth care centres (hereinafter referred to as: DYCC, centre, facility) – in: Szczecin²⁵⁵, Laskowiec²⁵⁶, Koronowo²⁵⁷, Studzieniec²⁵⁸, Pszczyna-Łąka²⁵⁹ and Warszawa-Falenica²⁶⁰.

■ Systemic problems

During visits to District Youth Care Centres in 2024, the National Mechanism team observed a systemic problem that required further analysis. It concerns the system of referring persons to mother and child prison units (MaCU)²⁶¹.

The Act on Support and Social Rehabilitation of Juveniles provided for the possibility of an underage mother staying in a facility with her child. As per Article 137(1) of the Act on Support and Social Rehabilitation of Juveniles, placing a child in a mother and child prison unit within a juvenile facility is decided by a guardianship court at the request of the underage woman. Information obtained during the visit to the DYCC in Falenica indicates that this request can only be submitted after the child is

²⁴⁸ YCC in Mszana Dolna and YCC of the Orionine Fathers in Warsaw.

²⁴⁹ YCC of the Orionine Fathers in Warsaw.

²⁵⁰ YCC of the Orionine Fathers in Warsaw.

²⁵¹ Journal of Laws of 2024, item 978.

²⁵² YCC in Wrocław and YCC in Mszana Dolna.

²⁵³ YCC in Mszana Dolna.

²⁵⁴ YCC in Wrocław.

²⁵⁵ NPM report on the visit to DYCC in Szczecin (KMP.573.4.2023).

²⁵⁶ NPM report on the visit to DYCC in Laskowiec (KMP.573.6.2024).

²⁵⁷ NPM report on the visit to DYCC in Koronowo (KMP.573.4.2024).

²⁵⁸ NPM report on the visit to DYCC in Studzieniec (KMP.573.11.2024).

²⁵⁹ NPM report on the visit to DYCC in Pszczyna-Łąka (KMP.573.15.2024).

²⁶⁰ NPM report on the visit to DYCC in Warszawa-Falenica (KMP.573.20.2024).

²⁶¹ DYCC in Warszawa-Falenica.

born, and in practice, the period between the birth of the child and its placement, along with the mother, in the centre may be several weeks or even months.

Article 138 of the Act on Support and Social Rehabilitation of Juveniles does provide that, in particularly justified cases, the child may stay with its underage mother in a mother and child unit, with the consent of the guardianship court, also in the period between submission of the application to the date of the decision to place the child in a mother and child prison unit. However, this provision introduces an exception to the general rule, which is that a child may only be placed with their mother in a centre after a decision has been issued. In practice, the formalities involved in appointing a legal guardian for the child, which must be completed before an application can be submitted under Article 137(1) of the Act on Support and Social Rehabilitation of Juveniles, are also time-consuming. This means that the mother and child have to be separated. The children staying at the facility at the time of the NPM visit were admitted to it about a month after birth, remaining separated from their mothers until then; however, under international standards, it is obligatory to support the mother-child relationship, even in conditions of isolation, to the extent that it is in the best interests of the child²⁶².

In the opinion of the NPM, it is necessary to amend the Act on Support and Social Rehabilitation of Juveniles so as to prevent or minimise the time of possible separation of underage mother from her child. To this end, it would be necessary to explicitly allow for the possibility of submitting the application referred to in Article 137(1) of the Act even before the child is born, and to specify the maximum time limit within which the court should issue a decision in this regard.

■ Key recommendations of the NPM

Key recommendations issued in 2024 by the NPM following the visits to the DYCCs concerned:

1. Material conditions

In accordance with the needs observed during the visits to DYCCs, following measures were recommended, same as in previous years: reducing security measures in order to create a less oppressive environment in the Centres, one that would not evoke associations with the penitentiary system²⁶³, and leaving the wards' bedrooms open at night²⁶⁴. In 2024, the need for renovations was pointed out²⁶⁵, as well as to ensure that wards have privacy and personal space in their rooms²⁶⁶, and as places to store their personal belongings²⁶⁷. Furthermore, it was recommended that the wards be allowed to wear their own clothes and be provided with weather-appropriate clothing²⁶⁸. The need to ensure opportunities for regular outdoor activities was also emphasised²⁶⁹, as well as providing adequate supply of water and food²⁷⁰.

²⁶² The United Nations in its Resolution on Rules for the Treatment of Women Deprived of Their Liberty and Sentenced to Non-Custodial Sanctions (hereinafter: the Bangkok Rules). According to Rule 52.1, decisions on when a child should be separated from its mother should be based on an individual assessment and the best interests of the child within the framework of relevant national legislation. This means that the authorities should strive to shape the rules governing contact between a mother in detention and her child in such a way that such contact is not deprived unless it is justified by the best interests of the child.

²⁶³ DYCC Warszawa-Falenica, DYCC Pszczyna-Łąka and DYCC Szczecin.

²⁶⁴ DYCC Koronowo and DYCC Szczecin.

²⁶⁵ DYCC Warszawa-Falenica and DYCC Koronowo

²⁶⁶ DYCC Pszczyna-Łąka.

²⁶⁷ DYCC Pszczyna-Łąka and DYCC Laskowiec.

²⁶⁸ DYCC Pszczyna-Łąka.

²⁶⁹ DYCC Pszczyna-Łąka and DYCC Szczecin.

²⁷⁰ DYCC Szczecin.

In addition, it was recommended that within the framework of the planned renovation works, the facilities should be adapted to the needs of persons with disabilities²⁷¹.

2. Treatment

In 2024, there were reports of mistreatment of wards, particularly in the form of psychological abuse. It manifested itself, among others, as showing open hostility towards less well-adjusted individuals, belittling children, stigmatising minors, and discriminating against them on the basis of their religion and national origin²⁷² as well as directing inappropriate comments towards minors²⁷³. Therefore, it was recommended that measures be implemented to eliminate such behaviour on the part of staff. In particular, it was recommended that staff be reminded of the need to treat wards with respect and dignity, that supervision of staff be increased, and that measures based on collective responsibility be abandoned.

Similar to penitentiary establishments, in order to prevent the mistreatment of minors on the basis of their religion, the NPM recommended that they be provided with meals appropriate to their religious beliefs²⁷⁴.

3. Security and safety

Key recommendations issued by the NPM in the area of security and safety included recommendations concerning two-stage body searches²⁷⁵ and instructing minors about their right to lodge a complaint²⁷⁶, as per Article 119(10) of the Act on Support and Social Rehabilitation of Juveniles. Particular attention was paid to the disturbing practice of shining a torch on intimate body parts during body searches, and it was recommended that this practice be completely discontinued²⁷⁷. Other recommendations included for the female members of the psychological and pedagogical team to refrain from participating in body search activities²⁷⁸, individual approach to the preventive use of handcuffs²⁷⁹, as well as refraining from using the adaptation chamber as a disciplinary measure, with the reservation that it may only be used within the limits of the law and in extreme situations²⁸⁰.

The NPM also noted the emergence of signs of the 'second life' phenomenon in the centres. In view of this, it was recommended that the phenomenon be diagnosed and a plan of action developed to put an end to it²⁸¹.

It was also pointed out that it was necessary to discontinue monitoring rooms used for meetings with defence lawyers and recording telephone conversations with defence lawyers²⁸².

In the visited DYCCs, cases of inappropriate treatment of minors by police officers were still reported. It took form of excessive preventive use of handcuffs²⁸³, including combination handcuffs²⁸⁴. This problem and its consequences for the treatment of minors have been described in more detail

²⁷¹ DYCC Pszczyna-Łąka and DYCC Szczecin.

²⁷² DYCC Studzieniec.

²⁷³ DYCC Koronowo.

²⁷⁴ DYCC Studzieniec.

²⁷⁵ DYCC Studzieniec.

²⁷⁶ DYCC Warszawa-Falenica.

²⁷⁷ DYCC Studzieniec.

²⁷⁸ DYCC Warszawa-Falenica.

²⁷⁹ DYCC Studzieniec and DYCC Laskowiec.

²⁸⁰ DYCC Studzieniec.

²⁸¹ DYCC Pszczyna-Łąka and DYCC Szczecin.

²⁸² DYCC Szczecin, DYCC Koronowo and DYCC Laskowiec.

²⁸³ DYCC Pszczyna-Łąka, DYCC Koronowo and DYCC Laskowiec.

²⁸⁴ DYCC Pszczyna-Łąka.

by the NPM in its most recent annual report²⁸⁵. The NPM also paid particular attention to cases of breaches of confidentiality by police officers during proceedings involving minors²⁸⁶.

4. Right to information

In 2024, particular attention was given to the situation of foreigners who do not speak Polish. Recommendations regarding the fulfilment of the information obligation towards this group are described in detail in the section of the report focusing on penitentiary establishments and can also be applied to minors.

5. Complaints mechanisms

As in previous years, one of the key recommendations was to create and maintain a reliable register of complaints and requests submitted to the DYCC management²⁸⁷. Other 2024 recommendations included that violations of minors' rights to privacy of correspondence, including complaints to external institutions, should be put to an end²⁸⁸. It was indicated that a box for complaints and requests should be installed in a place that ensures confidentiality – out of view of cameras – and to which only one designated person, e.g. an administrative employee, should have access²⁸⁹. Additionally, it was recommended that the list of institutions to which minors can submit complaints be supplemented with the contact details of human rights organisations and that this information be posted on notice boards in boarding facilities and school sections of the establishments²⁹⁰.

6. Medical care

Key recommendations of the NPM regarding medical care in juvenile facilities included recommendations to ensure round-the-clock access to medical care²⁹¹, crushing medications exclusively upon doctor's written instructions²⁹² and conducting medical examinations without the presence of third parties²⁹³.

As in the previous year, it was pointed out that any injuries should be properly documented by using body maps²⁹⁴ and taking photographs of injuries²⁹⁵. It was emphasised that body maps should only be completed by suitably qualified personnel²⁹⁶.

In view of the widespread problem of psychoactive substance abuse among minors, the NPM recommended employing therapists specialising in addiction treatment²⁹⁷.

During the visit, numerous irregularities were noted with regard to collection and storage of medical records. As a result, the NPM recommended that access to records be restricted to authorised

²⁸⁵ Cf. Annual Report on the Activities of the NPM in 2023, p. 94.

²⁸⁶ DYCC Studzieniec.

²⁸⁷ DYCC Warszawa-Falenica and DYCC Laskowiec.

²⁸⁸ DYCC Studzieniec.

²⁸⁹ DYCC Pszczyna-Łąka and DYCC Szczecin.

²⁹⁰ DYCC Laskowiec and DYCC Szczecin.

²⁹¹ DYCC Studzieniec and DYCC Pszczyna-Łąka.

²⁹² DYCC Koronowo and DYCC Szczecin.

²⁹³ DYCC Laskowiec.

²⁹⁴ DYCC Pszczyna-Łąka and DYCC Koronowo.

²⁹⁵ DYCC Warszawa-Falenica, DYCC Koronowo and DYCC Laskowiec.

²⁹⁶ DYCC Warszawa-Falenica.

²⁹⁷ DYCC Koronowo.

medical personnel²⁹⁸, departure from collecting blanket consents was also recommended²⁹⁹, as described in more detail in the section concerning the YCCs.

7. Contact with the outside world

The NPM has formulated a number of recommendations designed to ensure appropriate conditions for exercising the right to contact with the outside world, such as:

- striving to ensure that telephone call times are adapted to the needs of the wards, taking into account the obligations resulting from the daily schedule³⁰⁰;
- allowing use of mobile phones as part of the reward scheme³⁰¹;
- ensuring that wards have the ability to initiate contact with their loved ones and legal representatives³⁰²;
- providing the possibility to communicate with loved ones via instant messaging services, without the presence of third parties³⁰³;
- carrying out visits without the participation of third persons³⁰⁴;
- making the visiting schedules more flexible³⁰⁵;
- establishing transparent rules for granting passes, taking into account the distance to the place of residence and the availability of means of transport³⁰⁶;
- introducing restrictions on contact with the outside world, while respecting the principles of individualisation and proportionality³⁰⁷.

8. Underage mothers and their children in District Youth Care Centres

Following a visit by the DYCC to Warsaw-Falenica, the NPM team noted the difficult situation of underage mothers and their children living in the educational facility. The young mothers do not receive additional financial resources to cover the children's needs, as the children are not formally recognised as wards of these institutions. Their living expenses are mainly covered by social benefits (800+), which is often insufficient, especially in the case of children with special health needs. In view of this, the NPM sent a letter to the Ministry of Justice³⁰⁸, confirming the lack of additional funding and indicating that expenditures are made within the annual budgets of the facilities. The NPM emphasised that meeting the basic needs of children should not be based on external donations. Therefore, further monitoring of the situation was announced and the need for systemic regulation of the financing of children's stays in such centres was postulated.

Furthermore, the NPM brought to attention the establishment's prohibition of underage mothers sleeping with their children, on the grounds of infant safety. In the opinion of the NPM expert accompanying NPM representatives during the visit, this prohibition may have a negative impact on the development of the bond between mother and child, especially in the context of the high risk of attachment disorders in underage mothers, resulting from their age, difficult life experiences, and lack

²⁹⁸ DYCC Warszawa-Falenica, DYCC Pszczyna-Łąka and DYCC Koronowo.

²⁹⁹ DYCC Szczecin and DYCC Pszczyna-Łąka.

³⁰⁰ DYCC Studzieniec.

³⁰¹ DYCC Studzieniec.

³⁰² DYCC Pszczyna-Łąka.

³⁰³ DYCC Pszczyna-Łąka.

³⁰⁴ DYCC Warszawa-Falenica and DYCC Studzieniec.

³⁰⁵ DYCC Studzieniec and DYCC Pszczyna-Łąka.

³⁰⁶ DYCC Studzieniec.

³⁰⁷ DYCC Warszawa-Falenica.

³⁰⁸ Letter of 4 March 2025. (KMP.573.20.2024).

of family support. In view of the above, the NPM recommended lifting the ban on underage mothers sleeping with their children in youth care centres³⁰⁹.

JUVENILE DETENTION CENTRES AND YOUTH SHELTERS

In 2024, the NPM conducted monitoring visits to the Youth Shelter in Dominów³¹⁰ (hereinafter also: shelter, facility) and two juvenile detention centres (hereinafter also: facility, JDC, establishment) – in Nowe³¹¹ and Gdańsk-Oliwa³¹². Two of those³¹³ were follow-up visits. The purpose of such visits is to verify the implementation of NPM recommendations issued in previous reports. During the visits, no systemic problems in the functioning of the institutions were identified, nevertheless, recommendations were issued - or reiterated in connection with the revisit - in areas requiring improvement.

■ Key recommendations of the NPM

For all establishments, recommendations were made regarding more thorough documentation of signs that may be indicative of violence, including describing injuries of juveniles in accordance with the guidelines of the Istanbul Protocol. In this context, the NPM also emphasised in one of its reports the role of educational staff in gathering information on possible cases of ill-treatment of juveniles by police officers. Wards who have experienced violence may, for various reasons, not report this fact themselves. Therefore, the NPM recommended that questions concerning the treatment of juveniles by the police prior to their arrival at the social rehabilitation establishment be included in the initial interview form³¹⁴.

Other issues were raised as well, such as improving juveniles' access to complaints mechanisms and providing conditions in the establishments that would not evoke associations with the penitentiary system, for example by removing window blinds³¹⁵, bars³¹⁶ or fitting the windows with handles so that the wards can air the rooms without having to ask the staff³¹⁷, abandoning bunk beds and refitting juveniles' rooms in a way that would allow everyone to have their own space for doing homework or storing personal belongings in lockable cupboards³¹⁸ that guarantee privacy, which is so important during adolescence. In this spirit, it was also recommended that priority be given to juveniles wearing their own clothes rather than those issued by the facility staff³¹⁹.

In accordance with the needs observed on site, recommendations were also made to improve living conditions (e.g. improved ventilation³²⁰ or removal of damp areas³²¹). What could be seen as most significant recommendation for 2024 is a repeated recommendation to modernise bathrooms in one of the facilities, where squat toilets were still found, and to install WCs in their place³²².

³⁰⁹ DYCC Warszawa-Falenica.

³¹⁰ NPM report on the visit to the youth shelter in Dominów (KMP.573.18.2024).

³¹¹ NPM report on the visit to the Juvenile Detention Centre in Nowe (KMP.573.16.2022).

³¹² NPM report on the visit to the Juvenile Detention Centre in Gdańsk-Oliwa (KMP.573.13.2024).

³¹³ JDC in Nowe and youth shelter in Dominów.

³¹⁴ Youth shelter in Dominów.

³¹⁵ JDC in Nowe.

³¹⁶ JDC in Gdańsk-Oliwa.

³¹⁷ JDC in Nowe.

³¹⁸ JDC in Gdańsk-Oliwa.

³¹⁹ JDC in Gdańsk-Oliwa.

³²⁰ JDC in Nowe.

³²¹ JDC in Gdańsk-Oliwa.

³²² Youth shelter in Dominów.

Another key recommendation was to immediately stop the practice of placing wards in the infirmary due to their behaviour. As during the visit³²³ a practice was noted of sending wards to the infirmary for inappropriate behaviour, the NPM team concluded that this served mainly as an informal punishment and a way of circumventing the regulations governing placement in an isolation room or adaptation chamber. It should be emphasised that while there is an obligation to notify the court and the Ministry of Justice of the use of direct coercive measures against wards, placing a juvenile in the infirmary does not require such notification, nor is it subject to time limits, as is the case with placement in an isolation room or adaptation chamber. This problem has also been noted by the CPT³²⁴.

To improve the safety of the wards, the NPM also recommended, among other things, that procedures be developed for dealing with dangerous or unusual situations (i.e. aggression by a juvenile towards an employee, juveniles' rioting)³²⁵, training staff in the correct use of direct coercive measures³²⁶, securing the walls of the isolation room with soft material³²⁷, classifying each incident that caused a threat or violation of the health or life of a juvenile as an extraordinary event, and accurately documenting and recording such incidents, as well as reporting them to the Ministry of Justice³²⁸.

PRIVATE LONG-TERM CARE FACILITIES

In 2024, the National Mechanism carried out visits to seven private long-term care facilities for persons with disabilities, chronically ill persons and elderly persons (hereinafter also referred to as PLCF or facility) in: Ząbki³²⁹, Grabina³³⁰, Inowrocław³³¹, Zagościniec³³², Warsaw³³³ and two PLCFs in Ogrodzieniec³³⁴.

■ Systemic problems

Representatives of the NPM noted continued existence of systemic problems described in previous years with regard to visited private long-term care facilities³³⁵. The problems included: the use of non-standard forms of restraint on residents, including non-certified harnesses, belts and bandages intended to prevent residents from sliding off a bed or wheelchair and thus to ensure their safety; their use, however, violates people's freedoms and should thus be regulated in detail; the use of video surveillance to ensure the safety of residents, despite the lack of regulations on its use in the legislation; the signing of contracts on admission to the facility by family members on behalf of a resident who is not legally incapacitated but whose state of health and consciousness does not allow them

³²³ A detailed discussion is provided in the reports from the visits to JDC in Nowe and JDC in Gdańsk-Oliwa.

³²⁴ See: CPT report on the visit to Poland in 2017, CPT/Inf (2018) 39, para. 107, where the CPT expressed concern about the use of medical isolation rooms for de facto security reasons, as a means of isolating aggressive or nervous juveniles.

³²⁵ JDC in Gdańsk-Oliwa.

³²⁶ Youth shelter in Dominów, JDC in Nowe.

³²⁷ Youth shelter in Dominów.

³²⁸ JDC in Gdańsk-Oliwa.

³²⁹ NPM report on the visit to PLCF „Zielony Zakątek” in Ząbki (KMP.573.2.2024).

³³⁰ NPM report on the visit to PLCF „Grabina Sunrise” in Grabina (KMP.573.7.2024).

³³¹ NPM report on the visit to PLCF „Solankowe Tarasy” in Inowrocław (KMP.573.10.2024).

³³² NPM report on the visit to PLCF „Dom Seniora Marianna Puciłowska” in Zagościniec (KMP.573.12.2024).

³³³ NPM report on the visit to PLCF „Grażyna” in Warsaw (KMP.575.14.2024).

³³⁴ NPM report on the visit to PLCF „Zacisze” in Ogrodzieniec (KMP.575.4.2024); NPM report on the visit to PLCF Jurajski Centrum Seniora *Jak w domu* in Ogrodzieniec (KMP.573.14.2024) – the facility was visited twice in 2024.

³³⁵ See: Annual Report on the Activities of the NPM in 2023, pp. 103–105.

to conclude a contract themselves. A detailed description of the problems and the CHR's actions to eliminate them is included in previous annual reports on the activities of the NPM.

■ Key recommendations of the NPM

In 2024, the National Mechanism issued numerous recommendations to the owners and managers of the visited private long-term care facilities, in particular with regard to the areas indicated below, including as follows:

1. Legality of residence

- Running private long-term care facilities in accordance with the requirements of the Act on Social Welfare³³⁶ and decisions of the head of relevant voivodeship government regarding the number of residents admitted (the recommendation was particularly relevant in the context of so-called daytime residents whose number usually exceed the limit of residents set in the decision of the head of relevant voivodeship government; the practice can result in lower standard of care provided to residents living permanently in the facility)³³⁷.
- Ensuring that residents' files contain court decisions on a given resident's legal incapacitation, as well as decisions of a guardianship court to place a given resident in such a facility if the resident is legally incapacitated³³⁸.
- Including in the contract on placement at the PLCF of a handwritten signature of a given resident who is not legally incapacitated or an ink fingerprint of a given resident if he or she consents to the placement but is unable to place a signature³³⁹.

2. Treatment

- Taking measures against mistreatment of residents by staff members and increased supervision of the manner in which staff members treat residents³⁴⁰.
- Increasing residents' sense of privacy by knocking on doors before entering their rooms³⁴¹ and not placing residents' beds in halls or corridors³⁴².
- Using space dividing screens during bedside hygiene procedures for bedridden and dependent residents³⁴³.

3. Medical care

- Conducting medical examinations upon a new resident's admission to the facility³⁴⁴.
- Documenting injuries sustained by residents, in accordance with the guidelines included in the Istanbul Protocol³⁴⁵.

³³⁶ Act of 12 March 2004 on Social Welfare (Journal of Laws of 2025, item 1214, as amended).

³³⁷ PLCF in Zagościniec, PLCF in Ząbki and PLCF Zacisze in Ogrodzieniec.

³³⁸ PLCF Zacisze in Ogrodzieniec and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³³⁹ PLCF in Inowrocław, PLCF in Ząbki and PLCF in Warsaw.

³⁴⁰ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁴¹ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁴² PLCF in Inowrocław.

³⁴³ PLCF in Warsaw.

³⁴⁴ PLCF Zacisze in Ogrodzieniec and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁴⁵ PLCF in Zagościniec, PLCF in Inowrocław, PLCF in Grabina, PLCF in Warsaw, PLCF Zacisze in Ogrodzieniec and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

- Not using blank forms of consent to medical procedures³⁴⁶; in the case a consent is sent by e-mail by the legal guardian of the incapacitated person, attaching to the e-mail a scan of the consent with a signature of the guardian³⁴⁷.
- Administering crushed medication only if so ordered by a doctor³⁴⁸.
- Respecting the patient's right to information about the medicines they are taking³⁴⁹.
- Creating and using a nurse duty logbook and carers' duty logbooks in day-to-day work³⁵⁰.
- Ensuring that only authorised medical personnel have access to residents' medical records³⁵¹.
- Recording in the medical records the fact that the nursing staff has consulted a doctor by telephone, in particular with regard to the doctor's consent to medical procedures that nurses cannot recommend on their own³⁵².

4. Contact with the outside world

- Restricting residents' possibility to leave the facility on their own solely on the basis of the provisions of the Act on Social Welfare³⁵³ and establishing a register of residents leaving the facility³⁵⁴.
- Increasing residents' contact with the outside world, e.g. through group walking, meetings with people from outside the facility, or participation in integration events³⁵⁵.
- Extending the hours of visits by residents' relatives on working days, as it may be difficult for people who work or study to visit a relative between 10 a.m. and 3 p.m.³⁵⁶
- Ensuring that bedridden persons have access to outdoor recreation areas for at least one hour per day, unless otherwise recommended by a doctor³⁵⁷.

5. Right to information and complaint mechanism

- Displaying contact details of human rights institutions in the facility's common areas accessible to both residents and visitors³⁵⁸.
- Placing a box for anonymous complaints made by residents and their relatives³⁵⁹.
- Establishing a register of complaints and requests, and informing residents and their legal and actual guardians about the existence of the register³⁶⁰, and recording all incoming requests and complaints in the register³⁶¹.

³⁴⁶ PLCF Jurajskie Centrum Seniora in Ogrodzieniec and PLCF in Inowrocław.

³⁴⁷ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁴⁸ PLCF in Warsaw and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁴⁹ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁵⁰ PLCF in Warsaw.

³⁵¹ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁵² PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁵³ PLCF in Zagościniec, PLCF in Ząbki, PLCF in Inowrocław and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁵⁴ PLCF in Zagościniec and PLCF in Ząbki.

³⁵⁵ PLCF in Ząbki.

³⁵⁶ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁵⁷ PLCF in Ząbki.

³⁵⁸ PLCF in Zagościniec, PLCF in Ząbki, PLCF in Inowrocław, PLCF Jurajskie Centrum Seniora in Ogrodzieniec, PLCF Zacisze in Ogrodzieniec, PLCF in Warsaw and PLCF in Grabina.

³⁵⁹ PLCF in Inowrocław; PLCF Jurajskie Centrum Seniora in Ogrodzieniec; PLCF Zacisze in Ogrodzieniec, PLCF in Warsaw and PLCF in Grabina.

³⁶⁰ PLCF in Zagościniec, PLCF in Ząbki, PLCF in Inowrocław, PLCF in Grabina and PLCF Zacisze in Ogrodzieniec.

³⁶¹ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

6. Documentation

- Establishing a register of applied coercive measures, in accordance with the requirements of the Act on Social Welfare³⁶².
- Establishing a register of emergency situations and procedures for reacting to such situations³⁶³.
- Discontinuing the practice of keeping residents' identity documents and instead, keeping copies of such documents; if a resident requests that their identity card be stored in a deposit, this should be confirmed by a consent signed by the resident³⁶⁴.
- Eliminating questionable provisions from the contracts on placement in the facility, e.g. regarding lack of liability for the resident's property items³⁶⁵ or the possible termination of the services provided³⁶⁶.
- Translating documents regarding residents' rights into foreign languages if there are foreign nationals at the facility³⁶⁷.

7. Therapy and psychological support

- Employing a psychologist³⁶⁸ and occupational therapist³⁶⁹ and offering occupational therapy also on weekends³⁷⁰, cooperating with a physiotherapist³⁷¹ and increasing access to physical rehabilitation³⁷².

8. Living conditions

- Installation of a call system in rooms used by residents³⁷³.
- Conducting renovation works on ongoing basis; ensuring cleanliness and good condition of equipment³⁷⁴.
- Adapting private long-term care facilities to the needs of people with disabilities³⁷⁵ and adjusting the size of rooms used by residents to the requirements of the Act on Social Welfare³⁷⁶.
- Installing locks or padlocks on residents' cabinets³⁷⁷ and allocating a place for a deposit of residents' valuable items, that is not accessible to unauthorized persons³⁷⁸.
- Ensuring freedom from cigarette smoke for non-smokers³⁷⁹.

³⁶² PLCF in Zagościniec, PLCF in Ząbki, PLCF in Inowrocław, PLCF Jurajskie Centrum Seniora in Ogrodzieniec, PLCF Zacisze in Ogrodzieniec and PLCF in Grabina.

³⁶³ PLCF in Inowrocław, PLCF Jurajskie Centrum Seniora in Ogrodzieniec, PLCF Zacisze in Ogrodzieniec, PLCF in Warsaw and PLCF in Grabina.

³⁶⁴ PLCF in Inowrocław.

³⁶⁵ PLCF in Inowrocław.

³⁶⁶ PLCF in Ząbki.

³⁶⁷ PLCF in Warsaw.

³⁶⁸ PLCF in Zagościniec, PLCF in Warsaw, PLCF Zacisze in Ogrodzieniec, PLCF in Inowrocław and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁶⁹ PLCF in Zagościniec, PLCF in Warsaw and PLCF Zacisze in Ogrodzieniec.

³⁷⁰ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁷¹ PLCF in Warsaw and PLCF Zacisze in Ogrodzieniec.

³⁷² PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁷³ PLCF in Ząbki, PLCF in Inowrocław, PLCF Jurajskie Centrum Seniora in Ogrodzieniec, PLCF Zacisze in Ogrodzieniec and PLCF in Warsaw.

³⁷⁴ PLCF Zacisze in Ogrodzieniec and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁷⁵ PLCF in Inowrocław and PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁷⁶ PLCF in Ząbki.

³⁷⁷ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

³⁷⁸ PLCF in Inowrocław.

³⁷⁹ PLCF Jurajskie Centrum Seniora in Ogrodzieniec.

SOCIAL CARE HOMES

In 2024, representatives of the National Mechanism visited seven social care homes (hereinafter also referred to as a home or SCH) in: Kraków³⁸⁰, Łódź³⁸¹, Bożenkowo³⁸², Radom³⁸³, Jaskulin³⁸⁴, Bydgoszcz³⁸⁵ and Zielona Góra³⁸⁶.

■ Systemic problems

In the social care homes visited in 2024, as in previous years, several systemic problems were noted, similar to those occurring in private long-term care facilities³⁸⁷ and including: the use of non-standard measures for securing residents, the installation of video surveillance systems, the performance of the role of legal guardian of an incapacitated resident by the home's employee. There was still a noticeable difference between salaries of nurses employed in medical care facilities and salaries of nurses employed in social care homes. There is no requirement to employ a psychologist in social care homes, which remains a problem. Another issue raised again in 2024 was the manner of functioning and the insufficient number of social care homes for people with alcoholism.

■ Key recommendations of the NPM

The NPM's key recommendations for social care homes concerned the following areas.

1. Treatment

- Reminding staff members to treat residents with respect and dignity³⁸⁸.
- Abandoning the practice of locking residents in rooms³⁸⁹.
- Carefully verifying any information on potential use of violence in the facility and, if confirmed, informing the competent authorities³⁹⁰.
- Abandoning the use of disciplinary penalties with regard to residents or threats of their use³⁹¹.
- Performing nursing procedures with respect for the patient's right to privacy³⁹².
- Adopting restrictions on residents leaving the facility by themselves, in accordance with the provisions of the Act on Social Welfare³⁹³.

2. Medical care

- Documenting residents' injuries in accordance with the guidelines set out in the Istanbul Protocol³⁹⁴.

³⁸⁰ Report on the visit to SCH in Kraków at ul. Rozrywka 1 (KMP.575.2.2024).

³⁸¹ Report on the visit to SCH in Łódź at ul. Sierakowskiego 65 (KMP.573.9.2024).

³⁸² Report on the visit to SCH in Bożenkowo (KMP.575.5.2024).

³⁸³ Report on the visit to SCH „Nad Potokiem of Bohdana Danuta Kijewska” in Radom (KMP.575.7.2024).

³⁸⁴ Report on the visit to SCH in Jaskulin (KMP.575.6.2024).

³⁸⁵ Report on the visit to SCH „Stoneczko” in Bydgoszcz (KMP.575.9.2024).

³⁸⁶ Report on the visit to SCH in Zielona Góra at al. Juliusza Słowackiego 29 (KMP.575.13.2024).

³⁸⁷ See: Annual report on the activities of the NPM in 2023, pp. 103–105.

³⁸⁸ SCH in Bydgoszcz and SCH Jaskulin.

³⁸⁹ SCH in Jaskulin.

³⁹⁰ SCH in Jaskulin.

³⁹¹ SCH in Bożenkowo.

³⁹² SCH in Łódź.

³⁹³ SCH in Kraków, SCH in Bożenkowo and SCH in Zielona Góra.

³⁹⁴ SCH in Bydgoszcz, SCH in Zielona Góra, SCH in Łódź, SCH in Kraków, SCH in Radom, SCH in Jaskulin and SCH in Bożenkowo.

- Ensuring that consent of residents' legal representatives to conducting medical procedures for residents is given in accordance with applicable legal regulations³⁹⁵.
- Administering crushed medication only if so ordered by a doctor³⁹⁶.
- Providing information to residents on medications they take and on their form³⁹⁷.
- Explaining by a doctor to the patient the purpose of conducted medical examinations and their course³⁹⁸.
- Informing staff members of the need to use only non-invasive methods, such as conversation and persuasion, in cases where residents are reluctant to take medication³⁹⁹.
- Conducting medical examinations of newly admitted patients within the first 24 hours of admission⁴⁰⁰.

3. Documentation and registers

- Meticulous keeping of reports on emergency situations⁴⁰¹.
- Establishing a register of applied coercive measures and keeping it in an accurate manner⁴⁰².
- Including in the documentation of incapacitated residents the guardianship court decisions permitting a given resident's guardian to place the resident in a social care home⁴⁰³.
- Abandoning the practice of placing a single signature under multiple statements of a resident on a joint form⁴⁰⁴.
- Abandoning the practice of routinely keeping residents' identity cards in deposit during their stay in the facility⁴⁰⁵.
- Abandoning the practice of requiring residents to have their last will upon admission to the facility⁴⁰⁶.

4. Right to information and complaint mechanism

- Providing information on the residents' right and procedure of lodging complaints and requests⁴⁰⁷.
- Providing a complaints box that residents and other persons can use in a confident manner⁴⁰⁸.
- Displaying contact details of human rights institutions in the facility's common areas accessible to both residents and visitors⁴⁰⁹.

5. Living conditions

- Adapting social care homes to the needs of persons with disabilities during renovation and modernisation works⁴¹⁰.

³⁹⁵ SCH in Łódź and SCH in Bożenkowo.

³⁹⁶ SCH in Łódź and SCH in Bożenkowo.

³⁹⁷ SCH in Jaskulin.

³⁹⁸ SCH in Bydgoszcz.

³⁹⁹ SCH in Zielona Góra.

⁴⁰⁰ SCH in Zielona Góra.

⁴⁰¹ SCH in Zielona Góra.

⁴⁰² SCH in Bydgoszcz.

⁴⁰³ SCH in Jaskulin and SCH in Radom.

⁴⁰⁴ SCH in Zielona Góra.

⁴⁰⁵ SCH in Zielona Góra.

⁴⁰⁶ SCH in Zielona Góra.

⁴⁰⁷ SCH in Łódź, SCH in Kraków, SCH in Jaskulin and SCH in Bydgoszcz.

⁴⁰⁸ SCH in Łódź, SCH in Kraków, SCH in Jaskulin and SCH in Zielona Góra.

⁴⁰⁹ SCH in Jaskulin and SCH in Zielona Góra.

⁴¹⁰ SCH in Bożenkowo and SCH in Radom.

- Ensuring a call system⁴¹¹.
- Providing lockable storage space for personal belongings⁴¹².
- Ensuring separate spaces necessary for the proper functioning of the facility: a canteen⁴¹³ and a room for the use of coercive measures⁴¹⁴.

6. Staff

- Employing additional staff members, such as a psychologist⁴¹⁵, and in particular carers and nurses to ensure adequate level of care both during the day and night⁴¹⁶.

RESIDENTIAL CARE AND TREATMENT FACILITIES

In 2024, the National Mechanism visited two residential care and treatment facilities (hereinafter also referred to as: facility or RCF) in Konin⁴¹⁷ and in Kraszewo-Czubaki⁴¹⁸.

■ Systemic problems

Following the visits to the RCFs, in 2024 the NPM decided to raise two systemic problems that had been described in more detail in previous years. They related to the performance by RCF staff members of the role of legal guardian for incapacitated patients⁴¹⁹ and the consequences of the lack of legal regulations on admissions to residential care and treatment facilities of adults who are not legally incapacitated but who, due to their health condition, are unable to sign the application for their placement but have no legal representatives to do it for them⁴²⁰.

■ Key recommendations of the NPM

The recommendations concerning the functioning of the residential care and treatment facilities related in particular to the following areas:

1. Legality of residence

A key recommendation regarding the functioning of the residential care and treatment facilities concerned the requirement to have the consent of a guardianship courts for the placement at RCF of a patient who is legally incapacitated in full, and the verification, upon admission of new patients, whether their legal representatives have such consent⁴²¹.

⁴¹¹ SCH in Łódź, SCH in Radom, SCH in Bydgoszcz and SCH in Zielona Góra.

⁴¹² SCH in Radom.

⁴¹³ SCH in Radom.

⁴¹⁴ SCH in Bożenkowo.

⁴¹⁵ SCH in Radom.

⁴¹⁶ SCH in Zielona Góra; SCH in Jaskulin; SCH in Radom; SCH in Kraków and SCH in Łódź.

⁴¹⁷ NPM report on the visit to RCF at 'MAXMED 1' Residential Care Centre at ul. Południowa 3 in Konin (KMP.573.26.2024).

⁴¹⁸ Report on the visit to RCF 'Centrum Medyczne Grupa Zdrowie' in Kraszewo-Czubaki (KMP.574.10.2024).

⁴¹⁹ See: Annual Report on the Activities of the NPM in 2023, p. 127.

⁴²⁰ See: the CHR's general intervention letters to the Minister of Health of 9 December 2018 and 3 October 2023 (KMP.573.18.2018).

⁴²¹ RCF in Kraszewo-Czubaki and RCF in Konin.

2. Medical care

The main point emphasized was the need to document patients' injuries in accordance with the Istanbul Protocol guidelines⁴²².

3. Video surveillance systems

The NPM emphasised, in particular, the need to ensure that CCTV footage is transmitted in such a way as to prevent the showing of patients' physiological activities and intimate body parts⁴²³ and the need to develop internal regulations on the use of such monitoring systems, taking into account the required protection of the patients' right to dignity and privacy⁴²⁴.

4. Treatment

Internal rules and regulations of one of the facilities⁴²⁵ contained provisions on imposing disciplinary penalties on patients. According to staff statements, the provision remained 'dead' and the visiting team received no reports of their use or any ill-treatment of residents. However, the very existence of such a regulation serves as an important reminder that the imposition of any penalties is closely connected with violating personal freedoms of the individual, protected by Article 41(1) of the Polish Constitution, according to which any regulation relating to personal freedoms must have a clear basis in an act of Parliament. There is no such basis for applying disciplinary sanctions in residential care and treatment facilities, hence the NPM recommended that the provision be removed.

The analysis of the documentation on the application of coercive measures in the visited facilities also resulted in formulating recommendations on the need to precisely record the application of such measures⁴²⁶ and to train staff in the area of their application⁴²⁷.

5. Right to information and complaint mechanism

The NPM recommended that information boards at the facilities contain contact details of human rights institutions and authorities competent to consider complaints regarding the functioning of such facilities, that the boards are located at easily accessible places⁴²⁸, that there is a complaints box at every facility and that any reports received in this way are entered in a relevant register⁴²⁹.

6. Living conditions

The NPM drew particular attention to the need to ensure patients' access to call systems⁴³⁰, to assess the condition of the rooms from the point of view of the needs of persons with disabilities, and to take such needs into account in the planning of any renovation and modernisation⁴³¹.

⁴²² RCF in Kraszewo-Czubaki and RCF in Konin.

⁴²³ RCF in Kraszewo-Czubaki and RCF in Konin.

⁴²⁴ RCF in Kraszewo-Czubaki and RCF in Konin.

⁴²⁵ RCF in Kraszewo-Czubaki.

⁴²⁶ RCF in Kraszewo-Czubaki.

⁴²⁷ RCF in Kraszewo-Czubaki.

⁴²⁸ RCF in Kraszewo-Czubaki and RCF in Konin.

⁴²⁹ RCF in Konin.

⁴³⁰ RCF in Kraszewo-Czubaki.

⁴³¹ RCF in Konin.

Visits of the National Preventive Mechanism in 2024 – tables by type of establishment

PRISON

	Date of visit
Kamińsk	07-09.05.2024
Łódź (no. 1)	10-13.06.2024
	14-16.10.2024
Koronowo	15-19.07.2024
	25-26.07.2024
Goleniów	06-09.08.2024
Krzywaniec	04-08.11.2024
	14.11.2024
Total 5	

REMAND PRISON

	Date of visit
Warszawa Białołęka	04-08.03.2024
	21-22.03.2024
Opole	20-22.03.2024
Hajnówka	08-11.04.2024
Kielce	22-25.04.2024
Lublin	08-10.05.2024
Białystok	08-11.07.2024
Elbląg	17-19.09.2024
Kraków	21-24.10.2024
Total 8	

BRANCH UNITS OF PENITENTIARY ESTABLISHMENTS

	Date of visit
Strzelce Opolskie branch units of prison in Strzelce Opolskie	18-21.06.2024
Środa Wielkopolska branch units of prison in Gębarzewo	09-12.09.2024
Total 2	

POLICE STATIONS AND HEADQUARTERS

	Date of visit
Warsaw I District Police Headquarters	11.11.2024
Total 1	

ROOMS FOR DETAINED PERSONS WITHIN POLICE ORGANIZATIONAL UNITS

	Date of visit
Warsaw Municipal Police Headquarters	12.02.2024
	11.11.2024
Warsaw District VI (51 Jagiellońska Street) Police Headquarters	12.02.2024
	11.11.2024
Warsaw District II (Janowskiego 7 Street) Police Headquarters	13.02.2024
	11.11.2024
Warsaw District V (Żeromskiego 7 Street) Police Headquarters	14.02.2024
	11.11.2024
Poviat Police Headquarters in Legionowo	15.02.2024
Poviat Police Headquarters in Piastów	15.02.2024
Poviat Police Headquarters in Otwock	16.02.2024
Poviat Police Headquarters in Mińsk Mazowiecki	19.02.2024
Poviat Police Headquarters in Grodzisk Mazowiecki	19.02.2024
Poviat Police Headquarters in Nowy Dwór Mazowiecki	20.02.2024
Poviat Police Headquarters in Piaseczno	20.02.2024
Warsaw District IV (Żytnia 36 Street) Police Headquarters	21.02.2024
Municipal police headquarters in Łomża	13.03.2024
Municipal police headquarters in Białystok	14.03.2024
Poviat Police Headquarters in Wołomin	30.04.2024
Municipal police headquarters in Poznań	28.05.2024
Municipal police headquarters in Leszno	29.05.2024
Municipal police headquarters in Rzeszów	05.06.2024
Municipal police headquarters in Krosno	06.06.2024
Poviat Police Headquarters in Zambrów	12.07.2024
Municipal police headquarters in Ostrołęka	20.08.2024
Poviat Police Headquarters in Chrzanów	23.09.2024
Municipal police headquarters in Sopot	03.10.2024
Poviat Police Headquarters in Czulchów	08.10.2024
Poviat Police Headquarters in Parczewo	09.10.2024
Municipal police headquarters in Wrocław	16.10.2024
Warsaw District IV (Żytnia 36 Street) Police Headquarters	11.11.2024
Total 27	

YOUTH CARE CENTRES

	Date of visit
Warsaw youth care centre of the Orionine Fathers	03-06.09.2024
Warsaw youth care centre no. 4	09-12.09.2024
Mszana Dolna youth care centre named after Karol Wojtyła	24-27.09.2024
Wrocław youth care centre at School Complex no. 3	14-15.10.2024
Total 4	

PSYCHIATRIC HOSPITALS AND PSYCHIATRIC WARDS

	Date of visit
Powiat Health Care Complex in Będzin, ward for Mentally Ill Patients in Czeladź	16-18.04.2024
Warsaw, Military Medical Institute, Clinic of Psychiatry, Combat Stress and Psychotraumatology	24-26.06.2024
Mazowsze Voivodeship Specialist Hospital in Ostrołęka, psychiatric ward	20-23.08.2024
Total 3	

SOCIAL CARE HOMES

	Date of visit
Kraków (social care home at ul. Rozrywka 1)	26-28.03.2024
Łódź (social care home at ul. Sierakowskiego 65)	15-18.04.2024
Bożenkowo	14-15.05.2024
Radom (social care home "Nad Potokiem")	24-26.06.2024
Jaskulin	02-04.07.2024
Bydgoszcz (social care home "Słoneczko")	23-26.07.2024
Zielona Góra (social care home at al. Juliusza Słowackiego 29)	29-31.10.2024
Total 7	

DISTRICT YOUTH CARE CENTRES

	Date of visit
Szczecin	04-07.03.2024
Laskowiec	02-04.04.2024
Koronowo	22-25.04.2024
Studzieniec	04-06.06.2024
	04-06.12.2024
Pszczyna Łąka	03-06.09.2024
	03-04.10.2024
Warszawa-Falenica	04-07.11.2024
Total 6	

SOBERING-UP CENTRES

	Date of visit
Chorzów	13-15.05.2024
Warszawa	27-29.05.2025
Zielona Góra – Racula	19-20.06.2024
Szczecin	13-14.08.2024
Total 4	

POLICE ESTABLISHMENTS FOR CHILDREN

	Date of visit
Opole	19.03.2024
Warszawa	26.03.2024
	11.11.2024
Olsztyn	28.03.2024
Legnica	09.04.2024
Total 4	

PRIVATE LONG-TERM CARE FACILITIES FOR PEOPLE WITH DISABILITIES, CHRONIC ILLNESSES OR OLD AGE

	Date of visit
Ząbki – Private long-term care facility "Zielony Zakątek"	19.03.2024
Grabina – Private long-term care facility „Grabina Sunrise”	15.04.2024
Inowrocław – Private long-term care facility “Solankowe Tarasy”	13.05.2024
Ogrodzieniec – Care and Nursing Centre „Zacisze”	15-16.05.2024
Zagościniec – Private long-term care facility „Dom Seniora”	03.06.2024
Ogrodzieniec – Private long-term care facility "Jak w domu"	29.07-01.08.2024
Warsaw – Private long-term care facility “Grażyna”	10-12.12.2024
Total 7	

RESIDENTIAL CARE AND TREATMENT FACILITIES

	Date of visit
Medical Centre of Grupa Zdrowie in Kraszewo-Czubaki	21-24.10.2024
MAXMED 1 Palliative Care Centre in Konin	27-29.11.2024
Total 2	

BORDER GUARD ROOMS FOR DETAINED PERSONS

	Date of visit
Gdańsk	10-12.06.2024
Kętrzyn	18.09.2024
Gołdap	19.09.2024
Kołobrzeg	09.10.2024
Przemyśl (room for detained persons no. 1)	26.11.2024
Przemyśl (room for detained persons no. 2)	26.11.2024
Horyniec-Zdrój	27.11.2024
Krowica Sama	28.11.2024
Medyka	29.11.2024
Total 9	

MILITARY POLICE CUSTODY ROOMS

	Date of visit
Warszawa	11.03.2024
Kraków	25.03.2024
Wrocław	08.04.2024
Lublin	07.05.2024
Poznań	27.05.2024
Rzeszów	07.06.2024
Szczecin	13.08.2024
Elbląg	16.09.2024
Orzysz	17.09.2024
Ustka	10.10.2024
Total 10	

JUVENILE DETENTION CENTRES

	Date of visit
Nowe	02-05.04.2024
Gdańsk	12-14.06.2024
Total 2	

JUVENILE SHELTER

	Date of visit
Dominów	10-11.10.2024
Total 1	