Compendium for persons remanded in custody, sentenced persons, punished persons and foreign nationals

This guide is meant to help you understand the rights and obligations of a person held in custody. It is impossible to include all information relating to serving a custodial sentence or being remanded in custody, thus if something is unclear for you, please ask a prison officer or employee for clarification. If the matter is not very urgent, please report your problem to your ward's correctional social worker. If the matter is very urgent, please contact your ward officer or any other prison officer or employee, as they are there to help you.

RECEPTION TO A FACILITY

During the reception procedure, an inmate is obliged to provide their personal data (including given names, surnames, date and place of birth, occupation, eye colour, hair colour, etc.) and information about changes in the data. In addition, the inmate provides information about their permanent place of residence, previous criminal record, health, as well as possible maintenance allowance. The sentenced person may also be required to submit to identification procedures, in particular: photographs, external inspection of the body, taking finger prints or being shown to other persons. Inmates' documents, money and any items 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 remanded in custody have the right to notify the closest person, other persons, associations, organizations and institutions (an address should be provided), as well as their defence attorney, about their whereabouts. Foreign nationals remanded in custody 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 an initial character evidence examination. In addition, the inmate is acquainted with the basic legal acts on the execution of the custodial sentence and the internal rules and regulations of the remand centre. Inmates are also 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 the inmate feels threatened, is forced to do the cleaning, serve someone, or their things are taken or used without their permission, or if they observe someone behaving in such a manner towards another inmate. This may be done during every exit from the living cell. A facility officer may be summoned at any time by activating a calling device meant for this purpose and located in a visible place.

THE MAIN DUTIES OF PERSONS IN MANDATORY CUSTODY

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 penal facility or remand centre , inmates' superiors are officers or employees of the penal facility or remand centre, as well as persons supervising work or other activities performed by inmates. In particular, the inmate's duties include:

- proper behaviour;
- maintenance of personal hygiene and the cleanliness of rooms in use;
- immediate notification of superiors when they contract an illness or when they notice symptoms of illness among other inmates;
- submitting to examinations, medical treatment, sanitary, medical or rehabilitative procedures pursuant to regulations, as well as testing for the presence of a psychoactive substance in the body;
- submitting to a cursory examination or personal inspection, and allowing and not obstructing other examinations/inspections;
- performing jobs (does not apply to persons released from this obligation pursuant to legal regulations) and providing clean-up work;
- caring for the property of the penal facility/remand centre and institutions in which inmates provide work;
- submitting to identification procedures;
- Informing the prison officers about the change of data provided during the reception procedure.

In the presence of superiors and persons visiting the facility, inmates must 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 brought by the administration of the penal facility in order to force a particular decision or procedure, and to injure their own bodies or otherwise harm their health, as well as to induce others or assist others in committing such acts;
- to tattoo themselves and permit tattoos to be performed on themselves, as well as induce others or assist others in committing such acts;
- to contact other persons in a manner not provided for by legal regulations;
- to change their living cell, designated sleeping place, the workstation and the place where the ordered activity is performed;
- to change their external appearance that prevents identification without the director's permission (applies to the sentenced persons).

SOCIAL AND LIVING CONDITIONS

The inmate has the right, in particular, to food, clothing, living conditions, quarters as well as medical care and adequate hygiene conditions appropriate for the maintenance of health.

The inmate in the penal facility or remand centre is provided with a drink and meals of adequate nutritional value three times a day, including at least one hot meal. These meals should take into account the occupation and age of the sentenced person, and their religious and cultural requirements, in so far as possible. The sentenced person whose health requires this is provided with food as prescribed by a medical doctor. Inmates who take part in litigation procedures outside the prison or in any other activities which require escorting and who cannot receive a hot meal for technical or organizational reasons receive packed food and beverage suitable for their age, and religious and cultural requirements in so far as possible.

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 penal facility using money at their disposal kept in deposit. Inmates are allowed to make their first purchase not later than on the third business day after reception to the penal facility.

In the remand centre as well as in closed and semi-open penal facilities 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 located closest to the penal facility.

Inmates have the right to receive a food package with products bought through the penal facility once per month. The sentenced persons receive a food package after submitting a written order and paying for the package. The order may also be placed by the sentenced person's closest person.

Inmates 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, and, after a positive opinion issued by a medical doctor, also with medicines; the issuance of medicines is carried out in accordance with the rules established by the medical doctor. The packages may not contain any prohibited items, psychoactive substances, and articles which cannot be examined without material interference into their substance, as well as articles in packaging hindering their examination. The packages are inspected 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 weighing no more than 6 kg, 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 prison director may permit:

- inmates – to keep electronic or electrical appliances in their cells;
- sentenced persons – to keep other items in their cells, including items meant to improve the aesthetics of their rooms or expressing their cultural interests, provided that having these items does not violate the order 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 sentenced person, at the sentenced person's cost. In justified cases, these items may be sent at the expense of the penal facility.

Inmates have the right to receive from the penal facility clothing, underwear and footwear adequate for the season, in so far as they do not use their own. The sentenced person is provided with the conditions necessary for maintaining personal hygiene; in particular bed linen and other products for maintaining hygiene and cleanliness in the cell are provided to the sentenced person by the penal facility. 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 may cut their hair at least once a month, as well as take a warm bath at least once a week. Women are enabled 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 intended 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 the living cells, also in rooms where working inmates are staying. During the assembly, inmates are dressed and stand in a way that is visible for the officer conducting the assembly; wearing only underwear or pyjamas during the assembly is prohibited (this does not apply to hospital and the sick ward).

The bath time is at least 10 minutes, and the time of water running from the tap cannot be less than 6 minutes.

Smoking tobacco products is permitted in living cells designated for the sentenced persons using tobacco products and in designated areas.

Inmates may have in the cell: up to 9 litres of beverages, up to 6 kg of food, up to 10 religious items (no larger than 250x150 mm), up to 5 books (besides those borrowed from the library of the penal facility/remand centre), up to 0.5 kg of newspapers.

Requests for medical doctor's appointment are taken every day.

Orders for parcels are taken on each business day.

MEDICAL CARE

Inmates are provided with free medical care, medicines and sanitary supplies. Requests for medical doctor's appointment are taken every day. The days, times and venue when doctors can be seen are included in the internal rules and regulations of the penal facility/remand centre. Inmates with urgent matters may ask the ward officer or any other facility officer or employee for help.

COMMUNICATION WITH CLOSE PERSONS AND WITH THE OUTSIDE WORLD

Persons incarcerated in Polish penal facilities have the right to communicate with the outside world. Inmates may communicate with close ones by means of correspondence, telephone calls, packages, money transfers and visits.

Some inmates are granted prison furloughs, although this depends on many factors which the correctional social worker explains to inmates. The scope of contact and procedures by which it is realized differ between sentenced persons and those remanded in custody. In the case of sentenced persons, it is the director of the prison who is responsible for how inmates communicate with the outside world. In the case of persons remanded in 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 remanded in custody may receive visits after the administering authority in whose custody they remain has issued an order with a consent to the visit.

Inmates handle correspondence at their own expense. In particularly justified cases, the sentenced person having no cash funds may receive stamps, paper and envelopes from the penal facility's administration for this correspondence. In the case of persons remanded in custody, in the event of receipt of stamps from the administration of the remand centre for the correspondence with law enforcement authorities, justice system and other state authorities, local government authorities, the Ombudsman, the Child Ombudsman, authorities established by international agreements on the protection of human rights ratified by the Republic of Poland, and a representative who is not an advocate, attorney-at-law or legal counsel who has been approved by the Chairperson of the Chamber of the European Court of Human Rights to represent the sentenced person before the Court, the person remanded in custody also receives paper and envelopes from the administration of the remand centre. The correspondence of persons remanded in 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 correctional social worker). A sentenced person who is a foreigner may handle correspondence with the competent consular office and in the absence of such an office – with the competent diplomatic representative office 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 issues a confirmation of receipt to the inmate.

The sentenced persons serving custodial sentences in semi-open and open penal facilities are guaranteed the right to use coin telephones on a daily basis. The sentenced persons serving custodial sentences in close penal facilities have the opportunity to use coin telephones at least twice a week. The persons remanded in custody may use the coin telephone upon the consent of the authority in whose custody they remain.

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

In penal facilities it is possible to organize video phone calls with the sentenced person's family or their close persons via the internet. The sentenced persons who are in the first place allowed this form of contact include: sentenced persons who are parents or legal guardians of children under 15 years of age, foreign nationals, sentenced persons who are deaf or hard of hearing, sentenced persons whose families or closest persons live far from the facility or if their family, health or financial situation prevents them from visiting the sentenced persons in the facility.

BEHAVIOUR OF INMATES AND THE CONDITIONS UNDER WHICH SENTENCES ARE SERVED

The behaviour of sentenced persons, and in particular their attitude to the crimes they committed, the degree to which they abide by the rules and discipline, their attitude toward their work, their behaviour toward other sentenced persons and superiors are subject to evaluation at least once every six months by the penitentiary board. This evaluation will determine whether the sentenced persons qualify to be transferred to another type of penal facility in which they enjoy a broader range of privileges. Negative behaviour will result in a transfer to a penal facility in which inmates enjoy a narrower range of privileges. Inmates who demonstrate good behaviour may be awarded prizes. In the event of culpable violation of orders or bans set forth in the effective regulations, inmates may be subject to disciplinary liability.

MEANS OF DIRECT COERCION AND FIREARMS

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

- enforcing behaviour required by law in accordance with an instruction provided by the authorized person;
- repelling a direct and unlawful assault on life, health or freedom of the authorized person or another person;
- counteracting activities which directly aim at an assault on life, health or freedom of the authorized person or another person;
- counteracting violation of public order or safety;
- counteracting a direct attack on areas, facilities or equipment protected by the authorized person;
- protecting the order or safety in areas or facilities protected by the authorized person;
- counteracting the destruction of property;
- ensuring safe escorting or bringing by force;
- arresting a person, preventing their escape or the pursuit of a person;
- overcoming passive resistance;
- overcoming active resistance;
- counteracting actions aimed at self-harm.

Prison service officers may use the following means of direct coercion:

- physical force;
- handcuffs;
- restraint strap;
- protective helmet;
- truncheon;
- water incapacitating means;
- service dog;
- rubber bullets;
- chemical incapacitating means in the form of hand-held incapacitating substance throwers, tear gas grenades, other devices designed to throw incapacitating means;
- items designed to incapacitate persons by means of electricity;

- security cell.

Application or use of means of direct coercion is documented appropriately and in the event of injury or other symptoms of threat to life or health of that person, the authorized person must immediately provide first aid to that person, and, if necessary, ensure that qualified first aid or emergency medical service providers are summoned.

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.

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

- the need to repel a direct unlawful attempt on:
  - life, health or freedom of the authorized person or another person, or the need to counteract actions aimed directly at such an attempt,
  - important facilities, equipment or areas, or the need to counteract activities aimed directly at such an attempt,
  - safe escorting or bringing by force;
- the need to oppose the person who:
  - fails to comply with a call to immediately drop a weapon, explosive or another dangerous object, the use of which may endanger the life, health or freedom of the authorized person or another person,
  - attempts to unlawfully take a firearm from an authorized person or another person entitled to possess it;
- direct pursuit of a person against whom the use of firearms was permissible in the cases specified above with the exception of pursuit of a person against whom there was a need to repel a direct unlawful attempt in connection with the safety of escorting or bringing by force;
- the need to prevent the escape of a person in mandatory custody from a remand centre or penalty facility and a person being escorted or brought by force, as well as the pursuit of that person;
- alerting or calling for help;
- firing a warning shot;
- destruction or immobilization of an unmanned aircraft, in the cases specified in the Act of 03 July 2002 – Aviation Law.

The application or use of firearms is documented appropriately and in the event of injury or other symptoms of threat to life or health of that person, the authorized person must immediately provide first aid to that person, and, if necessary, ensure that qualified first aid or emergency medical service providers are summoned.

FREEDOM OF RELIGION

Freedom of conscience and religion is in effect in Poland, hence also in Polish prisons. Permission to practice religion applies to the churches and religious societies that function legally in prison. Prisons are visited by clergy. The initiative in this matter belongs to these persons, not to the

prison administration. Clergy may meet prisoners in groups or individually. If an inmate's religion prohibits the consumption of particular foods, and the inmate wishes to observe this obligation, they should report it. The administration will make all efforts to meet these needs; yet, only 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 activities, educational and sports activities and devices, 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 books from the library operating in every penal institution. Inmates may take part in activities organized in the common room, in organized sports activities and engage in their own creative activities, and, upon the facility director's consent, make items and sell the items made by them. Willingness to participate in cultural and educational as well as sports activities must be communicated to the ward officer or a correctional social worker. As a reward granted by the director, inmates may give a gift to a person they indicate.

EDUCATION AND VOCATIONAL TRAINING

Inmates have the right to education and self-education. Polish prisons provide the opportunity to gain or complement education at the level of primary, secondary or general 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 vocational high school or technical high school). Additionally, courses preparing for specific professions are organized in prisons. After completing a course, the participant receives a certificate helping them to find employment in a given profession. A sentenced person may be deprived by the penitentiary committee of the opportunity to receive education within the scope not covered by compulsory education. All information about the possibility of attending a school and the rules for obtaining a permit to take courses can be obtained from the correctional social worker.

POST-RELEASE ASSISTANCE

Persons released from prison can obtain essential assistance in finding employment, housing and in other matters necessary for their existence after leaving the facility. The facility 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 are valid. If inmates who are foreign nationals go to their place of residence on their own and no close ones are able to help them, 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 the inmate and the penal facility's administration

fail during the inmate's period of incarceration, the facility director 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 centres and district court probation officers as per their place of residence. If an inmate who is a foreign national cannot return to their 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 set date of departure. 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 penal facility or remand centre. 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 correctional social worker.

ACCESS TO PUBLIC INFORMATION

In each prison there is at least one designated computer workstation to be used by inmates who want to access public information on the websites of BIP and gov.pl. Further information on that matter is provided by the correctional social worker.

OBTAINING DETAILED INFORMATION AS NECESSARY

More details on the rules and procedures concerning inmates, their rights and obligations can be found in Polish legal acts, above all:

- in the Criminal Enforcement Code;
- Regulation of the Minister of Justice concerning the organizational and disciplinary rules and regulations for carrying out custodial sentences – applicable to sentenced persons;
- Regulation of the Minister of Justice concerning the organizational and disciplinary rules and regulations for carrying out detention pending trial – applicable to people remanded in custody.

If necessary, these rules and regulations are made available and specific provisions therein can be explained. Inmates may also sign up to speak with the director of the penal facility/remand centre and supervisors of particular departments, e.g.:

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

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, they may ask their correctional social worker to indicate the relevant department.

THE RIGHT TO SUBMIT COMPLAINTS, REQUESTS AND APPLICATIONS

Complaints, requests and applications related to the conditions of stay at the penal facility or remand centre should be lodged directly with the director of the penal facility or remand centre. The method and place of accepting written applications, complaints and requests by the administration units of the penal facilities are specified by the internal rules and regulations applicable at the penal facility or remand centre. Applications, complaints and requests are processed without undue delay, not later than within 30 days. In justified cases (upon notifying the person lodging the complaint, request or application), this period may be extended.

Complaints are processed by:

- Director of the penal facility or remand centre – if the complaint is addressed to them and does not concern their direct activities or the direct activities of their deputy and the decisions made by them, unless in this regard the complaint is considered legitimate;
- Regional Director of the Prison Service – if the complaint concerns the work of the facility supervised by them;
- 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;
- Minister of Justice or a person appointed by them – if the complaint concerns the activity of the Central Board of the Prison Service.

The sentenced person may also file applications, complaints and requests with the enforcement authorities. The sentenced person, when filing an application, complaint or request, is obliged to provide reasons relating to the demands contained therein to the extent that the application, complaint or request can be examined; in particular, as regards attaching the relevant documents.

If an application, complaint or request:

- refer to recurrent events and circumstances which were previously explained,
- contain words or expressions which are commonly considered vulgar or insulting, contain prison parlance,
- do not provide reasons for the demands contained in the application, complaint or request to the extent that they can be examined,
- are obviously unfounded

  - then such an application, complaint or request may be left unexamined by the competent authority.

Prisoners and persons remanded in custody are also entitled to file complaints with a penitentiary court judge, including and appeal pursuant to Article 7(1) of the Criminal Enforcement Code against a decision of the director of a remand centre, director of a penal facility, regional director of the Prison Service and the General Director of the Prison Service on the grounds that the decision is unlawful. Lodging a complaint under that procedure requires the applicant to expressly state that the decision made with regard to them was against the law. Complaints under that procedure should be lodged within seven days from the date of delivery or announcement of the decision with the authority

that issued the decision, and if the latter does not agree with the complaint, the authority forwards it, together with the case file, to the competent court.

INTERNATIONAL LEGAL MEANS OF PROTECTING THE RIGHTS OF PERSONS IN COMPULSORY CUSTODY

The European Court of Human Rights in Strasbourg is competent for every country that is a party to the European Convention on Human Rights. 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 the Court in Strasbourg, you must follow the procedures for doing so, and remember in particular that:

- the prerequisite for the processing of the appeal is the provision of full personal data, including given name, surname, date and place of birth, citizenship and address of the applicant, as well as the handwritten signature underneath the appeal – anonymous appeals will not be processes;
- before filing an appeal, all domestic possibilities for appeal that can redress the effects of the violation of rights or directly remove those effects must be exhausted first;
- the appeal must be submitted within six months following the date the decision against the inmate became legally binding.

Please note that the appeal must also include 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). An individual appeal to the Human Rights Committee can only be lodged by individuals who claim to be victims of violations of rights guaranteed by the International Covenant on Civil and Political Rights. Before lodging the appeal with the Committee, the victim of violation must exhaust all available domestic remedies. An appeal to the Human Rights Committee should be filed within five years of exhausting domestic remedies. An individual appeal to the Human Rights Committee should be filed on a special form to be downloaded from the Human Rights Committee's website.

Letters to the European Court of Human Rights in Strasbourg should be sent to the following address: The Registrar European Court of Human Rights Council of Europe F–67075 STRASBOURG CEDEX; and letters to the Human Rights Committee in Geneva should be sent to the following address: Petitions Team Office of the High Commissioner for Human Rights United Nations Office at Geneva 1211 Geneva 10 Switzerland.

CONDITIONAL EARLY RELEASE (PAROLE) AND A BREAK IN SERVING THE SENTENCE

The regulations governing the granting of parole are specified by the Criminal Code, while the grounds for revoking parole are set forth in the Criminal Enforcement Code.

Inmates who wish to be released early must meet the partial sentence completion requirements according to the sentenced person category, as follows:

- a sentenced person 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 sentenced person referred to in Article 64a of the Criminal Code (an offender who, within 5 years after serving at least 6 months of a custodial sentence imposed for murder in connection with rape or for a crime against sexual freedom punishable by custodial sentence of at least 8 years, has again committed such a crime) – after serving three quarters of the sentence;
- a sentenced person against whom a final and non-appealable decision has been issued stating that they unlawfully obstructed the enforcement of a custodial sentence – after serving three quarters of the sentence;
- a sentenced person sentenced to at least 25 years in prison may be paroled after serving 15 years;
- a sentenced person sentenced to life imprisonment may be paroled after serving 30 years;

  - in individual cases the court issuing the sentence may extend the aforementioned time requirements.

Inmates who have satisfied the partial sentence completion requirements may be released, but only if their attitudes, personal characteristics and abilities, circumstances of committing the crime, behaviour after committing the crime and while serving their sentence justify the belief that they will comply with the imposed punitive or protective measure after release and observe the order of the law; in particular, they will not commit a crime again. The penitentiary court in whose jurisdiction the inmate is incarcerated decides whether the inmate can be paroled. A petition to be paroled may be filed by the sentenced person themselves, their defence attorney, the penal facility director, a professional probation officer or prosecutor. If an inmate's petition to be paroled 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 them. A court fee must be paid upon filing the petition requesting the granting of parole. Inmates who do not have funds may submit a request to the court to be exempted from this fee.

A break in serving a custodial sentence is specified by the regulations of the Criminal Enforcement Code. The penitentiary court in whose jurisdiction the inmate is incarcerated decides whether the inmate is granted a break.

Inmates must satisfy the prerequisites specified in legal regulations in order to qualify for a break in serving the sentence. The court may grant the sentenced person a break if they suffer from:

- a mental illness,
- other serious illness that prevents them from serving their custodial sentence.

The court may grant a break if there are important reasons for doing so:

- family (e.g. illness of a family member),
- personal (e.g. important professional matters).

A petition to be granted a break may be filed by the sentenced person themselves, their defence attorney, prosecutor, a professional probation officer or the penal facility director. The court rules on granting a break in serving the sentence 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 served upon the inmate.

TRANSFER OF CUSTODIAL SENTENCES TO BE ENFORCED ABROAD

Foreigners sentenced by a Polish court on the basis of a final and non-appealable judgment may apply for serving their custodial sentence in a foreign country. In this respect, the provisions of the Code of Criminal Procedure apply and regulate the rules of:

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

The provisions of the Code of Criminal Procedure 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 transferring a foreigner sentenced by a Polish court on the basis of a final and non-appealable judgment to serve a custodial sentence is the Minister of Justice. The application is lodged with the competent authority of the country of which the sentenced person 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 sentenced person'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 sentenced person is a national. A competent authority of the foreign country may also apply for the transfer of the sentenced person. In the second case, if a Polish court issues a final and non-appealable judgment in respect of the foreigner and sentences them to an enforceable custodial sentence, a regional court from the region where the sentence was issued may, upon the sentenced person'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. The transfer depends largely on the national status of the sentenced person. 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 sentenced person and a competent court or a different authority of a Member State of the European Union. Also, it must be indicated that the provisions of the Code of Criminal Procedure provide for exceptions to the requirement for the sentenced person's consent to the transfer.

APPLICATION FOR A REFUGEE STATUS

Foreigners incarcerated in penal facilities and remand centres who fear to return to their country of origin have the right to file applications for a refugee status. Such an 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 remand centre or penal facilities where the person wishing to apply for international protection is being held.

The inmate should include their personal information in the application (surname, given 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.