

AMNESTY INTERNATIONAL SUBMISSION

Poland: Shadow report to the Group of Experts on Action Against Violence Against Women and Domestic Violence (GREVIO) on aspects of the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence in Poland

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Amnesty International is submitting this shadow report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in advance of GREVIO's monitoring visit to Poland. The visit is part of the ongoing evaluation procedure regarding the country's legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). Poland signed the Istanbul Convention on 18 December 2012 and ratified it on 1 August 2015. The monitoring visit is currently scheduled for the autumn of 2026.

This shadow report outlines Amnesty International's concerns regarding Poland's compliance with the Istanbul Convention, focussing specifically on the definition of rape in Polish law, limitations to access to safe abortion when the pregnancy results from sexual violence, persecution of women human rights defenders in Poland and the failure to protect women against hate crimes and technology facilitated gender-based violence.

Legal definition of rape

In June 2024, the Polish Parliament passed an amendment to the Criminal Code, introducing a new definition of rape that criminalizes sexual intercourse without consent. According to the new law, rape is defined as "subjecting another person to sexual intercourse through violence, unlawful threat, deception, or by any other means despite their lack of consent."¹ The new law came into force on 13 February 2025. The long-awaited amendment introduced the concept of consent into Article 197 of the Polish Criminal Code. The previous wording of the definition of rape in the Polish Criminal Code had detrimental consequences as trials tended to focus on establishing whether the alleged perpetrator used force, unlawful threat or deceit to overcome the victim's "resistance". This wording often resulted in the authorities focusing not on the survivor's absence of consent, but rather on the level of opposition, how

¹ Amendment to the Criminal Code of June 28, 2024 (Ustawa z dnia 28 czerwca 2024 r. o zmianie ustawy - Kodeks karny oraz niektórych innych ustaw), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20240001228/O/D20241228.pdf>.

that was communicated, and for how long.² The new law recognizes that sex without consent is rape, bringing Poland's legal definition of rape in line with international human rights standards.

However, the revised law continues to overlook a significant inequality in the Criminal Code, in breach of international human rights law. Article 198 penalizes "taking advantage of a person's vulnerability or mental disability or disorder to subject them to sexual intercourse or to make them submit to another sexual act or perform such an act."³ This is a mitigated form of rape which carries a penalty of 6 months to 8 years imprisonment while the base form carries a penalty of 2 to 15 years. As a consequence, sexual violence against persons with mental disabilities or disorders is punished less severely. This only adds to a systemic disregard for the rights of persons with disabilities.⁴

Rape is an equally brutal and harmful act committed against persons with mental disabilities and disorders, and everyone, no matter their mental health status and their abilities, should be equally protected from sexual violence. The wording of Article 198 may lead to an interpretation that when people with disabilities are raped, the fact they have such disabilities should be considered a mitigating circumstance, thus focusing on their purported helplessness, potential dependence or disability rather than their sexual autonomy and right to be free from violence.

The Istanbul Convention requires situations in which the perpetrator abused their authority, as well as those where the offence was committed against a person made vulnerable, to be considered as aggravating circumstances. The fact that the offences covered by Article 198 of the Polish Criminal Code carry lower criminal sanctions than rape as defined by Article 197 indicates that they are in fact considered mitigating factors.

As stressed in GREVIO's first (Baseline) Evaluation Report on Poland, paragraph 218, all sexual acts without the consent of the victim shall give rise to dissuasive sanctions. Differentiating a lack of consent based on a person's vulnerability or mental disability or disorder is contrary to the concept of freely given consent expressed in Article 36 of the Istanbul Convention. Thus, Polish authorities should reform Article 198 of the Polish Criminal Code so that everyone is equally protected from rape and other sexual violence, as well as comprehensively address the need for the legislation to cover a range of aggravating circumstances as per Article 46 of the Istanbul Convention.

Criminalization of abortion

Poland has one of Europe's most restrictive abortion laws, which further deepens the power imbalances between men and women or others who can become pregnant - who often suffer disproportionately from the consequences of unwanted pregnancies. The law undermines access to lawful abortion when the pregnancy results from sexual violence, and leads to harassment and intimidation of those who legally exercise their right to abortion.⁵ On 22 October 2020, Poland's discredited Constitutional Tribunal ruled that abortion on grounds of "severe and irreversible foetal defect or incurable illness that threatens the foetus' life" was unconstitutional. Following this change in law, abortion in Poland is only legal when the health or the life of the pregnant person is at risk or when the pregnancy is the result of rape or incest. Performing own abortion or possession of abortion pills for a self-managed abortion is not a crime under Polish law, but any person or doctor who assists pregnant people with an abortion outside the two grounds permitted in law and outside of a permissible medical setting and in violation of regulations on medicines, would also commit an offence. Even though the ruling of the Constitutional Tribunal spurred the country's largest public protests in decades led by women Human Rights Defenders,⁶ efforts to decriminalize abortion remain unsuccessful. In July 2024, the

² Amendment to the Criminal Code of June 28, 2024 (Ustawa z dnia 28 czerwca 2024 r. o zmianie ustawy - Kodeks karny oraz niektórych innych ustaw), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20240001228/O/D20241228.pdf>.

³ Amendment to the Criminal Code of June 28, 2024 (Ustawa z dnia 28 czerwca 2024 r. o zmianie ustawy - Kodeks karny oraz niektórych innych ustaw), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20240001228/O/D20241228.pdf>.

⁴ Amnesty International, Polska: Definicja gwałtu oparta na zgodzie to kluczowy krok w pożądanym kierunku, jednak nie chroni najbardziej narażonych osób, 8 July 2024

<https://www.amnesty.org.pl/polska-definicja-gwaltu-kluczowy-krok-jednak-nie-chroni-najbardziej-narazonych/>.

⁵ Cf: Anna Frydrychewicz, "Będą ratować płód, a nie mnie". Młode Polki szczerze o obawie przed zajściem w ciążę, Onet, 16 March 2023.

⁶ Amnesty International, Polska: Rok po wydaniu orzeczenie aborcyjne szkodzi kobietom, 22 October 2021 <https://www.amnesty.org.pl/polska-rok-po-wydaniu-orzeczenie-aborcyjne-szkodzi-kobietom/>.

Parliament rejected the bill removing Article 152 of the Polish Criminal Code which criminalizes helping someone else with an abortion outside the limited legal grounds.⁷

The criminalized approach to abortion in Poland creates barriers to other essential sexual and reproductive health services such as miscarriage care and post-abortion care. Consequently, women whose life or health is at risk, as well as victims of rape and sexual violence, are denied proper medical care. Fear of criminal liability results in delays or denials of lawful abortion care and can deter health professionals from providing abortion services entirely.

Shocking cases have come to light in the media showing the effects of fear of criminal liability. A 30-year-old woman died after she went to a hospital in September 2021 after suffering pregnancy complications and, according to the family, was denied treatment because hospital staff prioritized the continuation of the pregnancy over her own health and life. She is one of at least six women to have died in similar circumstances in Poland between January 2021 and September 2023.⁸ In July 2025, in an unprecedented ruling in Poland, three doctors were found guilty of endangering her life and were given prison sentences.⁹ In July 2023, Joanna, a 32-year-old woman at the time, spoke to the media about the distressing and humiliating treatment she experienced months prior at a hospital in Kraków. According to her testimony, after taking abortion pills in April, she consulted her psychiatrist about her persistent anxiety. Shortly thereafter, police showed up at Joanna's apartment. The police confiscated her laptop and cell phone and escorted her to a hospital, where female officers made her undress, squat, and cough, while she was still bleeding. The police were looking for evidence on who helped Joanna with her abortion and, in recent ruling, the President of the Personal Data Protection Office found the police liable for breach of her privacy.¹⁰

On 9 August 2024, the Prosecutor General published new Guidelines on conducting proceedings regarding refusals to terminate a pregnancy and medical abortion,¹¹ followed by the guidelines of the Minister of Health for hospitals.¹² The new guidelines do not change the very restrictive conditions under which a lawful abortion can be performed and focus on the hospitals' obligations, not on pregnant women's rights. Without introducing an Act on the safe termination of pregnancy, the guidelines can be easily changed or amended by the next Prosecutor General or Minister of Health. In that regard, Poland still fails to implement the judgment of the European Court of Human Rights in the case P. and S. v. Poland.¹³

Shrinking space for women Human Rights Defenders

Polish authorities are still failing to meet their obligations to recognize and protect Human Rights Defenders, particularly those who face intersectional discrimination, threats and specific challenges related to who they are and the rights they defend, such as women human rights defenders and amongst them, those who defend abortion rights, including health care providers.

In November 2021, the then Prosecutor General brought charges against Justyna Wydrzyńska, a doula, an activist and cofounder of Women on the Web and Abortion Dream Team, an informal initiative to educate and destigmatize abortion - for "helping with an abortion" and "possession of medicines without authorisation for the purpose of introducing

⁷ Vote No. 9 at the 15th sitting of the Sejm on 12 July 2024,

<https://www.sejm.gov.pl/sejm10.nsf/agent.xsp?symbol=glosowania&NrKadencji=10&NrPosiedzenia=15&NrGlosowania=9>.

⁸ Amnesty International, "When rights aren't real for all: the struggle for abortion access in Europe",

<https://www.amnesty.org/en/documents/eur01/0275/2025/en/>.

⁹ CNN, "Poland has some of the strictest abortion laws in Europe. Izabela Sajbor's family say those laws are responsible for her death", 29 June 2022, <https://edition.cnn.com/2022/06/28/europe/poland-abortion-law-izabela-sajbor-death-intl-cmd/>.

¹⁰ Decision of the President of the Personal Data Protection Office No DS.523.4750.2023

<https://uodo.gov.pl/decyzje/DS.523.4750.2023>.

¹¹ Wytyczne Nr 924 w sprawie zasad postępowania powszechnych jednostek organizacyjnych prokuratury w zakresie prowadzenia spraw dotyczących odmowy dokonania przerwania ciąży oraz tzw. aborcji farmakologicznej, 9 August 2024, <https://www.gov.pl/attachment/f3219080-ab81-45f6-a25b-025982525aee>.

¹² Wytyczne w sprawie obowiązujących przepisów prawnych dotyczących dostępu do procedury przerwania ciąży,

<https://www.gov.pl/attachment/f3219080-ab81-45f6-a25b-025982525aee>.

¹³ Committee of Ministers 1553rd meeting, 9-11 March 2026, P. and S. v. Poland, CM/Del/Dec(2026)1553/H46-28,

<https://hudoc.exec.coe.int/?i=004-20614>.

them into the market”.¹⁴ Justyna Wydrzyńska supported a pregnant woman, who said she had been subjected to domestic violence, to access abortion pills. The woman never used the pills as they were found by her partner who notified the police. However, Justyna Wydrzyńska was charged with and found guilty of the offence of assisting with an abortion. She was sentenced to eight months of community service. She appealed the verdict, and on 13 February 2025, the Court of Appeals decided to refer the case back to a lower instance court, where her case is still pending. Following this judgement, Amnesty International reiterated its calls to the Prosecutor General to drop the charges against Justyna Wydrzyńska.¹⁵ It was the first time in Europe that an activist is being prosecuted for aiding an abortion by providing abortion pills and that a human rights defender advocating for access to abortion has been sentenced under such law. At this time, there are several other cases brought against family members or activists who allegedly helped with abortion being investigated or being processed in courts in Poland.¹⁶

In October 2024, dr Gizela Jagielska provided a lawful late-term abortion at her hospital in Oleśnica, on the ground of risk to the patient's health. Dr Gizela Jagielska has since been exposed to physical and verbal attacks, threats, smears and intimidation in person and online, including anti-Semitic attacks, and had her personal information, including her home address, exposed publicly, together with calls inciting to violence against her. On 16 April 2025, Grzegorz Braun, a Member of the Polish and European Parliaments, broke into the hospital in order to conduct a “citizen's arrest” of Dr Jagielska and physically prevented her from leaving her office and conducting her professional duties for a period of time.¹⁷ On 9 April 2025, the District Prosecution Service in Oleśnica announced that it was opening an investigation into Dr Jagielska's conduct under Article 152 of the Polish Criminal Code. The case had been dropped in December 2025.¹⁸ Nevertheless, the safety of dr Jagielska and the hospital in Lubań where she currently works remains at risk as she and her employers still receive threats and loud protests aimed at disturbing the work at the hospital continue.¹⁹

While failing to recognize women's rights NGOs and civil society actors and their role in providing specialist support services as required by Article 9 of the Istanbul Convention, Poland's lack of protection or even prosecution of abortion rights defenders adds another barrier for women who seek to terminate a pregnancy resulting from rape and limits their access to necessary support services.

Hate crimes

For years, Polish criminal law did not provide sufficient protection against hate crimes, especially those committed on grounds of gender, gender identity and sexual orientation.²⁰ Poland does not recognize a general need of protection from criminal offences motivated by bias against a person's gender. This is well illustrated by the wording of Article 119 of the Criminal Code, which states that: § 1. Whoever uses violence or unlawful threat against a group of persons or an individual because of their national, ethnic, racial, political, religious affiliation or because of their lack of religious identity, shall be subject to a penalty of imprisonment from three months to five years. Similarly, Article 257 of the Criminal Code criminalizing hate speech and violations of bodily integrity only mentions grounds of national,

¹⁴ Amnesty International, Poland: Charges against activist accused of aiding an abortion must be dropped, 13 July 2022

<https://www.amnesty.org/en/latest/news/2022/07/poland-charges-against-activist-accused-of-aiding-an-abortion-must-be-dropped-2/>.

¹⁵ Amnesty International, “Ponad 760 tys. głosów wsparcia dla Justyny Wydrzyńskiej”, 21 March 2025, <https://www.amnesty.org.pl/ponad-760-tys-glosow-wsparcia-dla-justyny-wydrzynskiej/>.

¹⁶ Amnesty International, An unstoppable movement: A global call to recognize and protect those who defend the right to abortion, 24 November 2023 (Index Number: POL 40/7420/2023) <https://www.amnesty.org/en/documents/pol40/7420/2023/en/>.

See also: Rzeczpospolita: Partner pomógł kobiecie w aborcji. Dostał wyrok bezwzględnego więzienia, www.rp.pl/prawo-karne/art316711-partner-pomogl-kobiecie-w-aborcji-dostal-wyrok-bezwzglednego-wiezienia.

¹⁷ Amnesty International, Public Statement “ Prosecuted doctor who provided an abortion acted lawfully and upheld patient's human rights”, 28 August 2025, <https://www.amnesty.org/en/documents/eur37/0184/2025/en/>.

¹⁸ Statement of the Regional Prosecution Service in Wrocław, 10 December 2025, <https://www.gov.pl/web/po-wroclaw/umorzenie-postepowania-w-sprawie-przerwania-ciazy>.

¹⁹ Gazeta Wyborcza, „Książd z ludźmi Bąkiewiczza i baner z Hitlerem. Groźby i głośnie różańce pod szpitalem, żeby przepędzić Gizelę Jagielską”, 20 May 2026, <https://wroclaw.wyborcza.pl/wroclaw/7,35771,32796431,ksiazd-z-gitara-baner-z-hitlerem-grozba-ekskomuniki-dla-starosty.html>.

²⁰ Amnesty International, They Treated Us Like Criminals. From Shrinking Space to Harassment of LGBTI Activists, (Index: EUR 37/5882/2022), 20 July 2022, <https://www.amnesty.org/en/documents/eur37/5882/2022/en/>.

ethnic, racial, religious affiliation, or lack of religious identity. These provisions exclude several marginalized groups who often experience hate crimes in Poland, including LGBTI persons, women or human rights defenders.²¹

On 26 March 2025, Polish Parliament adopted an amendment that extends the list of protected characteristics to also include age, disability, gender and sexual orientation. The amendment was meant to extend the scope of hate crimes provisions also to cases when the discriminatory motive is based on assumption or association to the protected characteristic. However, on 17 April 2025, Poland's President referred the new regulation to the discredited Constitutional Tribunal, which deemed the amendment unconstitutional. The judgment has not been published at the time of writing. Moreover, despite the protests of civil society organizations, the text of the amendment did not include gender identity on the list of the protected characteristics.

Technology-facilitated gender-based violence

Technology-facilitated gender-based violence poses a threat to anyone, regardless of age or gender, but it is clear that it most often affects young women and girls, limiting their ability to enjoy equal opportunities in social and economic life, which increasingly takes place online. Women and girls are left isolated with a feeling of helplessness when faced with cyberbullying. A survey of 1088 people commissioned by Amnesty International in February 2023 found that one in 10 people in Poland (9.5%) has personally experienced cyberbullying, and young girls aged 18-24 experience it almost twice as often (17.8%). A similar disparity occurs in regard to witnessing online violence. Some 18% of the population say they have witnessed online violence, while as many as 38.2% of young girls say they have encountered cyberbullying in their environment. The data shows that various forms of cyberbullying disproportionately affect girls. Similar conclusions are drawn from the analysis of the primary drivers of online violence. The top five reasons for cyberbullying included: appearance (46.7%), sexual orientation (38.1%), financial situation (34.4%), gender (31.5%) and gender identity (30%). Appearance – as a factor associated with the occurrence of cyberbullying – was disproportionately more common among women (53.3% vs. 38.3% men) and girls (74.7% vs. 55% boys). Over 70% of respondents also recognized that gender-based violence affected women and girls (71.8%), followed by non-binary and transgender people (51.8%), while only one in three people noticed cyberbullying directed at men or boys (32.9%). The survey also indicates that respondents believe that those who face gender-based violence online cannot count on help from neither online platforms nor public authorities.²²

An opportunity to introduce protection against technology facilitated gender-based violence emerges as Poland is obligated to implement the EU's Digital Services Act (DSA). The general date of applicability of the EU regulation - aimed to create a safer digital space where the fundamental rights of users are protected - was 17 February 2024. However, over a two years later, following the President's veto to the bill proposed by the Ministry of Digital Affairs, Poland still has no legal act implementing the DSA.²³ It is more crucial than ever that the authorities honour their obligation and enforce the protection from technology facilitated gender-based violence.

²¹ Amnesty International: Poland: Targeted by hate, forgotten by law: Lack of a coherent response to hate crimes in Poland, 17 September 2015, Index Number: EUR 37/2147/2015, <https://www.amnesty.org/en/documents/eur37/2147/2015/en/> and Amnesty International: Poland: "They Treated Us Like Criminals": From Shrinking Space to Harassment of LGBTI Activists, 20 July 2022 Index Number: EUR 37/5882/2022, <https://www.amnesty.org/en/documents/eur37/5882/2022/en/>.

²² Amnesty International, Cyberprzemoc krzywdzi naprawdę, 30 March 2023, <https://www.amnesty.org.pl/badania-prawie-co-piata-mloda-dziewczyna-doswiadczyła-cyberprzemocy/> - findings of the survey of 1088 people conducted by SW Research agency in February 2023 commissioned by Amnesty International.

²³ Panoptikon Foundation, "President's veto further delays the implementation of the DSA in Poland", 20 January 2026, <https://en.panoptikon.org/DSA-veto-president-Poland>.