

Warsaw, 22 July 2026

**To the Members of the Group of
Experts on Action against
Violence against Women and
Domestic Violence (GREVIO)**

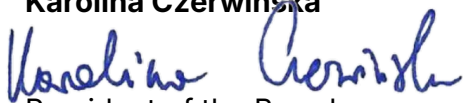
Dear Members of GREVIO,

Please find attached the alternative report of the Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej – SIP) on Poland's implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), submitted ahead of your visit to Poland.

We hope that this report will assist GREVIO in its assessment. Should you require any further information or clarification, we remain at your disposal. Our contact details can be found on the last page of the report.

Yours sincerely,

Karolina Czerwińska



President of the Board
Association for Legal Intervention

Alternative Report Submitted to GREVIO on the Implementation of the Istanbul Convention in Poland July 2026

1. Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej, SIP) is a civil society organisation whose statutory objective is to take steps aimed at ensuring that human rights are respected and that no individual is treated unequally, disregard of their nationality, ethnicity, religion and migration status.

2. SIP submits this shadow report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in advance of the GREVIO's monitoring visit to Poland. This alternative report outlines Association's concerns with reference to Poland's compliance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) as regards protection of migrant women, asylum seekers and refugees residing in Poland.

AUTONOMOUS RESIDENCE PERMIT FOR VICTIMS OF GENDER-BASED VIOLENCE

3. In the SIP's shadow report of 2020, SIP informed that there is no autonomous residence permit for migrant women who are victims of gender-based violence in Poland. As of July 2026, it has not changed. Hence, Poland still has not fulfilled its obligations specified in Article 59 of the Istanbul Convention.

4. While no residence permit is made available specifically for migrant victims of violence, women can benefit from temporary residence permits that are listed below. However, these permits are available only to some victims of violence, they are temporarily limited, and may be granted upon fulfilling conditions that may be too demanding for women who experienced violence.

A. Temporary residence permit for divorcees and separated spouses

5. Under Article 158(2) and Article 161(2) of the Act on Foreigners,¹ a migrant woman is granted a temporary residence permit in case of a divorce or separation with a Polish citizen or a third-country national legally staying in Poland. It can be granted only once, for up to 3 years. To receive this permit, a women must show that:

- a. she stayed in Poland based on a temporary residence permit for family members of Polish citizens or third-country nationals staying legally in Poland;
- b. she is divorced or separated from the aforementioned Polish citizen or a third-country national and
- c. she has a valid interest in receiving this special residence permit ("valid interest" is not specified in law and it is assessed on a case-by-case basis).

Thus, these permits are available only to a very specific group of women. They are not available to women in informal relationships, women who were in a relationship with an undocumented migrant, women staying in Poland on the basis of a visa or a residence permit other than the permit for family members, and women who have left the perpetrator of violence but have not regulated their situation within family law (so they are not yet divorced or separated). Moreover, the "valid interest" criterion is unclear and may lead to discretionary refusals. Accordingly, these permits are very rarely requested and granted. For example, in 2021-2026 (as of 6 July 2026), a residence permit based on Article 158(2) of the Act on Foreigners was requested by 112 women and granted to 47.² It is unknown how many of them were granted to victims of gender-based violence.

6. A woman with a temporary residence permit based on Article 158(2) or Article 161(2) of the Act on Foreigners can work in Poland but only if she obtains an additional work permit (Article 3 of the Act on Foreigners' Work³). However, she is not eligible to receive social welfare (Article 5 of the Act on

¹Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach,
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdm20130001650>.

² Information from the Office for Foreigners, July 2026.

³ Ustawa z dnia 20 marca 2025 r. o warunkach dopuszczalności powierzania pracy cudzoziemcom na terytorium Rzeczypospolitej Polskiej,
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20250000621>.

Social Assistance⁴). She can seek further legalisation of her stay but only based on general rules.

B. Short-term residence permit

7. Under Article 181 of the Act on Foreigners, a migrant woman *may* be granted a temporary residence permit for up to six months if:

- a. Her presence before domestic authorities is required, or
- b. She needs to stay in Poland based on her “exceptional personal situation”.

Granting this permit is discretionary and the abovementioned conditions are assessed on a case-by-case basis. According to the courts, exceptionality of the personal situation is understood as truly extraordinary, and the permit is not meant to regulate stay “in the long term”.⁵ Thus, it is rarely requested and granted in practice. For example, in 2021-2026 (as of 6 July 2026), a permit based on the “exceptional personal situation” of the applicant was requested by 237 women and granted to 52.⁶ It is unknown how many of them were granted to victims of gender-based violence. Such data is not collected at any level.

8. Women residing in Poland on the basis of a short-term residence permit cannot work, even if they obtain a work permit (Article 3 of the Act on Foreigners’ Work). They are also not eligible to receive social welfare (Article 5 of the Act on Social Assistance). Moreover, acquiring a short-term residence permit is a formal obstacle to further legalization of their stay in Poland. A victim of violence, who has been granted a permit based on Article 181 of the Act on Foreigners, cannot apply for any other residence permit (neither temporary, permanent nor EU long-term) to extend her stay in Poland.⁷ Thus, this residence permit is – in the words of the Special

⁴ Ustawa z dnia 12 marca 2004 r. o pomocy społecznej, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20040640593>.

⁵ Provisional Administrative Court in Warsaw (Wojewódzki Sąd Administracyjny w Warszawie), judgment of 3 July 2017, no. IV SA/Wa 1024/17; Supreme Administrative Court (Naczelny Sąd Administracyjny), judgment of 29 December 2016, no. II OSK 750/15. See also M. Kumela-Romańska [w:] *Ustawa o cudzoziemcach. Komentarz*, wyd. III, Gdańsk 2025, art. 181.

⁶ Information from the Office for Foreigners, July 2026.

⁷ Articles 99(1), 196(1) and 213(1) of the Act on Foreigners.

Rapporteur on violence against women and girls who visited Poland in 2023 – “an option that delays deportation rather than preventing it”.⁸

C. “Other circumstances” temporary residence permit

9. Under Article 187(8) of the Act on Foreigners, a temporary residence permit may be granted for other reasons than the ones specifically mentioned in the Act. This provision allows to include other, non-specific, scenarios when temporary stays in Poland are needed. Thus, in theory, women – victims of violence may apply for this residence permit. However, a person concerned must meet additional requirements: have medical insurance, a source of stable and regular income, and a place of stay in Poland. It may be difficult, if not impossible, for victims of violence, especially if they were economically dependent on the abuser. As an example of scarcity of such cases, one can see the data from the Świętokrzyskie Voivodeship Office, where none of the permits granted based on article 181 in years 2021–2026 were granted to victims of GBV⁹.

Withdrawal of the residence permit and no suspension of return proceedings

10. A woman – victim of violence who had stayed in Poland as a family member of the abusive husband and who decided to leave him but divorce or separation proceedings are not yet concluded, is at risk of being deported from Poland. Under Article 166 of the Act on Foreigners, her temporary residence permit may be withdrawn in those circumstances because the purpose of her stay in Poland (being a family member) ceased. Upon the withdrawal of the residence permit, she has 30 days to leave Poland. After this deadline, her stay in Poland is irregular which entails the initiation of return proceedings. In violation of Article 59(2) of the Istanbul Convention, there is no possibility to suspend these proceedings to enable regularisation of a stay of a gender-based violence victim (cf. Article 305 of the Act on Foreigners which allows for such a suspension in case of asylum seekers and victims of human trafficking).

GENDER-BASED ASYLUM CLAIMS

A. Asylum decisions based on gender-based violence

⁸ Visit to Poland: Report of the Special Rapporteur on violence against women and girls, its causes and consequences, 3 May 2024, <https://docs.un.org/en/A/HRC/56/48/Add.1>, 10.

⁹ Information from the Świętokrzyskie Voivodeship Office, July 2026.

11. Polish government indicated in its reply of 4 September 2024¹⁰ that there has been "a slow breakthrough in jurisprudence and administrative decisions, to grant international protection on the grounds of gender-based violence when a country does not provide effective protection against it." Unfortunately, it has not referred to any judgment or decision that would support this view. SIP's practice shows that the change has been only marginal. More often than not, such claims are recognised only at second instance, following an appeal, and they usually result in subsidiary protection rather than refugee status (see below).

12. In violation of Article 60(1) of the Istanbul Convention, gender-based violence is still not fully recognized in Poland as a form of persecution within the meaning of Article 1A(2) of the 1951 Convention relating to the Status of Refugees (the Geneva Convention). For example, in its decision issued in June 2026, the Office for Foreigners concluded that the applicant – a victim of domestic violence – is at real risk of harm upon her return to the country of origin and that she cannot count on state protection in this respect. However, according to the Office for Foreigners, domestic violence does not constitute a persecution within the meaning of Article 1A(2) of the Geneva Convention¹¹. Similarly, the Provincial Administrative Court in Warsaw stated in its judgment of 24 November 2022 that the fact that the complainant was subjected to domestic violence cannot be treated as persecution because women do not constitute a "particular social group" within the meaning of the Geneva Convention.¹²

13. While the applicability of the Geneva Convention to victims of gender-based violence is still questioned by some Polish authorities, the victims' eligibility for subsidiary protection seems to be more broadly accepted.¹³ For

¹⁰ *Poland: Reporting form on the implementation of the recommendations addressed to state parties*, 4 September 2024, <https://rm.coe.int/ic-cp-inf-2025-08-reply-by-poland-to-reporting-form/488028fcd8>.

¹¹ SIP, *The risk of domestic violence in Chechnya as a basis for granting subsidiary protection*, <https://interwencjaprawna.pl/en/the-risk-of-domestic-violence-in-chechnya-as-a-basis-for-granting-subsiary-protection/>, July 2026.

¹² As referred to by the Supreme Administrative Court in case no. II OSK 531/23, judgment of 12 July 2023. See also Refugee Board's decision of 30 July 2020, described here: SIP, *We succeeded in obtaining subsidiary protection for a woman who was abused by her husband*, 18 January 2021, <https://interwencjaprawna.pl/en/we-succeeded-in-obtaining-subsiary-protection-for-a-woman-who-was-abused-by-her-husband/>.

¹³ Provincial Administrative Court in Warsaw, judgment of 24 November 2022, no. IV SA/Wa 1822/22, as referred to by the Supreme Administrative Court in case no. II OSK 531/23, judgment of 12 July 2023.

instance, in one case conducted by SIP, the Refugee Board granted subsidiary protection to a Dagestani mother who escaped from a violent husband. The Board took into account several factors: a serious risk upon return of taking away the child by her husband and his relatives, lack of support from her family, potential risk of social rejection, lack of support and protection in the country.¹⁴ Similar decision was recently issued by the Refugee Board with respect to a Chechen mother of two.¹⁵

14. With regard to both refugee status and subsidiary protection, domestic authorities place special emphasis on the availability of protection in the country of origin. Supreme Administrative Court reiterates that domestic violence constitutes persecution only if its victims cannot benefit from the state protection. Otherwise, it is merely a criminal act that should be prosecuted in the country of origin and which cannot entail granting refugee status.¹⁶

15. The applicant must show that she tried to seek protection in the country of origin. For example, the Supreme Administrative Court rejected the cassation complaint based on the fact that the complainant – a victim of domestic abuse – never asked state authorities for help. Meanwhile, the information about the situation in her country of origin clearly indicated that the state protection was available.¹⁷ In another case, the Supreme Administrative Court stated that the applicant voluntarily resigned from seeking justice in her country of origin. Meanwhile, “a prerequisite for granting refugee status is not a situation in which the applicant does not *a priori* wish to avail themselves of protection in the country of origin. A necessary condition is, however, that this “reluctance” be justified by objective obstacles, additionally related to persecution within the meaning of the Convention and the Act on Protection).¹⁸ Similarly, the Refugee Board claimed in another case that the victim of domestic violence in Cameroon

¹⁴ SIP, *We succeeded in obtaining subsidiary protection for a woman who was abused by her husband*, 18 January 2021, <https://interwencjaprawna.pl/en/we-succeeded-in-obtaining-subsidiary-protection-for-a-woman-who-was-abused-by-her-husband/>

¹⁵ SIP, *The risk of domestic violence ...*, July 2026.

¹⁶ See Supreme Administrative Court in case no. II OSK 814/21, judgment of 20 April 2022; Supreme Administrative Court in case no. II OSK 2566/21, judgment of 23 February 2023.

¹⁷ Supreme Administrative Court in case no. II OSK 814/21, judgment of 20 April 2022.

¹⁸ Supreme Administrative Court in case no. II OSK 2566/21, judgment of 23 February 2023.

should have used all available pathways to seek protection in her country of origin.¹⁹

16. Despite that the access to protection in the country of origin is of essence, not in all cases the information about the situation of women – victims of violence – is properly collected. For instance, in 2023, the Supreme Administrative Court quashed the judgment of the Provincial Administrative Court in Warsaw as the latter had not noticed that the information gathered in the administrative proceedings did not unambiguously support the authorities' claim that the asylum seeker could seek protection against domestic violence in her country of origin.²⁰ Moreover, the general country-of-origin reports usually do not contain a section on the situation of women. Accordingly, separate reports in this regard must be requested if needed. However, in practice, such separate reports are not often drafted. In some cases, it led to relying on outdated data by the asylum authorities.

17. Furthermore, Polish authorities often question the credibility of foreigners' statements concerning violence that they experienced in the past or they fear in the future. For example, in a case decided in 2023, the Supreme Administrative Court not only rejected the objective reasons to fear domestic violence in the applicant's country of origin but also its subjective aspects. The court indicated that the applicant acted unnaturally after being once again attacked by her brother: she moved to another city in Kazakhstan rather than to Poland where her husband lived. According to the court, "the natural reaction of a single woman fearing harm and violence from her brother should be to seek help and protection of her husband". Thus, the court concluded that there is no logical connection between the applicant's claims regarding her fear of persecution and the circumstances and reasons for her to leave Kazakhstan.²¹

B. *Lacking gender-sensitive asylum procedures*

18. Under Article 68 of the Act on Protection, the Head of the Office for Foreigners (the first-instance body in asylum proceedings) assesses whether a victim of psychological, physical, including sexual violence, as well as

¹⁹ Refugee Board in case no. RdU-196-1/S/23, decision of 20 June 2023.

²⁰ Supreme Administrative Court in case no. II OSK 531/23, judgment of 12 July 2023. See also SIP, *Refugee Council: institutional support for single mothers in their country of origin should be investigated*, 23 June 2024, <https://interwencjaprawna.pl/en/refugee-council-institutional-support-for-single-mothers-in-their-country-of-origin-should-be-investigated/>.

²¹ Supreme Administrative Court in case no. II OSK 2566/21, judgment of 23 February 2023.

violence based on gender, sexual orientation and gender identity, requires special treatment within the asylum procedure. This special treatment may include taking procedural steps:

- A. in conditions that ensure the foreigner's freedom of expression, in a manner appropriate to their mental and physical condition;
- B. at a time appropriate to the applicants' mental and physical condition, taking into account the foreigner's need to access the healthcare services;
- C. at the foreigner's place of residence, if justified by their health;
- D. if necessary, with the participation of a psychologist, physician, or interpreter.

Moreover, at the request of a foreigner who is a vulnerable person, in cases justified by their needs, the procedural steps shall:

- A. be performed by a person of the same sex;
- B. be performed with the participation of a psychologist, physician, or interpreter of the gender indicated by the foreigner.

20. In practice, however, the Head of the Office for Foreigners does not assess *ex officio* whether the applicant should obtain special treatment within the asylum procedure. It must be requested by the applicant herself who often is not aware of these procedural guarantees. Meanwhile, access to legal assistance is not guaranteed in the first-instance asylum proceedings.

21. Moreover, interviews with women – victims of violence are not always conducted in presence of a psychologist. In one of the SIP's cases, the Office for Foreigners interviewed a woman without a psychologist despite knowing that she had experienced sexual violence in the past and instead of her direct request for an interview in the presence of a psychologist.²² In another case, a domestic violence victim indicated during the interview that she feels devastated and asked for the assistance of a psychologist. Interview continued despite this request. The Refugee Board and Provincial Administrative Court in Warsaw did not consider it problematic; only the Supreme Administrative Court indicated that the applicant should have been interviewed in presence of a psychologist and quashed the preceding judgment and decisions.²³

22. Psychologists are usually not taking a very active part in the interview. They observe the psychophysical condition of the applicant and can request taking a break when it is needed. However, some psychologists choose to

²² SIP, *SIP w działaniu. Raport z działalności Stowarzyszenia Interwencji Prawnej w 2022 roku*, 2023, https://interwencjaprawna.pl/wp-content/uploads/2021/01/SIP-w-dzialaniu_raport-2022.pdf, 21.

²³ Supreme Administrative Court in case no. II OSK 531/23, judgment of 12 July 2023.

not react even when the applicant shows signs of nervous breakdown. In 2026, during the interview of a woman who had experienced sexual, physical and psychological violence in the past, the psychologist did not react when the interviewee started to have a panic attack that eventually led to vomiting. No break was requested; no psychological assistance was offered.

23. Moreover, detained victims of violence are still mostly interviewed via videoconferencing tools, regardless of their psychophysical condition. Asylum interviews conducted by means of distant communication do not allow to establish and maintain a sufficiently safe atmosphere of trust with an asylum seeker, especially a vulnerable one like victims of violence, that is necessary to allow her to freely present reasons to seek asylum.

24. Furthermore, interviews with asylum seekers are never recorded, even if the applicant requests it. It puts an undue hardship on, or in certain cases makes it impossible for, an asylum seeker to challenge the accuracy of the protocol (written down in Polish) later. Meanwhile, inconsistencies in the interview report can have far-reaching negative consequences for an asylum seeker, especially in cases where credibility is of essence. Despite the fact that the possibility to record asylum interviews was introduced into the law in 2015, the Office for Foreigners reiterates that they do not consider it needed.

25. Lastly, external psychological opinions submitted within asylum proceedings are insufficiently considered by national authorities. For example, in a case of a citizen of the Democratic Republic of Congo, a survivor of multiple instances of violence, an expert opinion indicated that she displayed symptoms of PTSD. Nevertheless, the Head of the Office for Foreigners failed to consider the circumstances highlighted by the psychologist and concluded that her testimony lacked credibility due to inconsistencies in her statements. The Refugee Board quashed this decision indicating that an opinion of a forensic psychologist must be obtained to assess whether the applicant is a survivor of violence. It also noticed that her mental state could have affected her testimonies.²⁴ While the Refugee Board's decision may be seen as a good practice, it is rather exceptional. In other cases, similar arguments invoked on appeal had not led to repealing the authorities' negative decisions.²⁵

²⁴ SIP, *The Opinion of a Forensic Psychologist Is a Key Piece of Evidence in Cases Involving Survivors of Violence*, 15 May 2025, <https://interwencjaprawna.pl/en/the-opinion-of-a-forensic-psychologist-is-a-key-piece-of-evidence-in-cases-involving-survivors-of-violence/>.

²⁵ See e.g. Supreme Administrative Court in case no. II OSK 2566/21, judgment of 23 February 2023.

26. Overall, it must be concluded that asylum procedures in Poland are still not sufficiently gender-sensitive, in violation of Article 60(3) of the Istanbul Convention. This conclusion was shared by the Special Rapporteur on violence against women and girls in 2024.²⁶

POLISH-BELARUSIAN BORDER

27. Since August 2021, access to asylum has been severely limited at the Polish-Belarusian border. In response to the increased numbers of third-country nationals crossing this border, Poland changed its laws, first by introducing the possibility of pushing an irregular entrant back to Belarus (by the Regulation of 20 August 2021²⁷) and next by extending the powers of the Border Guard officers' who can now issue a decision on immediate return in case of a person apprehended upon irregular crossing of the border (the Law on Foreigners amended in October 2021 by adding Art. 303b). Implementing those laws, Polish authorities often ignored a right to asylum of persons pushed back to Belarus: their pleadings for asylum were not heard and asylum applications were not registered. In law and practice, being a victim of violence, gender-based as any other, has not been a reason to refrain from pushing the person concerned back to Belarus and from denying them access to asylum.

28. In March 2025, Poland decided to suspend the right to asylum at the Belarusian border. The suspension is broadly applied in practice: not only to persons asking for asylum at the Belarusian border but also to those already at the Polish territory who entered Poland via this border (e.g. third-country nationals in immigration detention centres).²⁸ The exceptions from the suspension apply only to some foreigners, i.e. unaccompanied minors, pregnant women, persons requiring special treatment e.g. due to their age or state of health, persons in respect of whom there are circumstances clearly indicating that they face a real risk of suffering serious harm in Belarus, and nationals of Belarus (a country involved in the instrumentalisation of

²⁶ *Visit to Poland: Report of the Special Rapporteur on violence against women and girls, its causes and consequences*, 3 May 2024, <https://docs.un.org/en/A/HRC/56/48/Add.1>, 10.

²⁷ *Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 20 sierpnia 2021 r. zmieniające rozporządzenie w sprawie czasowego zawieszenia lub ograniczenia ruchu granicznego na określonych przejściach granicznych*.

²⁸ SIP, *Poland refuses to accept asylum applications nationwide*, 2025, <https://interwencjaprawna.pl/en/poland-refuses-to-accept-asylum-applications-nationwide/>.

migration). Victims of violence are not directly mentioned as an exception. Moreover, even the exceptions expressly provided for in law are applied in a discretionary and restrictive manner.²⁹

29. The anti-asylum and pushback policy of Poland concerns also women, including the pregnant ones³⁰, unaccompanied girls,³¹ and victims of violence. The total number of affected women is unknown. In 2022-2026 (until May), decisions on immediate return based on Art. 303b of the Act on Foreigners were issued with regard to 438 women.³² However, the Border Guard have not shared data for 2021 and it does not gather data concerning the returned migrants' sex with respect to removals based on the Regulation of 20 August 2021.³³ According to the civil society's reports, only in 2023-2024, 680 women were reported asking for humanitarian assistance during their stay in the border zone.³⁴

30. Persons crossing the Polish-Belarusian border are exposed to violence of Belarusian and Polish forces. Both states use violence towards irregular migrants that in some cases can be considered inhuman and degrading treatment if not tortures. Numerous instances of women being illtreated at the border were reported by the civil society organizations. For example, an Ethiopian woman, who was pushed back three times to Belarus in 2023, was hand-cuffed and pepper-sprayed before being forced to cross the river at

²⁹ Zuzanna Kaciupska, 'Asylum Procedure', in: ECRE, *AIDA Country Report Poland: Update on 2025*, June 2026, https://asylumineurope.org/wp-content/uploads/2026/06/AIDA-PL_2025-Update.pdf, 22, 30.

³⁰ We Are Monitoring, *I said „I want to stay in Poland” but they pushed me back. 12 months of the new government on the Polish-Belarusian border*, 2025, <https://wearemonitoring.org.pl/wp-content/uploads/2025/02/WAM-12-months-of-the-new-government.pdf>, 58; We Are Monitoring, *THEY DID NOT LET US SPEAK. THE “TEMPORARY” SUSPENSION OF HUMAN RIGHTS AT THE POLAND-BELARUS BORDER*, 2026, <https://wearemonitoring.org.pl/wp-content/uploads/2026/04/They-did-not-let-us-speak-WAM.pdf>, 40.

³¹ We Are Monitoring, *THEY DID NOT LET US SPEAK. THE “TEMPORARY” SUSPENSION OF HUMAN RIGHTS AT THE POLAND-BELARUS BORDER*, 2026, <https://wearemonitoring.org.pl/wp-content/uploads/2026/04/They-did-not-let-us-speak-WAM.pdf>, 40.

³² Letter from the Border Guard Headquarters, 25 June 2026, no. KG-OI-VIII.0180.118.2026.

³³ Ibid.

³⁴ We Are Monitoring, *Pepper spray in a bottle of water. Annual report 2023 on the Polish-Belarusian border*, 2024, <https://wearemonitoring.org.pl/wp-content/uploads/2024/10/Pepper-spray-in-a-bottle-of-water-2023.pdf>, 5; We are monitoring, *A summary of the year 2024 at the Polish-Belarusian border*, 2025, <https://wearemonitoring.org.pl/wp-content/uploads/2025/04/WAM-summary-2024.pdf>, 5.

the Polish-Belarusian border.³⁵ In 2024, another woman stated that she was beaten up, searched by a man, her sweater was ripped off, and pepper-spray was used to force her to cross the border back to Belarus.³⁶ Also in 2024, it was reported that the Polish officers forced migrants to carry an unconscious woman with broken hands to the other side of the border³⁷ and that a woman was shot close to her eye by the Polish officer while she was still on the Belarusian side of the border.³⁸ In the report published in 2026, a testimony of a man travelling with his sister was accounted for:

“(…) the violence was worse on the Polish side than on the Belarusian side. Because the Belarusians did not beat women, they did not torture women, they only beat the men. But on the Polish side, they beat everyone. What I could add is the violence against women on the Polish side. It affected me deeply; it affected all of us. The women who were crying in the forest—it was terrifying. They were treated as if they were animals.”³⁹

Instances of sexual violence – by Polish and Belarusian forces – were also reported at this border.⁴⁰

³⁵ We Are Monitoring, *We have only one war, which is migration, which is you. The policy of pushbacks and border forces violence on the Polish-Belarusian border*, 2024, https://wearemonitoring.org.pl/wp-content/uploads/2024/10/RaportGranica_srodek_ENG_online.pdf, 113-115.

³⁶ We Are Monitoring, *Pepper spray in a bottle of water. Annual report 2023 on the Polish-Belarusian border*, 2024, <https://wearemonitoring.org.pl/wp-content/uploads/2024/10/Pepper-spray-in-a-bottle-of-water-2023.pdf>, 11.

³⁷ We Are Monitoring, *I said „I want to stay in Poland” but they pushed me back. 12 months of the new government on the Polish-Belarusian border*, 2025, <https://wearemonitoring.org.pl/wp-content/uploads/2025/02/WAM-12-months-of-the-new-government.pdf>, 94.

³⁸ Zuzanna Kaciupska, ‘Reception conditions’, in: ECRE, *AIDA Country Report Poland: Update on 2025*, June 2026, https://asylumineurope.org/wp-content/uploads/2026/06/AIDA-PL_2025-Update.pdf, 90

³⁹ We Are Monitoring, *THEY DID NOT LET US SPEAK. THE “TEMPORARY” SUSPENSION OF HUMAN RIGHTS AT THE POLAND-BELARUS BORDER*, 2026, <https://wearemonitoring.org.pl/wp-content/uploads/2026/04/They-did-not-let-us-speak-WAM.pdf>, 50.

⁴⁰ Ibid., 67-68, 77; We Are Monitoring, *I said „I want to stay in Poland” but they pushed me back. 12 months of the new government on the Polish-Belarusian border*, 2025, <https://wearemonitoring.org.pl/wp-content/uploads/2025/02/WAM-12-months-of-the-new-government.pdf>, 60; We Are Monitoring, *I said „I want to stay in Poland” but they pushed me back. 12 months of the new government on the Polish-Belarusian border*, 2025, <https://wearemonitoring.org.pl/wp-content/uploads/2025/02/WAM-12-months-of-the-new-government.pdf>, 119; Katarzyna Czarnota and Marta Górczyńska, *The Lawless Zone: Polish-Belarusian Border Monitoring*, 2022, <https://hfhr.pl/upload/2023/09/the-lawless-zone.pdf>, 32.

31. Moreover, migrants and asylum seekers are often stuck in the border area for days or weeks without proper access to drinking water, food or shelter, often in challenging weather conditions. To avoid pushbacks and violence, foreigners attempt to cross the border via rivers or swamps, which significantly increases risks for their life and limb. So far, 107 persons died at the Polish-Belarusian border, including at least 11 women.⁴¹ For instance, an Ethiopian woman – Mahlet Kassa Asfaw – was found dead in 2023. Polish authorities were informed by other third-country nationals about her bad medical condition but took no action to find her and provide her with medical assistance. Instead, they pushed the informants back to Belarus. A criminal investigation was conducted but was later discontinued: prosecutors reached the conclusion that she died from natural causes and have not considered the impact on her death of the Polish forces' inaction. Another woman – Rajaa – died in Belarus after being pushed back from Poland despite having chest pains and problems with breathing and movement. Yet another woman – Avin – miscarried and died from hypothermia and acidosis in the Polish hospital, where she was taken after the civil society's intervention which prevented her pushback to Belarus.⁴²

32. Despite numerous reports on pushbacks, violence and deaths at the Polish-Belarusian border since 2021, so far, no Border Guard officer nor soldier was held accountable for its actions at the border.

RETURN PROCEEDINGS AND HUMANITARIAN STAY

33. A third-country national shall be granted a permit for a humanitarian stay in Poland, if his/her return to the country of origin would pose a threat to his/her life, freedom or personal security, or he or she could be subjected to torture, inhuman or degrading treatment or punishment (Article 348 of the Act on Foreigners). Gender-based violence is not specifically mentioned as a basis for granting this permit. However, the vast majority of acts related to gender-based violence should fall under this provision.

34. It is unknown how many victims of gender-based violence received a permit for humanitarian stay in Poland. In general, this permit is rarely granted. In 2025, it was given to 86 persons (including 52 women, albeit

⁴¹ As of 4 June 2026, see the list of the deceased created by the We Are Monitoring, available here: <https://wearemonitoring.org.pl/en/list-of-the-deceased/>.

⁴² Ibid.

specific reasons for granting this permit are unknown), while 14.903 third-country nationals received decisions on return.⁴³

35. Within the return proceedings, similarly as in the asylum procedure, the credibility of women – victims of violence is often questioned, so as the risk of gender-based violence in their countries of origin. Moreover, in case of failed asylum seekers, the Border Guard – which is responsible for conducting return proceedings – often relies heavily on the evidence gathered within the asylum procedure and do not conduct its own in-depth examination.

36. While some women – victims of violence were granted humanitarian stay in Poland, it was usually more related with the situation of their children, in particular the children's integration in Poland,⁴⁴ rather than the violence experienced and risked by their mother.

37. Taking into account these observations, it must be concluded that women who are victims of violence are not sufficiently and effectively protected against refoulement within return proceedings, in violation of Article 61 of the Istanbul Convention.

IMMIGRATION DETENTION

38. Immigration detention of migrant and asylum-seeking women is allowed pending asylum and return proceedings. Accompanied (in any age) and unaccompanied girls (over 15 years old) can be detained too. In 2026, the law concerning immigration was changed: until January asylum-seeking unaccompanied minors could not be detained but now it is permissible.⁴⁵ Pregnant women can be detained, however their stay in the arrest for foreigners (a more restrictive detention setting) is limited up to the 4th month of pregnancy. Afterwards, pregnant women are transferred to the regular immigration detention centres (*strzeżone ośrodki dla cudzoziemców*,

⁴³ Data of the Office for Foreigners for 2025, <https://www.gov.pl/web/udsc/zestawienia-roczne>.

⁴⁴ Humanitarian stay is granted also in cases when the return would violate the rights of the child, as defined in the Convention on the Rights of the Child, to an extent that would significantly threaten his or her psychophysical development.

⁴⁵ Maja Łysienka, *Poland – More Migrant Children To Be Detained Following Controversial Legislative Changes*, Global Detention Project Blog, 11 February 2026, <https://www.globaldetentionproject.org/guest-post-poland-more-migrant-children-to-be-detained-following-controversial-legislative-changes>.

guarded centres for foreigners). Miscarriages in the detention centres were reported by NGOs.⁴⁶

39. Under the law, victims of violence should not be detained (Art. 400 of the Act on Foreigners and Art. 88a(3) Law on Protection). However, due to a faulty identification mechanism and the unfavourable national practice, victims of violence, including gender-based violence, are detained in the guarded centres for foreigners pending asylum and return proceedings.⁴⁷ To assess vulnerability and exposure to violence of detainees, the Border Guard continues to apply internal guidelines which were considered by the National Preventive Mechanism incoherent with national law and international standards, including the Istanbul Protocol.⁴⁸

40. Providing legal assistance in the guarded centres for foreigners, SIP revealed many instances of detention of victims of violence. For example, in the ECtHR case of *A.A. v. Poland*, the government admitted that the applicant – a rape survivor – was detained in Poland for months in breach of Article 5(1)(f) and (4) of the ECHR.⁴⁹ Another case – *Z.E. and Others v. Poland* – concerned a victim of domestic violence detained with her four children for 10 months in Poland. The applicants reached friendly settlement before the ECtHR and the compensation of EUR 23.000 was paid to the family.⁵⁰ In

⁴⁶ FIPP, *Migrants have the right to have rights – detencja cudzoziemców*, 2022, <https://panstwoprawa.org/wp-content/uploads/2024/10/Detencja.pdf> 57-58, ECtHR, *V.M. and Others v. Poland*, no. 40002/22, communicated on 10 January 2023, <https://hudoc.echr.coe.int/eng?i=001-222999>.

⁴⁷ Ewa Ostaszewska-Żuk, 'Detention of asylum seekers', in: *ECRE, AIDA Country Report Poland: Update on 2025*, June 2026, https://asylumineurope.org/wp-content/uploads/2026/06/AIDA-PL_2025-Update.pdf, 106-108.

⁴⁸ Commissioner for Human Rights, *Situation of foreigners in guarded centres during the Poland-Belarus border crisis*, 2022, https://bip.brpo.gov.pl/sites/default/files/2022-08/Situation%20of%20foreigners%20in%20guarded%20centres%20during%20the%20Poland-Belarus%20border%20crisis_0.pdf, 48.

⁴⁹ ECtHR, *A.A. v. Poland*, no. 47888/19, decision of 29 September 2020, <https://hudoc.echr.coe.int/eng?i=001-205703>.

⁵⁰ SIP, *We are trying to win compensation for a mother with children who were all placed in a guarded centre for foreigners*, 16 April 2021, <https://interwencjaprawna.pl/en/we-are-trying-to-win-compensation-for-a-mother-with-children-who-were-all-placed-in-a-guarded-centre-for-foreigners/>; SIP, *ECHR communicates case against Poland: the detention of a mother who suffered domestic violence with her children*, 22 July 2021, <https://interwencjaprawna.pl/en/echr-communicates-case-against-poland-the-detention-of-a-mother-who-suffered-domestic-violence-with-her-children/>; ECtHR, *Z.E. and Others v. Poland*, no. 4457/18, decision of 1 July 2021, <https://hudoc.echr.coe.int/eng?i=001-211517>.

another case, a family of three who suffered violence in the past received a compensation for their unlawful detention lasting 2.5 months.⁵¹ In yet another case, a transgender woman was detained with men and only upon the SIP's intervention was released.⁵²

41. In 2024, the Special Rapporteur on violence against women and girls noticed after her visit in Poland that "(t)he detention of children, pregnant women and individuals with mental health concerns in closed immigration facilities is not in line with international standards. Although children with accompanying adults are placed together, the detention of unaccompanied children with unrelated adults is concerning. Detention of children and other vulnerable individuals, including girls, violates the principle of the best interests of the child and also exacerbates trauma".⁵³ As of 2026, this conclusion remains valid.

42. Regarding the conditions of detention, the Rapporteur also stated that "access to adequate health care, including sexual and reproductive health services, psychosocial support, translation and information services is limited. According to information received, the poor conditions have exacerbated the trauma that many of those placed in these facilities suffer from, including as a result of events they have experienced in their own countries. While survivors of torture and/or trauma and persons with serious mental health issues can be released after an assessment by a psychologist, in accordance with the national legislation, this appears not to be implemented in practice."⁵⁴ This assessment, published in 2024, is still up-to-date as of July 2026.

RECEPTION

43. Under Article 68 of the Law on Protection, persons who need special treatment with regard to reception include, inter alia, pregnant women, single parents, victims of human trafficking, seriously ill persons, mentally

⁵¹ SIP, *Compensation for wrongful detention of a post-violence family of three*, 19 June 2023, <https://interwencjaprawna.pl/en/compensation-for-wrongful-detention-of-a-post-violence-family-of-three/>.

⁵² SIP, *Transgender woman released from a guarded center for male foreigners*, 13 March 2024, <https://interwencjaprawna.pl/en/transgender-woman-released-from-a-guarded-center-for-male-foreigners/>.

⁵³ *Visit to Poland: Report of the Special Rapporteur on violence against women and girls, its causes and consequences*, 3 May 2024, <https://docs.un.org/en/A/HRC/56/48/Add.1>, 11.

⁵⁴ Ibid.

disordered people, victims of torture and victims of violence (psychological, psychical, including sexual). Being recognized as a person requiring special treatment affects where and how the applicant is accommodated.

44. Single women and women with children were beforehand accommodated in the special reception centre in Warsaw. The centre was closed in August 2021 and a new centre was not opened. Thus, single women and women with children, including victims of violence, are currently accommodated in the Podkowa Leśna-Dębak reception centre.⁵⁵ They live in a separate building within the complex (where also men live); however, it does not provide as much privacy and security as the Warsaw centre did.

45. Asylum-seeking women can also live outside the reception centre and receive financial assistance for this purpose. However, the amount of this assistance is very low, max. PLN 25 per day, and proves to be insufficient to cover all accommodation and other living expenses. Meanwhile, asylum seekers are not allowed to work for the first six months of their asylum procedure.

46. The tripartite teams in the reception centres continue their work, however, the number of the reported cases remains low. In 2025, 35 cases of violence were reported.⁵⁶

47. Medical and psychological assistance available to asylum-seeking women is continuously insufficient.⁵⁷

PERSONS DISPLACED FROM UKRAINE

48. Starting from 24 February 2022, persons displaced from Ukraine, including victims of violence, are granted in Poland temporary protection. The scope of rights associated with this legal status was gradually reduced over time. These amendments also affected women - victims of violence.

49. Access to collective accommodation was limited from March 2023 where a co-payment obligation was introduced. Since Autumn 2025, only vulnerable applicants could live in the collective accommodation centres. In March 2026 rules changed again and vulnerable temporary protection beneficiaries may be given access to collective accommodation only if they cannot organise housing by themselves. The list of "vulnerable persons" changed over time and now includes: some persons with a disability, some

⁵⁵ Zuzanna Kaciupska, 'Reception conditions', in: ECRE, *AIDA Country Report Poland: Update on 2025*, June 2026, https://asylumineurope.org/wp-content/uploads/2026/06/AIDA-PL_2025-Update.pdf, 94.

⁵⁶ Ibid.

⁵⁷ Ibid., 84-86.

elderly, pregnant women, carers of children of up to 1 year old, unaccompanied children within foreign foster care and some hospitalized persons. Victims of violence have not been included in this list, which was criticized by many actors.⁵⁸

50. Access to medical and psychological assistance was given to most temporary protection beneficiaries at the level similar to Polish citizens. However, since March 2026, it has been grossly limited to only five categories of beneficiaries, including torture survivors, rape victims and pregnant women. Torture survivors and rape victims need the confirmation issued by the Office for Foreigners to access general healthcare system. According to this Office for Foreigners, "Beneficiaries of temporary protection who, in connection with Russia's invasion of Ukraine, are victims of torture or rape, in order to receive a certificate confirming such circumstances, should attach to the application for the certificate *all available documentation on this subject*, including medical and forensic documentation, as well as information regarding reporting of the above-mentioned facts to law enforcement authorities".⁵⁹ Thus, only victims of torture and rape who are able to prove their ill-treatment are eligible to receive medical assistance in Poland.

SUPPORT FOR THE VICTIMS OF GBV

51. The system providing support for victims of domestic violence is twofold: one is based on the Act on Counteracting Domestic Violence, which comprises shelter and legal and psychological support - this support can be used by all women regardless of the type of legal residence of a migrant in Poland. The difficulty, however, is the low availability of this support - there are only 35 centers in Poland. In this context, the majority of victims of gender-based violence benefit from support in the form of crisis intervention and accommodation in social welfare institutions - crisis intervention centers (*ośrodki interwencji kryzysowej*). Nevertheless, these facilities are not available to a large group of migrant women: asylum seekers, holders of visas, undocumented migrants, holders of humanitarian or tolerated stay permits. These categories of migrants remain unprotected. At the same time,

⁵⁸ Maja Łysienia, 'Temporary protection Poland', in: ECRE, *AIDA Country Report Poland: Update on 2025*, June 2026, https://asylumineurope.org/wp-content/uploads/2026/06/AIDA-PL_Temporary-Protection_2025.pdf, 20.

⁵⁹ Office for Foreigners, 'Informacja o wydawaniu zaświadczeń ofiarom tortur lub gwałtu', 9 March 2026, <https://www.gov.pl/web/udsc/informacja-o-wydawaniu-zaswiadczen-ofiarom-tortur-lub-gwaltu>.

good practices can be observed in larger cities (e.g. Warsaw, Wrocław), where crisis intervention centres often cooperate closely with non-governmental organisations (e.g. The Good Start Foundation, Nomada Association) and, in practice, admit all migrant women experiencing violence, regardless of their migration status.

52. A significant problem that remains, however, is the language barrier, which limits migrant women's effective access to protection measures against violence, both in shelters and within the so-called "Blue Card" procedure. The individual assistance plan under the "Blue Card" procedure is a set of measures developed jointly by the diagnostic and support group and the person experiencing violence. Where language support is provided by a non-governmental organisation, the victim is able to communicate with the diagnostic and support group and take part in shaping the assistance plan. In other cases, however, interpretation is not available. As a result, migrant women who do not speak Polish may be formally included in the procedure but, in practice, unable to understand it, communicate their needs, or effectively exercise their rights.

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