

Compendium for foreign nationals on remand, convicted or punished

This guide is meant to help you understand the rights and duties of those who have been incarcerated during their period in custody. It is impossible to include all information relating to serving a prison term or being on remand, thus if something is unclear you should ASK a prison officer or employee. If the matter is not very urgent, you should report the problem to the social worker in your ward. If the matter is very urgent, you should contact your ward officer or any other prison officer or employee, as they are there to help.

RECEPTION TO A FACILITY

During reception, inmates are obliged to provide their personal data (including given names, surnames, date and place of birth, occupation, eye color, hair color etc.) and information about changes in this data. In order to be placed in suitable cells, inmates are required to declare whether they use tobacco products and to provide information about their registered place of residence or unregistered place of residence (exact address), about previous stays in penal facilities and detention centers prior to being charged (in any country), about their state of health and about whether they are required to make child support or alimony payments.

Inmates are required to submit to identification procedures, in particular: photographs, external inspection of the body, taking of finger prints or being shown to other persons.

Inmates' documents, money and objects indicated by the facility's personnel will be placed in deposit.

During reception, inmates have the right to give the personal data of persons with whom they wish to maintain contact. Persons who have been on remand have the right to notify the closest person other persons, associations, organizations and institutions (an address should be provided), as well as their lawyer, about their whereabouts; foreign nationals on remand also have the right to inform the relevant consular office or diplomatic post about their whereabouts.

INFORMATION IMPORTANT FOR INMATES IMMEDIATELY AFTER RECEPTION

Immediately after reception, inmates are placed in a temporary cell (up to 14 days). While in the temporary cell, they undergo preliminary medical tests, sanitary procedures and preventive radiological screening of the chest, and are informed about their rights and duties pursuant to Polish law and about important matters concerning living conditions, security and discipline. The rules and regulations of the penitentiary/ detention center – which inmates should read – can be found inside the cell. Inmates have the right to meet with a social worker.

Immediately after reception, inmates are presented a form calculating the length of their prison term. In the case of being on remand, decisions to extend custody are presented to inmates for their perusal.

Immediately after reception inmates are acquainted with a form for calculating the length of their prison term.

SAFETY

A prison officer or prison employee should be informed at all times if someone bothers, insults, or uses physical force against an inmate, or if he is forced to clean or serve someone, or his things are taken or used without his permission, or if he observes someone behaving in such a manner towards another inmate. This may be done during every exit from the living cell. A facility employee may be summoned at any time by activating a calling device meant for this purpose located in a visible place.

THE MAIN DUTIES OF INMATES

The main duty of inmates is to abide by the rules, including the facility's internal rules and regulations, and to follow the orders of superiors.

During incarceration in a penitentiary or detention center, inmates' superiors are officers or employees of the penitentiary or detention center, also persons supervising work or other activities performed by inmates.

The particular duties of inmates include:

- proper behavior,
- maintenance of personal hygiene and the cleanliness of rooms used,
- immediate notification of superiors when they contract an illness or when they notice symptoms of illness among other inmates,
- submitting to examinations, treatment, sanitary, medical or rehabilitative procedures pursuant to regulations,
- performing jobs (does not apply to persons released from this obligation pursuant to legal regulations) and clean-up work,
- respect for the property of the penitentiary/ detention center and institutions in which inmates perform work,
- submitting to identification procedures,
- submitting to inspections (including bodily inspections) at any time (also subject to inspection are inmates' living cells and all other rooms, including during the absence of inmates from them).

In the presence of superiors and persons visiting the penitentiary, inmates shall assume a standing position.

Inmates are not allowed:

- to participate in informal groups,
- to use vulgar words or criminal parlance,
- to gamble,
- to consume alcohol or other intoxicants,
- to refuse to accept meals provided by the administration in order to force a particular decision or procedure,

- to injure their own bodies or otherwise harm their health, or to tattoo themselves,
- to contact other persons in a manner not provided for by legal regulations,
- to change their living cell and designated sleeping place or their external appearance that prevents identification without the director's permission (for convicts).

LIVING CONDITIONS

Inmates have the right, in particular, to food, clothing, living conditions and quarters appropriate for the maintenance of health, as well as medical care and appropriate hygiene conditions.

Inmates have the right to at least three meals a day with adequate nutritional value, including at least one hot meal. These meals should take into account the occupation, age and state of health of inmates, also their religious and cultural requirements, in so far as possible. Inmates also have the right to a beverage that quenches thirst with every meal and with packed food provided for the time of transportation.

Inmates who take part in litigation activities outside the prison or in any other activities which require escorting and who cannot for receive a hot meal for technical or organisational reasons receive packed food and beverage suitable for their age, and religious and cultural requirements in so far as possible.

Inmates are allowed to make their first purchase not later than on the third working day after reception to the penal facility. At least three times a month inmates have the right to buy food products as well as other articles permitted to be sold in the penitentiary using money at their disposal on deposit. In detention centres as well as in closed and semi-open penitentiaries payments are made without cash. All operations involving money are handled without the actual use of money by inmates. If inmates have money in a foreign currency in deposit, they have the right to request these funds to be converted to Polish currency. The funds are converted in a bank which exchanges foreign money closest to the penitentiary.

Inmates have the right to receive a food package with products bought through the penitentiary once per month. Inmates receive a food package after submitting a written order and paying for the package. The order may also be placed by an inmate's closest person. It is worth remembering that in their cells inmates can store food weighing no more than 6 kg and up to 9 litres of beverages.

They may also receive, upon Director's permission, packages with necessary clothing, underwear and footwear as well as other items for personal use and hygiene products. The packages may not contain any articles which are impossible to examine without material interference into their substance, which are contained in packaging hindering their examination or means of communication, items or documents which may pose a threat to the order and safety of the penal facility The packages are checked in the presence of the inmates.

Inmates have the right to keep in their cells documents relating to the proceedings to which they are a party, food and tobacco products, personal hygiene products,

objects of personal use, a watch, letters and photographs of family members and other close persons, religious objects, writing materials, personal notes, books, periodicals and common room games. The director of the penitentiary may permit inmates to keep in their cells audiovisual and computer devices as well as other objects, including things meant to improve the aesthetics of their rooms or expressing their cultural interests, provided that having these objects does not violate the disciplinary and security rules in effect in the penal facility. Inmates may not keep in their cells nor submit for deposit any items which, due to their size or quantity, violate the existing order or hinder escorting. Such items are sent to a person, an institution or an organization indicated by the inmate, at the inmate's cost.

Inmates have the right to receive from the penitentiary clothing, underwear and footwear adequate for the season, in so far as they do not use their own. During trial proceedings, transportation and in other justified cases, inmates use their own clothing, underwear and footwear, unless they are inappropriate for the season or worn-out or security considerations weigh against them.

Inmates have the right to conditions necessary for maintaining personal hygiene, in particular bed linen and other products for maintaining hygiene and cleanliness in the cell. Inmates shall be enabled to cut their hair at least once a month and to take a warm bath at least once a week. Women shall be able to use warm water at least once a day and to take a warm bath at least two times a week.

Inmates have the right to rest and recreation necessary for health, in particular to at least a 1-hour walk and 8 hours of time meant for sleep in the course of each day.

INTERNAL ORDER

- night quiet time is at least between 10 p.m. and 6 a.m.
- morning and evening assemblies are held in cells, also in rooms where working inmates live,
- during the assembly, inmates are dressed and stand in a way that is visible for the inspector; only underwear or pyjamas during the assembly are prohibited (except the hospital and the sick ward),
- the shower time is at least 10 minutes, and the time of running tap water cannot be less than 6 minutes,
- smoking is permitted in designated smoking cells and designated areas,
- inmates may have in the cell: up to 9 liters, up to 6kg food, up to 10 personal religious items (no larger than 250x150mm), up to 5 books (besides those borrowed from the library of the penitentiary/detention center), up to 0.5kg newspapers,
- requests for medical care are taken every day,
- orders for parcels are taken on weekdays.

MEDICAL CARE

Inmates are entitled to free medical care. The days and times when doctors can be seen are included in the internal rules and regulations of the penitentiary/ detention

center. Inmates with urgent matters may ask the ward officer or any other facility officer or employee for help.

COMMUNICATION WITH FAMILY AND WITH THE EXTERNAL WORLD

Persons incarcerated in Polish penal facilities have the right to communicate with the outside world. Inmates may communicate with loved ones by means of correspondence, telephone calls, packages, money transfers and visits. Some inmates are granted permits for a temporary leave (furloughs), although this depends on many factors which the rehabilitation supervisor shall explain to inmates.

The scope of contact and means and procedures by which it is realized differ between convicts and those in temporary custody. In the case of convicts, it is the director of the prison who is responsible for how inmates communicate with the outside world. In the case of persons in temporary custody, it is the administering authority (i.e. the authority conducting the criminal proceedings – the prosecutor or court competent in that case) that has a decisive say concerning communication with the outside world. Persons in temporary custody may receive visits after the authority in whose custody they remain has issued a consent to the visit.

Inmates conduct correspondence at their own expense. However, inmates who have no funds are entitled to two stamps and envelopes a month (economy rates). This limit does not apply to applications, requests, complaints sent to law enforcement authorities, justice and other state authorities, local government authorities, the Ombudsman, the Child Ombudsman, authorities established by international human rights treaties and the representative who is not an attorney-at-law, legal counsel or who is approved by the Chairperson of the Chamber of the European Court of Human Rights to represent the inmate before the Court. Only inmates having no cash funds may receive stamps, paper and envelopes from the centre's administration for this correspondence. The correspondence of persons in temporary custody is sent via the administering authority and is subject to its inspection; other rules apply to official correspondence (details to be explained by the social worker). This limit does not apply to official correspondence.

Foreign inmates may conduct correspondence with the appropriate consular office or diplomatic post and receive visits by consular officials or employees of diplomatic posts performing consular functions. Every time inmates send official correspondence, the administration of the facility shall convey confirmation of receipt to the sender.

Inmates may use (at their expense) payphones during hours agreed in the internal order. Persons in temporary custody may use payphones with the consent of their administrative authority to contact their defender (attorney who is an attorney-at-law or a legal counsel), and in justified cases the closest person. The single call time cannot exceed 5 minutes (except calls to law enforcement authorities, justice and other state authorities, local government authorities, the Ombudsman, the Child Ombudsman, authorities established by international human rights treaties and the representative who is not an attorney-at-law, legal counsel, who is approved by the Chairperson of the Chamber of the European Court of Human Rights to represent the

inmate before the Court unless the director extends the call time in the internal order).

Convicts may use pay telephones (at their own expense) on the days and at the times specified in the internal rules and regulations. Those in temporary custody may use the pay telephone upon the consent of the authority in whose custody they remain. Those in temporary custody may not use other means of wired or wireless communications.

Inmates may receive money transfers as well as send such transfers from their own funds.

In penitentiaries it is possible to organise video phone calls with inmates' families or close persons via the internet. The inmates who are in the first place allowed this form of contact include: inmates who are parents or legal guardians of children under 15 years of age; foreign nationals; inmates who are deaf or hard of hearing; inmates whose families or closest persons live far from the penitentiary or if their family, health or financial situation prevents them from coming to the penitentiary for visits.

BEHAVIOR OF INMATES AND THE CONDITIONS UNDER WHICH SENTENCES ARE SERVED

The behavior of inmates, and in particular their attitude to the crimes they committed, the degree to which they abide by rules and discipline, their attitude toward their work and their behavior toward other convicts and superiors, shall be subject to evaluation at least once every 6 months by the penitentiary board. This evaluation will determine whether inmates qualify to be transferred to another type of penitentiary in which inmates enjoy a broader range of privileges. Negative behavior will result in transfer to a penitentiary in which inmates enjoy a narrower range of privileges.

Inmates who distinguish themselves through their good behavior may be awarded prizes.

In the event of culpable violation of orders or bans set forth in the effective regulations, inmates may be liable to discipline.

MEANS OF DIRECT COERCION

Prison service officers, while performing job-related duties, have the right to apply means of direct coercion if it is necessary to take at least one of the following actions:

- 1) execution of behavior required by law in accordance with an instruction provided by the authorized person;
- 2) repelling of direct and unlawful attempt on life, health or freedom of the authorized person or another person;
- 3) counteraction to activities which directly aim at an attempt on life, health or freedom of the authorized person or another person;
- 4) counteraction to violation of public order or safety;
- 5) counteraction to direct attack on areas, facilities or equipment protected by the authorized person;

- 6) protection of the order or safety in areas or facilities protected by the authorized person;
- 7) counteraction to destruction of property;
- 8) ensuring of safe escorting or submission;
- 9) detention of a person, prevention of their escape or a pursuit of a person;
- 10) overcoming of passive resistance;
- 11) overcoming of active resistance;
- 12) counteraction to actions aimed at self-harm.

Prison service officers may use the following means of direct coercion: physical force, handcuffs, restraint straps, protective helmets, truncheons, water incapacitating means, service dogs, rubber bullets, chemical incapacitating means, security cell.

While performing job-related duties, prison service officers have the right to use dogs trained to search for intoxicants, psychotropic substances and explosives as well as to track incarcerated persons.

If direct force is insufficient or its use is impossible due to the circumstances of a given event, officers have the right to use firearms.

Application of means of direct coercion is documented appropriately and in the event of injury or other symptoms of threat to life or health, the injured person shall receive first aid or help from a doctor, if needed.

Inmates who are a serious threat to society or a serious threat to the security of detention centers/ penitentiaries ("dangerous" inmates)

Inmates convicted of crimes committed in an organized criminal group or association intended to commit crimes, or crimes that, in particular, threaten the independence of the Republic of Poland, airplane or ship hijacking or crimes committed with particular cruelty, such as rape, murder or hostage taking, may be classified as "dangerous". Inmates thus classified shall serve their sentences in specially adapted wards or cells. Other reasons for classifying inmates as "dangerous" include the organization and active participation in a prison rebellion, physically attacking a facility officer or employee, being the perpetrators of rape, heavy bodily harm or abuse of other inmates or escape from a closed prison or its attempt, or during transportation outside the prison premises.

These inmates should know that:

- they cannot use their own clothes or footwear,
- they will be body-searched every time they enter or exit their cells,
- they may participate in cultural, educational and sports activities, read books or periodicals and take part in religious meetings, teaching and work solely in the ward in which they have been placed,
- visits may take place solely in a manner that renders direct contact impossible – decisions in this matter are made by the director,
- during visits they may not consume any foods or beverages,
- continued confinement in a ward or cell for "dangerous" inmates depends on the decision of the penitentiary board, which reviews this matter at least once every three months.

FREEDOM OF RELIGION

Freedom of conscience and religion is in effect in Poland, thus in Polish prisons. Permission to practice religion applies to the churches and religious societies that function legally in the penitentiary.

Inmates have the right to keep religious periodicals and books as well as religious objects in their cells, though their type and amount may be limited for security reasons. Clergy visit prisons. The initiative in this matter belongs to these persons, not to the prison administration. Clergy may meet with prisoners in groups or individually.

If an inmate's religion prohibits the consumption of particular foods, and the inmate wishes to observe this obligation, he should report it. The administration will make all efforts to meet these needs, in so far as doing so is possible.

FREE TIME

Inmates themselves may decide how to spend their free time. They may not do so, however, in any way that violates discipline and order in the prison. During their free time they may take advantage of cultural, educational and sports devices and activities, radio, television, books and periodicals. Inmates have the right to subscribe to periodicals using their own funds or to read periodicals bought by the administration and in the library located in every penal institution. Inmates may take part in organized activities in the common room, in organized sports activities and engage in creative activities, and upon the director's consent, produce and sell produced objects. Willingness to engage in cultural and educational as well as sport activities must be communicated to the unit officer or a social worker. As a reward granted by the director, inmates may give a gift they made themselves or bought in the prison canteen to persons they indicate.

EDUCATION AND VOCATIONAL TRAINING

Inmates have the right to education and self-education. Eighteen penitentiaries provide the opportunity to gain or complement education at the level of primary, secondary or high school as well as during vocational qualification courses (after passing an exam, a diploma is received confirming professional qualifications at the level of a technical high school or a vocational school). Additionally, courses preparing for specific professions are organized in prisons. After completing a course, the participant receives a certificate helping to find employment in a given profession. An inmate who is over 18 years of age may be deprived by the penitentiary committee of the opportunity to receive education for special reasons listed in the *Executive Penal Code*.

All information about the possibility of attending a school and the rules for directing to courses can be obtained from the social worker.

POST-RELEASE ASSISTANCE

Persons released from prison can obtain essential assistance in finding employment, housing and in other matters necessary for functioning after leaving the penitentiary.

The penitentiary director may provide financial or other material assistance at the moment of release to inmates who do not have their own funds.

Inmates may receive assistance in the form of clothes, footwear, food or medications. Inmates should check whether they have the necessary documents (e.g. the identification card, passport) and whether they have expired. If inmates who are foreign nationals go to their place of residence on their own and no loved ones are able to help, or if they do not have sufficient funds to cover the costs of the trip to their place of residence, they should contact the appropriate diplomatic post in order to obtain additional assistance. Employees of consulates or embassies are obliged to provide assistance in this regard.

If all efforts undertaken by an inmate and the facility's administration fail during the inmate's period of incarceration, the director of the facility may, in justified cases, agree to provide financial aid to buy the released inmate a ticket, pursuant to effective legal regulations. All persons released from prisons have the right to seek help from social assistance centers and district court probation officers as per their place of residence.

If an inmate who is a foreign national cannot return to his/her place of permanent stay/residence outside of Poland immediately after being released from the penal facility, the inmate may apply for financial aid to cover the costs of temporary accommodation or apply to stay at a shelter for the homeless until the specified date of leave. Inmates should take steps to deal with these matters while they are still serving their sentences by submitting a request to the director of the detention center or penitentiary.

The telephone numbers and addresses of the relevant diplomatic posts, social assistance bodies, court probation service teams, shelters, night shelters and all information concerning post-release assistance can be obtained from the social worker.

ACCESS TO PUBLIC INFORMATION

In each penitentiary there is at least one designated computer workstation to be used by inmates who want to access public information on the following websites: www.bip.sw.gov.pl, www.sw.gov.pl, www.e-sady.gov.pl, ip.lex.pl, swaweb1.ms.gov.pl, rcl.gov.pl, dziennikiurzedowe.gov.pl, dziennikustaw.gov.pl, monitor.polski.gov.pl, legislacja.rcl.gov.pl, bip.rpo.gov.pl, brpo.gov.pl.

Further information on that topic is provided by the social worker.

OBTAINING DETAILED INFORMATION DEPENDING ON NEEDS

More details on the rules and procedures concerning inmates, their rights and obligations can be found in Polish legal acts, above all in the *Executive Penal Code* as well as in the:

- executive regulation of the Minister of Justice of 21 December 2016 concerning the organizational-disciplinary regulations for carrying out prison terms – applies to convicts,
- executive regulation of the Minister of Justice of 22 December 2016 concerning the organizational-disciplinary regulations for carrying out temporary detention – applies to persons on remand. If needed, the texts of these regulations can be provided and specific points therein can be explained.

Inmates may also sign up to speak with the director of the penitentiary/ detention center and supervisors of particular departments – e.g.:

- the records department – in matters concerning the legal grounds for incarceration and the period of imprisonment or detention in custody,
- the penitentiary department – in matters concerning the evaluation of behavior, free time, post-release assistance etc.,
- the logistics department – in matters concerning food, the furnishing of cells and other matters relating to living conditions.

Inmates may also sign up to speak with other departments. If an inmate does not know what department to speak with concerning a given issue, he may ask his social worker to indicate the relevant department.

THE RIGHT TO SUBMIT COMPLAINTS, APPEALS, REQUESTS AND PETITIONS

Complaints, requests and petitions related to the conditions of stay at the penal facility or a detention centre should be lodged directly with the director of the penitentiary or detention centre. The method and place of accepting written applications, complaints and requests by the administration of the penal facilities are specified by the internal rules applicable in the detention centre/penitentiary.

Petitions, complaints and requests are processed without undue delay, not later than within 14 days. In justified cases (upon notifying the person lodging the complaint, request or petition), this period may be extended. The specific provision in this respect is the Regulation of the Minister of Justice of 13 August 2003 on the methods of processing petitions, complaints and requests from prisoners and persons detained in custody (Journal of Laws 2013, item 647).

Complaints are processed by:

1. Director of the prison/detention centre – if the complaint is addressed to them, it concerns the behavior of an officer or an employee, it does not concern their own direct decisions.
2. Regional Director of the Prison Service – if the complaint concerns the work, activities of the penal facility or detention centre supervised by them,
3. General Director of the Prison Service or a person appointed by them, if the complaint concerns the activity of a regional division of the Prison Service,
4. Minister of Justice or a person appointed by them, if the complaint concerns the activity of the Central Board of the Prison Service.

Complaints, petitions and requests containing words and expressions which are vulgar (common swearwords), insulting, containing prison slang, referring to recurrent events and circumstances which were previously explained, and not containing a justification enabling their recognition may be left without investigating (not processed).

Prisoners and persons detained in custody are also entitled to file complaints to a penitentiary court judge, including appeal pursuant to Article 7(1) of the Executive Penal Code against a decision of a director of a detention centre, director of a penal facility, regional director of the Prison Service and the General Director of the Prison Service due to its illegality. Lodging a complaint under that procedure requires the applicant to expressly state that the decision made with regard to them was against the law. The complaint should be lodged within 7 days from the date of serving or announcing the decision with the penitentiary court (competent for the location of the penal facility or the detention centre) through the director of the penal facility/detention centre issuing that decision.

INTERNATIONAL LEGAL MEANS OF PROTECTING THE RIGHTS OF INCARCERATED PERSONS

The European Court of Human Rights in Strasbourg covers every country that is a party to the Convention for the Protection of Human Rights and Fundamental Freedoms. Poland is a signatory to the Convention, which in practice means that persons incarcerated in Poland may lodge appeals with this Court.

When submitting an appeal to this Court you must follow the procedures for doing so, remembering in particular that:

- the inmate must submit the complaint/ appeal as the aggrieved party (a complaint/ appeal cannot be submitted on behalf of other persons, nor can it be anonymous),
- all possibilities for appeal within the court system of the given country must be exhausted first,
- the appeal must be submitted within 6 months following the date the decision against the inmate became legally binding.

The appeal must also present a brief description of the case, indicate the right that has been violated, inform that all possibilities for appeal have been exhausted and present the decisions issued in the case together with brief information about them.

Inmates may also exercise the right to submit appeals to the Human Rights Committee in Geneva (HRC). Anyone within the jurisdiction of states that are parties to the International Covenant on Civil and Political Rights of 16 Dec. 1966 and who claims to have had one or several of their rights recognized under the Covenant violated by the state may submit an appeal to the HRC in Geneva. Poland is a signatory to this Covenant.

When submitting an appeal to the HRC you must follow the procedures for doing so. In particular you must remember to include your personal data (the HRC in Geneva

does not review anonymous appeals) and must have exhausted all possibilities for appeal in Poland.

Appeals to the European Court of Human Rights in Strasbourg and the Human Rights Committee in Geneva should be sent to the following addresses:

The Registrar European Court of Human Rights Council of Europe F-67075 Strasbourg France	The Human Rights Committee c/o Centre for Human Rights United Nations Office at Geneva 8-14 avenue de la Paix 1211 Geneva 10 Switzerland
--	---

CONDITIONAL EARLY RELEASE (PAROLE) AND PRISON FURLOUGH (BREAK IN EXECUTION OF THE PUNISHMENT)

The regulations governing the granting of parole are specified by the Penal Code, while the grounds for revoking parole are set forth in the Penal Execution Code. Inmates who wish to be released early must meet the partial sentence completion requirements according to convict category, as follows:

- a convict may be paroled after serving half the sentence,
- an ordinary recidivist may be paroled after serving two thirds of the sentence,
- a multiple recidivist may be paroled after serving three quarters of the sentence,
- a convict sentenced to 25 years in prison may be paroled after serving 15 years,
- a convict sentenced to life in prison may be paroled after serving 25 years,
- in individual cases the convicting court may extend the aforementioned time requirements.

Inmates who satisfy the partial sentence completion requirements may be released, but only if their attitudes, personal characteristics and abilities, circumstances¹ of committing the crime, the circumstances in which it was committed and behavior after committing the crime and while serving their sentence justify the belief that they will abide by the law after release.

The penitentiary court in whose jurisdiction the inmate is incarcerated decides whether the inmate is paroled.

A petition to be paroled may be filed by the convict himself, his defender, the penitentiary director, a professional probation officer or prosecutor. If an inmate's petition to grant parole is refused, the inmate is entitled to appeal to the same court within 7 days following the date the court's decision is announced or delivered to him. A court fee must be paid together with the petition requesting the granting of parole.

¹ „the way of life prior to committing the crime” was deleted

Inmates who do not have funds may submit a request to the court to be exempted from this fee.

Furloughs from prison (a break in execution of the punishment) are specified by the regulations of the Penal Execution Code.

The penitentiary court in whose jurisdiction the inmate is incarcerated shall decide whether the inmate is granted a furlough. Inmates must satisfy conditions specified in legal regulations in order to qualify for a furlough from prison. The court may grant convicts furloughs if they suffer from:

- psychological illness,
- some other serious illness that prevents them from serving their prison sentence.

The court may grant a furlough if there are important reasons for doing so: health (e.g. operation), family (e.g. illness of family member) or personal (e.g. important professional matter).

A petition to be granted a furlough may be filed by the convict himself, his defender, prosecutor, a professional probation officer, or the penitentiary director. The court issues a ruling on granting a prison furlough in the form of a decision, which the inmate is entitled to appeal to the same court within 7 days following the date the court's decision is announced or delivered to the inmate.

TRANSFER OF PRISON SENTENCES TO BE ENFORCED ABROAD

Foreigners convicted by a Polish court may apply for serving their prison sentence in a foreign country. In this respect, the Penal Procedures Code provisions apply and regulate the rules of:

- admitting and transferring sentences to be enforced,
- addressing a European Union Member State to enforce a prison sentence.

The provisions of the Penal Procedures Code do not apply if an international agreement to which Poland is a party provides otherwise.

In the first case, the authority entitled to apply for admitting a foreigner convicted by a Polish court and sentenced to enforceable imprisonment is the Minister of Justice.

The application is lodged with the competent authority of the country of which the convict is a national. The application must be preceded by a decision on the admissibility of transferring the sentence to be enforced abroad issued by a competent court, the convict's consent for the transfer and an assessment that the offence being the basis of the conviction in Poland also constitutes an offence according to the law of the country of which the convict is a national. Taking over of a convict may also be applied for by a competent authority of the foreign country.

In the second case, if a Polish court convicts a foreigner and sentences them to enforceable imprisonment, a regional court from the region where the sentence was issued may, upon the convict's consent, apply for enforcement of the sentence directly to a competent court or a different authority of a Member State of the European Union for enforcement of the sentence. The transfer depends largely on the national status of the convict. Other conditions for initiating the above procedure

include the belief that transferring the enforcement of the sentence will contribute to fulfilling educational and preventive aims of the sentence to a greater extent. A regional court is the competent court to decide on the transfer of the sentence, while a motion regarding the application may be lodged also by the convict and a competent court or a different authority of a Member State of the European Union. It must be also noted that the Criminal Procedure Code provisions envisage exceptions to the requirement for the convict's consent to the transfer.

APPLICATION FOR A REFUGEE STATUS

Foreigners incarcerated in prisons and detention centers who fear the return to their country of origin have the right to file applications for a refugee status. Such application must be filed in writing, through the commanding officer of the Border Guard post or a commanding officer of the Border Guard facility responsible for the area of the seat of the penal facility/detention centre. The inmate should include their personal information in the application (surname, name, date of birth, nationality) and state the language(s) which they speak. All information in that respect may be obtained from the manager of the prison division.