



2008 Human Rights Report: Poland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Poland is a republic with a multiparty democracy and a population of approximately 38.5 million. The bicameral National Assembly consists of an upper house, the Senate (Senat), and a lower house (Sejm). Executive power is shared among the prime minister, the Council of Ministers, the president, and the Sejm. The October 2007 preterm National Assembly elections and the 2005 presidential election were both free and fair. Civilian authorities generally maintained control of the security forces.

The government generally respected the human rights of its citizens; however, prison conditions remained poor and overcrowded; lengthy pretrial detention, misconduct and excessive use of force by law enforcement officials remained problems. The judicial system was inefficient and continued to function poorly. Occasional anti-Semitic violence and harassment also were problems. Corruption remained a problem throughout the government and society. There was discrimination against women in the labor market, sexual exploitation of children, trafficking in women and children, and societal discrimination and violence against ethnic minorities and homosexuals. Violations of workers' rights and antiunion discrimination also were problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

On June 30, prosecutors in Lodz indicted three police officers in connection with a 2004 incident in which police mistakenly used live ammunition instead of rubber bullets to quell a riot after a soccer game. One person was killed and a second injured. The indicted officers include a highway police officer who was on duty the night of the incident, his assistant who issued live ammunition, and a Lodz city police officer who coordinated the operation. The charges, which include failure to fulfill duties and creating unintentional danger, carry a maximum penalty of eight years' imprisonment.

On July 10, the district court in Warsaw discontinued the case against Communist-era general Czeslaw Kiszczak, who was accused of ordering militia to open fire on striking Wujek miners in 1986. The court concluded that, although Kiszczak endangered the miners, he did so unintentionally.

On June 24, an appeals court in Katowice upheld a May 2007 district court ruling that 15 Communist-era police officers were guilty of firing on striking coal miners in 1981. Nine persons were killed and 25 others wounded in the incident at the Wujek coal mine. Commander Romuald Cieslak was sentenced to 11 years in prison; 14 officers under his command received sentences of from two and one-half to three years.

On September 12, the Warsaw District Court began a trial against eight former Communist-era officials who imposed martial law in 1981, including generals Wojciech Jaruzelski and Czeslaw Kiszczak. If convicted on charges of violating the constitution, committing Communist crimes, and leading an organized criminal group, the defendants could be sentenced up to 10 years in jail.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, and the government generally respected these provisions in practice; however, there were problems with police misconduct and mistreatment of prisoners and detainees. Under the criminal code, torture and cruel or degrading treatment are not reported as crimes.

On December 2, the country's human rights ombudsman issued a formal statement of concern to the chief of the National Police about the excessive use of force by the police, and requested information on a plan to address the problem.

The law on police misconduct outlines disciplinary actions, which include reprimands, demotion in rank, and dismissal.

According to the National Police, the courts convicted 68 officers of misconduct between January and November, and 75 officers of misconduct in 2007. Although the number of officers disciplined by internal police proceedings has decreased in recent years, the number of misconduct investigations has increased due to new procedures that require all misconduct complaints be reviewed by the police internal affairs office. For example, in 2007, 6,184 cases of police misconduct were reviewed. Of that number, 761 officers were disciplined, including 77 who were dismissed. In 2006, 4,856 cases of misconduct were investigated; 913 officers were disciplined, including 81 who were dismissed.

Prison and Detention Center Conditions

Prison and detention center conditions did not always meet international standards. Overcrowding and inadequate medical treatment continued to be problems.

As of July 31, 84,960 persons were held in prisons and detention facilities according to government statistics. Total capacity compared to the previous year increased by approximately 2,900 and was estimated at 78,909 persons; overcrowding remained unchanged at 117 percent.

European Union (EU) standards set minimum cell size at 64 square feet (six square meters). Under the country's criminal code, minimum cell size is set at 32.28 square feet (three square meters); however, in practice this standard was often not met. According to the criminal code, prison directors may place prisoners for a limited time in cells smaller than 32 square feet per person. In practice, however, prisoners generally remained in small cells for the duration of their sentence.

On May 26, the Constitutional Court ruled that a provision in the criminal code, which allows the justice ministry to keep prisoners in overcrowded cells for unlimited periods of time, violates the constitution and the law on cruel and degrading treatment. The new provision will take effect in December 2009.

During the year the human rights ombudsman received a total of 5,718 complaints, compared to approximately 4,000 in 2007, mainly regarding poor prison conditions, such as poor medical care, abuse by prison authorities, overcrowding, and violations of mail and visiting rights.

In December 2007 a Wroclaw court ruled for a second time against a prisoner's complaint for compensation for being held in a severely overcrowded detention cell and subjected to demeaning conditions. The court's first ruling was overturned by the Supreme Court, which upheld the prisoner's complaint and ordered the Wroclaw court to rehear the case as a violation of personal rights and dignity. In its second ruling, the Wroclaw court stated that the prisoner did not specify what type of violation of dignity occurred, and that the prisoner's conditions were similar to those of other prisoners.

While juveniles were generally separated from adults, in exceptional cases the law allows juveniles and adults to be housed together in prisons and detentions centers. Juveniles (17- to 21-year-olds) accused of serious crimes were usually sent to pretrial detention.

Pretrial detainees were often held in prisons, but in separate areas. Conditions for pretrial detainees were generally similar to those for prisoners, but on occasion were notably worse due to greater overcrowding and poorer facilities.

The government allowed independent monitoring of prison conditions and detention centers on a regular basis by the country's human rights ombudsman.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The police force is a national law enforcement body with regional and municipal units overseen by the minister of interior. Corruption within the 100,000-member police force remained widespread, and there was a public perception that police were unduly influenced by political pressures. Instances of corruption and serious criminal misconduct were investigated by the National Police's Internal Affairs Office.

There were several ongoing high-profile scandals involving the security apparatus that originated in 2007. National media, NGOs, and prominent intellectuals questioned the legality of some investigation methods used by police, the Prosecutor's Office, the Central Bureau of Investigation, and the Central Anticorruption Bureau.

There were no reports of arrests, trials, or other developments in connection with a major corruption investigation of senior officials for malfeasance in public tenders. In 2007, 17 persons, including five senior employees at National Police headquarters, were charged in the case with abuse of power, failure to fulfill duties, and perjury.

Arrest and Detention

By law authorities must obtain a court warrant based on evidence to make an arrest, and authorities generally complied with the law in practice. However, pretrial detention was a serious problem that contributed to overcrowding and deterioration of detention facilities.

The law allows a 48-hour detention period before authorities must file charges, and an additional 24 hours for the court to decide whether to order pretrial detention. Detainees must be informed promptly of the charges and have the right to counsel; the government provides free counsel to the indigent. Defendants and detainees have the

right to consult an attorney at any time. There was a functioning bail system, and most detainees were released on bail.

Detainees may be held in pretrial detention for up to three months and may appeal the legality of their arrest. A court may extend pretrial detention every six to 12 months, but the total time in detention may not exceed two years. However, in practice detention frequently extended beyond two years. In certain complex cases, the court may petition the Supreme Court for an extension beyond two years.

For example, on November 5, a court in Katowice extended the detention of businessman Marek Dochnal for an additional three months. Dochnal was first arrested in 2004 on charges of bribing public officials; he remained in pretrial detention for over three years during the investigation. On January 28, the European Court of Human Rights (ECHR) notified the government that it had accepted Dochnal's July 2007 complaint protesting his detention. A Warsaw court independently released Dochnal three days later. His trial began on July 10; however, Dochnal was rearrested on August 7 by the Internal Security Agency (ABW) because authorities suspected that he may flee the country.

The Central Prison Authority stated that as of October 31, there were 9,464 pretrial detainees, a drop of approximately 4,500 from March 2007. According to media reports, the drop is partly due to fewer requests by prosecutors for pretrial detention and a decline in the number of requests approved by judges.

According to a September 26 article by the leading daily Rzeczpospolita newspaper, between 1999 and 2007, the ECHR determined in 113 cases that authorities violated the human rights and fundamental freedom of detained persons due to lengthy pretrial detention.

In a May 2007 report the UN Committee against Torture expressed concern about the length of pretrial detention. It noted that the country's law does not provide for a time limit for pretrial detention at the start of court proceedings.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice; however, the judiciary remained inefficient and lacked public confidence.

Military courts, which are supervised by the minister of justice and the prosecutor general, have jurisdiction over crimes committed by members of the military while on duty. Defendants enjoy the same rights as civilians.

The Supreme Court handles appeals of lower court decisions and ensures that laws are applied uniformly. The 15-member Constitutional Court is nominated and approved by the lower house of the Sejm. It reviews the constitutionality of laws, adjudicates disputes between government entities, and monitors the constitutionality of actions by political parties.

The court system remained cumbersome, poorly administered, and inadequately staffed. Most notably there were more criminal judges than prosecutors in many districts. Court decisions frequently were not implemented. Although there was some progress reported on the computerization of the court system, a continuing backlog of cases and the high cost of legal action deterred many citizens from using the justice system.

In 2007 a system of "24-hour courts" was implemented to expedite trials for minor offenses and petty crimes. Under the system, the accused must be tried within 72 hours of arrest. Police and prosecutors have 48 hours to collect evidence and file a case; courts must issue a decision within 24 hours. However, the system was reported to

have achieved little relative to its high costs.

Trial Procedures

Cases are tried in regional and provincial courts by a panel composed of a judge and two lay assessors. Defendants enjoy a presumption of innocence, are allowed to consult an attorney, must be present during trial, may confront and question witnesses, have access to government-held evidence, and may present evidence and witnesses. Prosecutors can grant witnesses anonymity if they express fear of retribution from defendants. Trials are usually public; however, the courts reserve the right to close a trial in some circumstances, including divorce proceedings, cases involving state secrets, or cases with content that may offend public morality.

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

The law provides for juries, usually composed of two or three individuals appointed by local officials.

Individuals continued to file complaints against the government with the ECHR regarding trial delays, the right to a fair trial, and the lack of due process.

According to the Warsaw-based Helsinki Foundation for Human Rights, between January and November, the ECHR issued judgments in 123 cases regarding the country. The highest number of cases, 56, pertained to the right to a fair trial; 49 to the right of liberty and security, which included pretrial detention. The remainder pertained to the right to respect for privacy and family life, protection of property, and freedom of expression and effective remedy.

In May 2007 the Constitutional Court declared many provisions of the country's "lustration" law unconstitutional. The law, passed in 1997 and amended in 2006, was designed to expose officials who may have collaborated with Communist-era secret police. It required vetting of an estimated 700,000 persons, including civil servants, politicians, and individuals in positions of public trust, such as school principals and journalists, by the National Institute of Public Remembrance. The court's ruling limited the scope of the lustration law, but still allowed researchers and journalists to review the results of the institute's vetting and investigations.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judiciary system is generally independent and impartial in civil cases, and there is access to courts to bring lawsuits seeking damages for or cessation of human rights violations. The constitution and law provide for the sovereignty of and public access to the judiciary. However, implementation of court orders, particularly payment of damages, is slow, cumbersome, and ineffective. Court decisions are poorly enforced; recent changes to civil procedure place speed and efficiency ahead of individual rights and the right to legal counsel in practice is limited.

Property Restitution

The law provides for restitution of communal property seized during the Communist and Nazi eras. However, there is no comprehensive law on returning or compensating for privately-held real property confiscated during these eras. During the year, the government continued to develop legislation to provide administrative mechanisms for

the restitution of private property in addition to existing judicial mechanisms.

However, despite the lack of a comprehensive law, some illegally nationalized private property has been restored. Between 2001 and August of the reporting year approximately 382.2 million zloty (\$128 million) was paid as compensation for illegally nationalized private property. Compensation from the State Treasury Reprivatization Fund was distributed to 1,901 individuals and 41 businesses. Compensation payments were also made to persons who lost private property as a result of persecution by the state.

Pursuant to a 2005 law concerning properties lost because of border changes after World War II, the government paid compensation on 20 percent of the value of such property. By the end of July, the state treasury paid compensation in 5,208 cases of approximately 203 million zloty (\$68 million). According to the government, the 2005 law could affect approximately 80,000 claimants for property now located in Lithuania, Belarus, and Ukraine. The law also requires the treasury to create registers of all claimants who have the right to compensation. The deadline for submitting applications for claims is December 31.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, the government did not always respect these prohibitions in practice.

At year's end the legality of the ABW's installation of scanning and handwriting analysis equipment at mail-sorting facilities remained under review by the human rights ombudsman and the General Inspector for the Protection of Personal Data.

The equipment, which has already been installed in Poznan, screens all incoming and outgoing mail and reports results back to the security agency.

The law allows electronic surveillance for crime prevention and investigations. However, there was no independent judicial review of surveillance activities, nor was there any control over the use of information obtained by monitoring private communications. A number of government agencies had access to wiretap information.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, in practice there were laws that restricted these freedoms. According to NGOs and international media monitoring groups, since 1990 the courts and government have either upheld or instituted laws to criminalize defamation by the media.

For example, defamation is a criminal offense punishable by up to two years' imprisonment. This includes publicly insulting, defaming or libeling the president, members of parliament, government ministers and other public officials. However, the law is rarely applied; journalists found guilty of defamation are generally only fined.

The law also prohibits hate speech, including dissemination of anti-Semitic literature.

Independent media were active and expressed a wide variety of views without restriction. Private television, satellite, and cable subscription services were available across most of the country. Electronic media operated on frequencies selected by the Ministry of Communications and auctioned by KRRiTV, the National Radio and Television Broadcasting Council, a five-member body appointed by the National Assembly and the president.

The KRRiTV council, which is responsible for protecting freedom of speech, has broad power to monitor and regulate programming, allocate broadcasting frequencies and licenses, apportion subscription revenues to public media, and impose financial penalties on broadcasters. While council members are required to suspend their membership in political parties or public associations, critics asserted that the council continued to be politicized. The president selects two members, the Sejm two members, and the Senate selects one member.

The Catholic nationalist radio station Radio Maryja is designated a "public broadcaster" and exempted from paying regular licensing fees of up to 1.4 million zloty (approximately \$467,000). The station, which was founded in 1991, features conservative Catholic call-in shows that have on occasion included anti-Semitic statements. Radio Maryja is privately owned by the Polish province of the Congregation of the Most Holy Redeemer of the Catholic Church, which has provinces throughout the world.

The law prohibits the media from promoting activities that are illegal or against government policy, morality, or the common good and requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values." The government enforced this provision in practice, levying fines on programs deemed offensive.

For example, on April 22, KRRiTV fined private television station TVN 471,000 zloty (\$157,000) for broadcasting a talk show during which the participants stuck a national flag into dog excrement. On November 17, a court in Warsaw suspended the fine pending a review of TVN's appeal.

On September 19, the Constitutional Court annulled an article in the criminal code that provides for a prison sentence of up to three years for anyone who publicly defames the "Polish nation." The ruling stemmed from an investigation, begun in January by prosecutors in Krakow, to determine whether a book by historian Jan Gross on anti-Semitism in the country after World War II was defamatory. The prosecutors dropped the investigation in February without filing charges.

On September 29, the Constitutional Court upheld an article in the press code that allows for fines and limits editorial independence. Under the article, journalists must verify quotes and statements with the person who made them prior to publication. The court's ruling follows the libel conviction of Jerzy Wizerkaniuk who published an interview in 2003 in the weekly *Gazeta Koscianska* with a member of parliament. The member, Tadeusz Myler of the Democratic Left Alliance (SLD), sued for defamation. Wizerkaniuk appealed the ruling to the ECHR.

There was no development in the 2006 case filed by journalist Jerzy Urban with the ECHR. Urban argued that a 20,000 zloty (\$6,700) fine levied by a Warsaw appeals court for alleged slander was a violation of his right to free speech. The case stemmed from an article Urban published in 2002 in the news weekly *Nie* that criticized the pope.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

More than 51 percent of households in the country owned a personal computer and used the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

Under the criminal code, offending religious sentiment through public speech is punishable by a fine or a prison term of up to three years. More than 94 percent of the population was Roman Catholic. Citizens have the right to sue the government for constitutional violations of religious freedom and legal protections cover discrimination or persecution of religious freedom.

Religious education classes were taught in public schools. Parents could request instruction in any registered religion, including Protestantism, Orthodox Christianity, Judaism, and Islam. Children may choose between religious instruction and ethics. Catholic Church representatives were included on a commission that determined whether books were acceptable for school use.

There were no developments in a case pending before the Constitutional Court with regard to a regulation on religious education in schools. In July 2007 the former minister of education signed a directive that religious education should be graded and included in students' grade point averages. The opposition Democratic Left Alliance challenged the regulation on grounds that it was unconstitutional and would discriminate against students who do not take religious instruction.

The government continued to work with local and international religious groups to address property claims and other sensitive issues stemming from persecution and confiscation during the Nazi and Communist eras. Five commissions, one each for the Catholic Church, Jewish community, Lutheran Church, and Orthodox Church, and one for other denominations, supervised by the Interior Minister oversee religious property claims. Of approximately 10,000 communal property claims filed for restitution of religious property, more than 5,200 had been resolved and more than 1,200 properties had been returned by year's end.

As of August 31, 1,473 of the 3,063 claims filed by the Catholic Church were settled between the Catholic Church and the party in possession of the property, which was primarily the national or local government.

There were 5,544 property claims submitted by the Jewish community. As of September 29, the commission either partially or entirely concluded 1,450 cases. Of that number, 389 were settled amicably; 259 claims were either partially or entirely accepted; 474 ended in a decision to discontinue proceedings; 213 claims were rejected; and in 42 cases the judgment had not been agreed upon. The time period for filing claims under a 1997 law ended in 2002.

The Lutheran Church filed claims for 1,200 properties. As of July 31, 890 cases were concluded, of which 239 were resolved by a settlement between the parties; 159 ended in judgments; 492 claims ended in the decision to discontinue or to reject the application. The deadline for filing claims was 1996.

As of September 16, the Orthodox Church filed 472 claims with its commission, of which 274 were closed in full or in partial settlement; 14 cases concluded in a judgment on the return of property or financial compensation; 53 cases were discontinued and three were dismissed.

The fifth property commission, for all other denominations, received a total of 168 claims. As of September 11, 62 cases have been concluded, with 11 judgments on transfer of property or compensation, two settlements for property and financial compensation; 32 claims have been discontinued; six claims were dismissed, and in 11 cases an agreement had not been reached.

Societal Abuses and Discrimination

There were reports of occasional anti-Semitic incidents, including desecration of Jewish cemeteries. The Jewish community was estimated at 20,000 to 30,000, including 2,500 registered members listed in the country's statistical yearbook. The government publicly criticized anti-Semitic acts and supported tolerance education.

The country has made considerable progress in relations with its Jewish communities; however, members of populist and nationalist parties and organizations continued to make some extremist, intolerant, and anti-Semitic statements. Two political parties that were part of the governing coalition and whose members made anti-Semitic statements were not reelected to the Sejm in the preterm October 2007 parliamentary elections.

In February Leszek Bubel, a self-proclaimed anti-Semite and leader of a far-right political party, posted a video on a popular Internet site in which he boasted about his anti-Semitism and urged Jews to leave the country. During the year several criminal and civil cases against Bubel for inciting hatred and disseminating anti-Semitic literature were either resolved or continued in courts in Bialystok, Lublin, Wrzenia, and Warsaw. Bubel has previously served six months in jail for inciting racial hostility and defaming Jews.

On May 18, prosecutors in Wroclaw filed hate-crime charges against Polish administrators of Red Watch, a Web site maintained by the anti-Semitic and homophobic Blood and Honor group. The charges stem from the 2006 arrest of the administrators for allegedly posting the description of a journalist as an "enemy of white people." On March 4, a court in Leszno sentenced a skinhead to 10 years imprisonment for the stabbing of the same journalist in Warsaw.

On November 24, a court in Torun upheld a motion by prosecutors to drop criminal charges against Tadeusz Rydzyk, the founder and director of conservative Catholic Radio Maryja, for insulting a public official and slander. The charges stemmed from the release of an audiotape in July 2007 of Rydzyk making anti-Semitic comments, suggesting that Jews are greedy and claiming that President Lech Kaczynski was "in the pockets of the Jewish lobby." Rydzyk maintained the tape, which was released by the news magazine Wprost, had been altered.

On October 20, a family court reprimanded four teenagers who jeered and attacked a 19-year-old Orthodox Jew visiting a Jewish cemetery in May in Warka. The youths, aged 13-16, had insulted, punched and kicked the victim. The teenagers were charged with causing bodily harm and insulting a person's nationality, which are criminal offences that can be punished by up to three years' imprisonment.

During the year plaques marking the boundaries of the Warsaw Ghetto were installed on street corners and public buildings. Construction, which began in 2007, continued on a Museum of the History of Polish Jews in Warsaw.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 2,866 persons in 2007.

Persons granted asylum or refugee status had the right to work, to receive social assistance and education, and to have access to a state integration program for 12 months. The program provides participants with contacts in the local community, assistance with accommodations, and help with job searches. Refugees receive monetary assistance for living expenses and language training and are registered in the national health care system. Despite this program many new immigrants had difficulty finding work commensurate with their skills due to the overall high rate of unemployment. Persons with temporary status also had the right to work, receive social assistance, and to participate in the government's integration programs.

There were occasional reports of problems in refugee detention centers. The government operated 20 refugee reception centers in the Warsaw, Bialystok, and Lublin areas with a capacity of 4,000. The main difficulties in the centers included providing education for children, legal assistance, and medical treatment. In September 2007 the government's Office for Foreigners reported that 97 percent of all refugee children were enrolled in public schools. However, other remaining concerns included limited access to higher education, language and cultural barriers, and discrimination against refugee children by their peers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

The October 2007 preterm parliamentary elections and the 2005 presidential election were both free and fair. Multiple candidates from various political parties freely declared their candidacy to stand for election and had access to the media. However, Organization for Security and Cooperation in Europe (OSCE) election observers noted a lack of independent oversight of public broadcast media, which allowed for an imbalance in coverage of candidates.

There were 94 women in the 460-seat Sejm and eight women in the 100-seat Senat. There were five women in the 20-member Council of Ministers.

There was one minority member in the Sejm (representing the German minority in Silesia) and no minorities in the upper house. There were no minorities in the cabinet. The law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide to qualify for seats in individual districts.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement these laws

effectively, and corruption was believed to be pervasive throughout government and society.

The World Bank's Worldwide Governance Indicators reflected that corruption was a problem. There was a widespread public perception of corruption throughout the government. Citizens continued to believe that political parties and members of the legislative branch, the health care system, and the judiciary were the most corrupt.

The Central Anticorruption Bureau (CBA) has broad powers to audit the financial holdings of public officials and to fight corruption in public procurement. CBA head Mariusz Kaminski estimated the total value of losses due to corruption in the country at more than 18 billion zloty (approximately \$6 billion) annually. The CBA is authorized to conduct searches and secret videotaping, wiretap telephone conversations, and make arrests.

During the year the CBA continued to investigate numerous high-profile and controversial investigations.

For example, on June 4, the Warsaw prosecutor indicted billionaire Henryk Stoklosa on 21 charges in connection with a major Ministry of Finance corruption case. Stoklosa was arrested in Germany in November 2007 and extradited. Three ministry officials were arrested in May 2006 as part of the CBA investigation. According to the prosecutor, the officials canceled fiscal liabilities and issued tax exemptions over a 10-year period in exchange for bribes from organized criminals and businessmen. Seven other persons, including two ministry officials and a tax office employee, are being tried in Warsaw's central court in a related case. Stoklosa, who has been in pretrial detention since December 2007, faces up to 10 years imprisonment.

On June 24, the Poznan prosecutor indicted a former member of parliament, Beata Sawicka, and the mayor of Hel on corruption charges related to a real estate scandal. The CBA accused Sawicka of corruption for accepting a bribe to influence a public tender in Hel in the run up to the October 2007 parliamentary elections. Both were arrested and detained but subsequently released. In a statement before her arrest, Sawicka said she was seduced and manipulated into accepting the bribe by a CBA officer. In a related development, on October 20 a Warsaw court ordered the prosecution to investigate the CBA's involvement in the case.

On August 19, the Warsaw central court began a trial of two persons charged with attempting to bribe former agricultural minister and deputy prime minister Andrzej Lepper. The CBA detained the two persons in July 2007 based on reports that they had connections with persons in the Ministry of Agriculture who could issue favorable land-use decisions in exchange for a bribe of three million zloty (\$1 million). Lepper was subsequently dismissed as minister; his Samoobrona political party withdrew from the coalition government, a move that led to the preterm parliamentary elections in October 2007.

The law provides for public access to government information; in practice the government provided access to citizens and noncitizens, including foreign media. Government refusals of requests for information must be based on exceptions provided in the law related to government secrets, personal privacy restrictions, and proprietary business data. Refusals may be appealed.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The country's human rights ombudsman presents an annual report to the Sejm on the state of human rights and civic freedom in the country. In June, the ombudsman reported that in 2007, 57,507 cases were filed with the

office, an increase of 8,120 from 2006.

The office of the ombudsman is independent; however, the ombudsman is selected by the parliament and at times was criticized by the media for being influenced by party politics.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions; however, violence and societal discrimination against women and ethnic minorities persisted.

Women

Rape, including spousal rape, is illegal and punishable by up to 12 years in prison. According to National Police statistics, during the first six months of the year, there were 768 reported cases of rape. However, NGOs estimated that the actual number of rapes was much higher because women often were unwilling to report rape due to social stigma. During the same time period, police forwarded 570 rape cases to prosecutors and 54 to family court (for underage offenders) for indictment.

Domestic violence against women continued to be a serious problem. The increase in reports during the past 10 years was attributed to heightened police awareness, particularly in urban areas, as a result of media campaigns and NGO efforts. Under the law, a person convicted of domestic violence may be sentenced to a maximum of five years in prison; however, most convictions resulted in suspended sentences. The law provides for restraining orders on spouses to protect women from abuse.

During the first six months of the year, police identified 10,506 domestic violence offenses, of which 9,733 were forwarded for prosecution. In 2007 police reported that officers conducted 81,403 interventions related to domestic violence. Of that number the justice ministry stated that 15,404 were convicted, and at year's end 4,500 individuals were serving jail sentences for domestic violence crimes.

Women's organizations believed the number of women affected by domestic abuse was underreported, particularly in small towns and villages. The NGO Women's Rights Center reported that police were occasionally reluctant to intervene in domestic violence incidents if the perpetrator was a member of the police or if victims were unwilling to cooperate.

NGOs operated centers assisting victims of domestic violence by providing preventive treatment, counseling to perpetrators, and by training personnel to work with victims. The government also provided victims and families with legal and psychological assistance, and operated 11 shelters for pregnant women and mothers with small children as well as 184 crisis centers. In addition, local governments operated 37 specialized centers for victims of domestic violence. These centers, which were funded by the central government, provided social, medical, psychological, and legal assistance to victims and "corrective-educational" programs for abusers. In 2007, the last year for which statistics were available, the government allocated approximately 9.6 million zloty (\$3.2 million) for the centers' operating costs. The government also spent 452,800 zloty (\$151,000) during the year on public awareness programs to counteract domestic violence, which were implemented by local NGOs and governments.

The total amount allocated to implement the National Program for Combating Domestic Violence was 12.4 million zloty (\$4.1 million), which included funding for specialized centers; education/correction programs for offenders; and training for social workers, police officers, and specialists who are first contact for victims of domestic violence.

Prostitution is legal, but pimping is prohibited. According to police, there were an estimated 3,200 prostitutes in the country; however, NGOs estimated that the number of women in all elements of the sex industry was significantly higher, from 18,000-20,000. Women were trafficked for commercial sexual exploitation.

The law prohibits sexual harassment. Under the criminal code, persons convicted of sexual harassment may be sentenced to up to three years in prison. The labor code defines sexual harassment as discriminatory behavior in the workplace that violates an employee's dignity, including physical, verbal, and nonverbal acts.

The NGO Center for Women's Rights stated that sexual harassment was a serious and underreported problem. Many victims do not report abuse or withdraw harassment claims in the course of police investigations out of shame or fear of losing their job. However, social awareness of the problem continued to increase as more cases of sexual harassment were reported by the media. During the first six months of the year police reported 63 cases of sexual harassment, as compared with 82 cases during 2007.

During the year legal proceedings continued against two former members of parliament charged with extorting sex from female employees. On November 18, a court in Piotrkow extended pretrial detention for Stanislaw Lyzwinski until April 2009. Lyzwinski, a Samoobrona party member, has been in detention since August 2007. He is accused of forcing female workers to have sex with him and other officials, an offense that carries an eight-year sentence. Lyzwinski is also charged with rape, repeatedly forcing four women to have sex, abetting a kidnapping, and extortion. He could be sentenced up to 10 years in prison. Andrzej Lepper, another Samoobrona member, was also charged with extorting sex from a female party worker and with attempting to force another woman to have sex. Lepper is free on bail. On September 5, attorneys for Jacek Popecki, who was an assistant to Lyzwinski and Lepper, appealed the 28-month jail sentence he received for inducing an employee to have an abortion.

On September 26, the Olsztyn District Court released former mayor Czeslaw Malkowski pending trial for charges of sexual harassment of two female employees and raping a third pregnant employee. Malkowski was arrested on March 14.

The constitution provides for equal rights for men and women in family law, property law, and in the judicial system; however, in practice there were few laws implementing this provision. Women held lower-level positions and frequently were paid less than men for equivalent work, were fired more readily, and were less likely to be promoted.

On March 7, the prime minister re-established the government minister-level position for equal treatment of men and women.

The Ministry of Labor and Social Policy is responsible for combating gender discrimination, incorporating gender equality into governmental policy, and monitoring implementation of government programs to promote gender equality. The ministry continued to implement projects to combat gender discrimination in the workplace, including an EU program that involved local NGOs to combat discrimination on the grounds of sex, race, religion, disability, age, and sexual orientation. The ministry was also a participant in an eight-year Council of Europe "Safer Together" campaign to counter domestic violence.

Children

The government was committed to children's rights and welfare.

While education is universal and compulsory until age 18 and schools are free, the Roma Association claimed that more than 50 percent of Roma children did not attend public school out of fear that teachers would encourage

assimilation and uproot them from their Romani traditions.

In July and August the news daily Dziennik published a series of articles on segregation of Roma children in Polish schools, reporting that in six cities with a large Roma population, Roma children are taught in separate classes, ostensibly because they do not speak fluent Polish. The education level in such classes is reportedly lower than in mainstream Polish schools. Following the publications, the minister of education inspected all district offices where Roma-dedicated classes operated and subsequently ordered that Roma children be fully integrated with Polish children.

Incidents of child abuse were reported; however, convictions for abuse were rare. The law prohibits violence against children and provides for prison sentences ranging from three months to five years.

In 2007, according to the Ministry of Justice, 666 persons were convicted of sexual intercourse with persons under 15 and eight persons were convicted of pimping with the involvement of a minor.

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as pedophilia on the Internet, improving access to public schools for disabled children, and better medical care for children with chronic diseases. The ombudsman office also operated a 24-hour hot line for abused children. In 2007, the last year for which statistics were available, the ombudsman received 7,981 complaints. Of that number, 43 percent referred to the right to be brought up in a family, 17 percent to protection against abuse and exploitation, 13.5 percent to the right to education, and 10 percent to the right to adequate social conditions.

During the year police again conducted operations against child pornography and pedophiles. For example, in October and September, police arrested approximately 200 persons and confiscated thousands of CDs and DVDs, and more than 200 computers in two operations targeting pedophiles who use the Internet. In addition, more than seven thousand persons who distribute child pornography via the Internet were identified.

In June and April coordinated police raids executed simultaneously in 12 provinces and 13 cities resulted in 71 arrests of persons who either downloaded or distributed child pornography from the Internet.

In 2007 police conducted similar nationwide operations that led to the arrest and detention of approximately 62 persons and confiscation of computers and pornographic materials. However, no reports were available on the outcome of the arrests and charges filed.

According to the leading NGO in the country working with trafficking in children, the Nobody's Children Foundation, child sex tourism is not a problem; however trafficking in children for sexual exploitation is a problem in the country.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country.

Poland remained a source, transit, and destination country for trafficked persons, primarily women and girls, but to a lesser extent, boys and men for forced labor. Internal trafficking for the purpose of sexual exploitation also occurred.

Persons were trafficked to and through the country, primarily from Ukraine, Bulgaria, Romania, Belarus, and Moldova. There were reports of small numbers of Turks, Vietnamese, Cameroonians, Somalis, and Ugandans being

trafficked into, within, and through the country. Ukraine continued to serve as the largest source of persons trafficked through the country, with Moldova also serving as a substantial source. Citizens and foreigners were trafficked to other EU countries, particularly to Austria, Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Spain, and Sweden, as well as to Japan and Israel. The extent of internal trafficking was unclear because some victims may have chosen to engage in prostitution or other aspects of the sex trade. NGOs have noted a recent trend toward a higher percentage of victims being trafficked for labor in agriculture and other economic sectors.

Traffickers continued to target young, unemployed, and poorly paid women and men, particularly those with weak family ties and support networks. Traffickers attracted victims with false promises of lucrative jobs, arranged marriages, fraud, and coercion. Some victims believed that they were accepting employment abroad as cooks, waitresses, maids, nannies, or agricultural laborers. Traffickers threatened victims with violence, and those who resisted or tried to flee were raped, beaten, or injured.

Authorities believed that large organized crime groups and individuals controlled the trafficking business and that victims were frequently trafficked by nationals of their own country, who collected a fee to allow passage into or through the country. According to arrest statistics, approximately 25 percent of traffickers were noncitizens. Authorities also believed that employment and talent agencies were sometimes used as fronts for trafficking operations.

Penalties for trafficking in persons range from three to 15 years' imprisonment. While prostitution is not criminalized, pimping, recruiting, or luring persons into prostitution carry penalties of up to 10 years in prison. Individuals convicted of trafficking in children and luring women into prostitution abroad received the most severe sentences. Traffickers could also be prosecuted under laws criminalizing statutory rape and forced prostitution.

While the country's criminal code prohibits trafficking, it lacks a clear legal definition of trafficking. According to NGOs and some law enforcement officials, the lack of a definition hampers prosecutions of trafficking crimes. In May 2007 the human rights ombudsman called on the justice minister to incorporate a definition of human trafficking into the criminal code.

During the first six months of the year police identified 38 cases of human trafficking and forwarded 38 cases to prosecutors for indictment. In 2007, according to the Ministry of Justice, 70 traffickers were convicted for forced prostitution and trafficking, compared to 16 convictions in 2006 strictly for trafficking.

On February 22, an Italian court sentenced 16 Poles to imprisonment for four to 10 years for recruiting more than 300 Polish workers to work in agricultural camps in southern Italy under conditions that amounted to forced labor. In December 2007, in a parallel case, a court in Krakow court began the trial of 23 persons who were allegedly involved in trafficking persons to the labor camps in Italy. Workers were forced to work up to 15 hours a day for one euro (approximately \$1.30) per hour, slept on the ground, and were watched over by armed guards.

In Lublin, authorities continued to investigate the case of a female trafficking victim who was nearly deported in 2007, despite her critical medical condition. The case became public following media reports that border guards had detained a Nigerian woman who was a suspected trafficking victim. Authorities subsequently granted the woman status as a trafficking victim and accepted her into the Interior Ministry's witness protection program. According to the reports, the woman came to the country to play handball at a sports club but was forced to work in sex clubs.

There were no developments reported in the May 2006 undercover investigation with Austrian police that broke up a major trafficking ring in Wroclaw. Organized criminal groups had set up a scheme involving three police officers and other coconspirators that trafficked up to 350 women to Austria across the Czech border for prostitution. Seven

persons in Wroclaw were arrested.

There also was no development reported in the prosecution of six Poles, on trial in Spain, who were arrested in 2006 for trafficking 30 laborers to work in orange groves. Polish police in Valencia learned about the work camp after several workers escaped and sent electronic text messages for help.

The ministries of interior and justice have primary responsibility for antitrafficking efforts; the Ministry of Foreign Affairs coordinated trafficking programs with foreign governments and international organizations. The National Police have 17 regional teams to combat human trafficking and child pornography.

There continued to be unconfirmed reports that low-ranking local police took bribes to ignore trafficking activity.

Trafficking victims often did not ask officials for help out of fear that border guards and police would deport them. There were some cases in which unidentified trafficking victims were quickly deported by border guards, preventing the government from providing assistance or benefiting from their cooperation as potential witnesses. NGOs attributed the deportations to a lack of knowledge or adherence to national guidelines for police and border guards on how to approach and identify suspected victims. Victims were often prosecuted for carrying false travel documents, working illegally, and violating the terms of their visas. In some cases, deported victims were met at the border or elsewhere in their country of origin by their traffickers, who provided them with new travel documents and returned them to the country.

The Ministry of Interior funded NGOs to conduct regional training on identification of trafficking victims and victim assistance in all provinces; several hundred law enforcement officials were trained in trafficking issues by the NGOs La Strada and the Nobody's Children Foundation and by the ministry itself.

During the year the government allocated approximately 150,000 zloty (\$50,000) for victim assistance and 200,000 zloty (\$67,000) to implement the National Antitrafficking Action Plan. The government also worked extensively with antitrafficking NGOs, such as La Strada. While the government provided space and funds for NGOs to operate shelters for trafficking victims, the number of shelters remained inadequate, and NGOs frequently resorted to temporary arrangements to provide medical, psychological, and legal assistance to victims. NGOs conducted trafficking training courses at police and border guard academies; provided counseling for victims and their families; developed training and prevention materials; and conducted public awareness campaigns on trafficking dangers.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or the provision of other state services, including health care. The government effectively enforced these provisions; however, there were reports of some societal discrimination against persons with disabilities.

According to the government statistics, in 2007 there were 3.8 million persons with disabilities in the country. Of those who were 15 years of age and older, 15.1 percent were employed.

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to provide accessibility. Public buildings and transportation generally were accessible.

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities. During the year the state fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ persons with disabilities. The fund granted money to NGOs to organize media campaigns on the rights of disabled persons.

National/Racial/Ethnic Minorities

There were incidents of racially motivated violence and verbal and physical abuse directed at Roma and persons of African, Asian, or Arab descent. The Ukrainian and Belarusian minorities also continued to experience petty harassment and discrimination.

During the year there were several neo-fascist demonstrations organized in towns around the country. For example, on April 13, more than 200 nationalists from the National Rebirth of Poland and the National-Radical Camp organized a demonstration in Wroclaw to commemorate the anniversary of the 1940 Katyn massacre. However, authorities dispersed the demonstrators when they began shouting neo-fascist slogans.

On May 2, the National-Radical Camp and a neopagan organization, Zadruga, disturbed the celebration of the 87th anniversary of the Silesian uprising by making fascist gestures, carrying flags with swastikas, and distributing anti-Semitic leaflets. Seven persons were detained by police.

On June 21, members of the National-Radical Camp gathered in Krakow to celebrate the 72nd anniversary of the largest prewar anti-Semitic demonstrations in Poland. They used fascist gestures and later went to Myslenice to hold a similar demonstration.

During the year there were periodic incidents of racist behavior. For example, on November 5, a member of parliament, Artur Gorski, who belongs to the Law and Justice party, made racist remarks during a parliamentary hearing. Gorski's remarks were widely condemned by government officials, NGOs, and the media. A Sejm ethics committee ordered Gorski to issue an official, on-the-record apology. At year's end Gorski had issued only a public apology.

During the year there also were displays of racist behavior at soccer matches. On April 27, in Poznan, hooligans made monkey-like noises when a dark-skinned soccer player came onto the field. Similar incidents occurred at other soccer matches in May in Katowice, where hooligans shouted racist slogans. On April 10, the human rights ombudsman sent a letter to the president of the Polish Soccer Union expressing concern about racist and anti-Semitic incidents at soccer matches. He suggested assessing penalties and tolerance programs to educate soccer fans about cultural or racial differences.

Societal discrimination against Roma continued. In some cases local officials discriminated against Roma by not providing adequate social services. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education.

In May the International Organization for Migration (IOM) completed a project that was part of an EU-wide undertaking to combat unemployment and improve the situation of "disfavored" groups. Under the program, which was partly funded by the government, the IOM established Roma-run enterprises in four cities that had special legal status and tax privileges. They included firms offering catering and sewing services in Krakow; renovation and construction services in Szczecinek; a wood-processing enterprise in Slawno; and a music group and an enterprise engaged in construction work in Olsztyn.

The Roma Association claimed that more than 50 percent of Roma children did not attend public school; it noted that the gaps in education made it impossible for Roma to end their poverty. Approximately 90 percent of Roma were unemployed.

The government allocated approximately 10 million zloty (\$3.3 million) annually to a special program for Roma that included educational and other projects to improve health and living conditions and reducing unemployment. The program also focused on civic education and provided grants for university and high school students.

Other Societal Abuses and Discrimination

During the year there were some reports of skinhead violence and societal discrimination against persons based on their sexual orientation.

On April 25, an estimated 1,000 persons took part in Krakow's annual gay March for Tolerance to call for an end to prejudice against homosexuals. The event took place without major incident; organizers noted that, for the first time, they were not forced to change their route and could march through the city's main square. A small counter-demonstration was organized by the All Youth and National Rebirth of Poland activists. Some hooligans threw eggs, stones and bottles at march participants; six people were detained by police. In May 2007 the UN Committee Against Torture raised concerns over violence and hatred against homosexuals in the country.

On June 7, Warsaw authorities allowed the annual Equality Parade to take place in the city center for the third consecutive year. Approximately 2,000 local and international gay rights advocates participated in the march without serious incident. Some 100 members of the All Poland's Youth and National Radical Camp staged a counterdemonstration, but there was no direct confrontation between the two groups due to police protection.

There were some reports of discrimination against persons with HIV/AIDS.

According to the Government AIDS Center, there were two reported incidents of discrimination during the year. One case involved police discrimination and the other a healthcare institution which refused to treat the persons living in a homeless shelter if they did not provide a certificate that they are HIV negative.

Section 6 Worker Rights

a. The Right of Association

The law provides that all workers, including civilian employees of the armed forces, police, and frontier guard, have the right to establish and join independent trade unions. While many workers exercised this right in practice, many small and medium-sized firms discriminated against those who attempted to organize labor. As a rule, newly established small and medium-sized firms were nonunion, while privatized formerly state-owned enterprises frequently continued union activity.

Under the law, 10 persons are required to form a local union and 30 persons for a national union. Unions must be registered with the courts. A court decision refusing registration may be appealed. The law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union. According to a survey carried out by the Center for Public Opinion Poll CBOS in November 2007, 14 percent of the workforce was unionized.

All workers have the right to strike except those in essential services, such as security forces, the Supreme Chamber of Audit, police, border guards, and fire brigades. These workers had the right to protest and seek

resolution of their grievances through mediation and the court system. Cumbersome procedures made it difficult to meet all of the legal technical requirements for strikes in many cases. Labor courts acted slowly in deciding the legality of strikes, while sanctions against unions for calling illegal strikes and against employers for provoking them were minimal. Unions alleged that laws prohibiting retribution against strikers were not enforced consistently and that the small fines imposed as punishment were ineffective deterrents to employers.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference; however, in practice the government failed to protect this right at small and medium-sized companies. The law provides for and protects enterprise-level collective bargaining over wages and working conditions. A tripartite commission composed of unions, employers, and government representatives was the main forum that determined national wage and benefit increases in areas such as the social services sector.

Key public sector employers (largely in heavy industry and the social services sector) could not negotiate with labor without the extensive involvement of the ministries to which they were subordinate. The law provides for parties to take group disputes to labor courts, then to the prosecutor general, and as a last resort, to the Administrative Court. By law employers are obligated to notify a district inspection office in the region about a group dispute in the workplace. During 2007 the State Inspection Office registered 2,869 disputes, in comparison with 659 disputes registered in 2006.

The law prohibits antiunion discrimination; however, labor leaders reported that employers frequently discriminated against workers who attempted to organize or join unions, particularly in the private sector. In state-owned enterprises, such as the health, water, and forestry sectors, there were cases in which workers had their employment contracts terminated and replaced by individual contracts to prevent them from joining a union.

Discrimination typically took the forms of intimidation, termination of work contracts without notice, and closing the workplace. The law also did not prevent employer harassment of union members for trade union activity; there were unconfirmed reports that some employers sanctioned employees who tried to set up unions. Managers also asked workers in the presence of a notary public to declare whether they were union members.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and that men and boys were trafficked for labor in the agricultural sector.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, including forced or compulsory labor, and the government generally enforced the law in practice; however, there were reports that children were trafficked for commercial sexual exploitation and labor.

The law prohibits the employment of children under age 15. Persons between the ages of 15 and 18 may be employed only if they have completed primary school, the proposed employment constitutes vocational training, and the work is not harmful to their health.

The State Labor Inspectorate (PIP) reported that increasing numbers of minors worked, and that many employers underpaid them or paid them late. During the first six months of year, the inspectorate conducted 325 investigations involving 1,796 underage employees (16-18 years of age). Fines were levied in 116 cases, amounting to approximately 140,000 zloty (\$20,000).

Of the total number of 1,796 underage employees, the majority worked in the processing industry, in commerce and repairs, and other service industries such as hotels and restaurants, construction, and transportation.

e. Acceptable Conditions of Work

The national monthly minimum wage of 1,126 zloty (approximately \$375) that took effect in January did not provide a decent standard of living for a worker and family. The large size of the informal economy and the low number of government labor inspectors made enforcement of the minimum wage difficult. A large percentage of construction workers and seasonal agricultural laborers from Ukraine and Belarus earned less than the minimum wage.

The law provides for a standard work week of 40 hours, with an upper limit of 48 hours per week, including overtime. The law requires premium pay for overtime hours, but there were reports that this regulation was often ignored. The law provided for workers to receive at least 11 hours of uninterrupted rest per day and 35 hours of uninterrupted rest per week.

The law defines strict and extensive minimum conditions to protect worker health and safety. It empowers PIP to supervise and monitor implementation of worker health and safety laws and to close workplaces with unsafe conditions. However, the PIP was unable to monitor workplace safety sufficiently. In 2007 the government reported that there were 3,153 casualties, including 593 workers killed and 1,085 person seriously injured, during the first three months of the year. Employers routinely exceeded standards for exposure to chemicals, dust, and noise.

The law permits workers to remove themselves from dangerous working conditions without losing their jobs; however, they were unable to do so in practice without jeopardizing their employment.