



Ministry of Foreign Affairs  
Republic of Poland

---



## FIFTH REPORT

---

ON THE IMPLEMENTATION  
AND DISSEMINATION  
OF INTERNATIONAL  
HUMANITARIAN LAW  
IN THE REPUBLIC OF POLAND  
FOR 2019–2023

## **Fifth Report**

on the implementation  
and dissemination  
of international humanitarian law  
in the Republic of Poland  
for 2019–2023

**Edited by:**

Legal and Treaty Department team, Ministry of Foreign Affairs of the Republic of Poland: Artur Harazim, Sławomir Majszyk, Dorota Krasieńska, Andrzej Misztal, Ewa Małys  
in cooperation with:

Ministry of National Education, Ministry of Culture and Natural Heritage, Ministry of National Defence, Ministry of the Interior and Administration, Ministry of Justice, Ministry of Health, Polish Red Cross, Department of the United Nations and Human Rights of the MFA, Security Policy Department of the MFA, Department of Development Cooperation of the MFA

**Front cover photograph:**

Polish Red Cross

**Graphic design and typesetting:**

Paweł Maszerowski „Heroldart”  
ul. Pużaka 4 m. 27  
02-495 Warszawa

© Copyright by the Ministry of Foreign Affairs of the Republic of Poland  
Legal and Treaty Department  
al. J.Ch. Szucha 23  
00-580 Warszawa  
[gov.pl/dyplomacja](http://gov.pl/dyplomacja)

**Number of copies:**

200

ISBN 978-83-66213-98-2

**Printed and bound by:**

Zakład Poligraficzny Sindruk  
ul. Firmowa 12  
45-594 Opole

# Table of contents

Abbreviations / 7

Introduction / 9

PART I / 11

**Implementation of international humanitarian law / 11**

**Chapter 1 / 11**

**Interpretation of international humanitarian law in Poland - objectives and principles / 11**

**Chapter 2 / 14**

**International law in the Polish legal system / 14**

2.1. Poland's procedure for becoming bound by international treaties / 14

2.2. Pledges relating to international humanitarian law made by Poland at the 33<sup>rd</sup> ICRCRC / 17

**Chapter 3 / 20**

**Restrictions on methods and means of warfare / 20**

**Chapter 4 / 26**

**Protection of certain categories of persons / 26**

4.1. Protection of civilians / 26

4.2. Protection of medical and religious personnel / 30

4.3. Protection of Polish Red Cross staff and staff of other humanitarian organisations / 32

4.4. Prisoners of war / 35

4.5. Refugees / 35

## **Chapter 5 / 44**

### **Protection of specific categories of locations and facilities / 44**

- 5.1. Protection of the natural environment in armed conflicts / 44
- 5.2. Protection of cultural property / 46
- 5.3. Protection of civilian and military hospitals / 52
- 5.4. Protection of works and installations containing dangerous forces / 53
- 5.5. Zones and localities under special protection / 54
- 5.6. Administration of graves / 55

## **Chapter 6 / 57**

### **Responsibility for breaches of international humanitarian law / 57**

- 6.1. Criminal legislation dealing with violations of international humanitarian law / 57
- 6.2. Criminal legislation relating to war crimes – grave breaches of the Geneva Conventions and of Protocol I / 58
- 6.3. Criminal legislation relating to wartime offences other than grave breaches of the Geneva Conventions and of Protocol I / 64
- 6.4. Criminal legislation relating to the crime of genocide / 65
- 6.5. Jurisdiction and competence of courts / 68
- 6.6. Liability of superiors / 69
- 6.7. On-order action / 70
- 6.8. Non-applicability of statutory limitations / 71
- 6.9. Jurisdiction of Polish courts in criminal matters and the duty to prosecute crimes under the Geneva Conventions / 72

## **Chapter 7 / 76**

### **Competence of domestic authorities and organisations in respect of the implementation of international humanitarian law / 76**

## PART II / 79

### Dissemination of international humanitarian law / 79

#### Chapter 1 / 79

##### Activities of the state administration in respect of the dissemination of international humanitarian law / 79

1.1. The Commission for International Humanitarian Law / 79

1.2. Ministry of Foreign Affairs / 80

1.3. Ministry of National Education / 80

1.4. Ministry of Culture and National Heritage / 83

1.5. Ministry of National Defence / 85

1.5.1. The establishment of the International Centre for Training and Research on Cultural Heritage in Danger / 85

1.5.2. Seminars and international courses / 86

1.5.3. Training for candidates for professional members of the military / 87

1.5.4. Lifelong education in the professional development of professional members of the Polish Armed Forces / 87

1.5.5. Publications / 92

1.5.6. Ministry of the Interior and Administration / 93

#### Chapter 2 / 96

##### Activities of the Polish Red Cross in relation to the dissemination of international humanitarian law / 96

2.1. Polish School of International Humanitarian Law / 96

2.2. Organisation of the meetings and coordination of the works of the Commission for the Dissemination of International Humanitarian Law / 97

2.3. Organisation of the meetings and coordination of the works of the Commission for the Protection of the Red Cross Emblem and the protection of the emblem against misuse / 98

- 2.4. Participation in the consulting works of the European Legal Support Group / 98
- 2.5. Training and talks on international humanitarian law / 99
- 2.6. “Exploring Humanitarian Law” educational programme / 99
- 2.7. Professor Remigiusz Bierzanek Thesis Competition / 100
- 2.8. Library of International Humanitarian Law / 100
- 2.9. The ICRC Customary IHL Database / 101
- 2.10. Humanitarian diplomacy / 101

### **Chapter 3 / 104**

**Poland’s activities in the forums of the UN relating to the promotion and strengthening of international humanitarian law, 2019–2023 / 104**

## **ANNEXES / 116**

### **Annex I / 116**

**List of multilateral international agreements in the field of international humanitarian law to which Poland is party / 116**

### **Annex III / 126**

**Contact details of Polish national authorities and organisations competent in the area of the implementation and dissemination of international humanitarian law in the Republic of Poland / 126**

# Abbreviations

**GC I** — Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, signed at Geneva on 12 August 1949 (JoL of 1956, item 171, appendix)

**GC II** — Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, signed at Geneva on 12 August 1949 (JoL of 1956, item 171, appendix)

**GC III** — Convention relative to the Treatment of Prisoners of War, signed at Geneva on 12 August 1949 (JoL of 1956, item 171, appendix)

**GC IV** — Convention relative to the Protection of Civilian Persons in Time of War, signed at Geneva on 12 August 1949 (JoL of 1956, item 171, appendix)

**CC SFS** — Chief Commandant of the State Fire Service

**CC** — the Act of 6 June 1997 - Criminal Code (JoL 2024, item 17)

**Geneva Conventions** — Conventions relating to the Protection of Victims of Armed Conflicts, signed at Geneva on 12 August 1949 (JoL of 1956, item 171, appendix)

**Constitution** — Constitution of the Republic of Poland of 2 April 1997 (JoL, item 483, as amended)

**Ottawa Treaty** — Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, done at Oslo on 18 September 1997 (JoL of 2013, item 323)

**CCP** — the Act of 6 June 1997 - Code of Criminal Procedure (JoL of 2024, item 37, as amended)



**MNE** — Ministry of National Education

**ICRC** — International Committee of the Red Cross

**ICRCRC** — International Conference of the Red Cross and Red Crescent

**MCNH** — Ministry of Culture and National Heritage

**MND** — Ministry of National Defence

**IHL** — international humanitarian law

**MIA** — Ministry of the Interior and Administration

**MFA** — Ministry of Foreign Affairs

**PRC** — Polish Red Cross

**PA I** — Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), done at Geneva on 8 June 1977 (JoL of 1992, item 175, appendix)

**PA II** — Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), done at Geneva on 8 June 1977 (JoL of 1992, item 175, appendix)

**Additional Protocols** — Protocols Additional to the Geneva Conventions of 12 August 1949, done at Geneva on 8 June 1977 (JoL of 1992, item 175, appendix)

**JU** — Jagiellonian University

**UW** — University of Warsaw

**MUT** — Military University of Technology

# Introduction

Dear Readers,

I have the honour to present you with the Fifth Report on the Implementation and Dissemination of International Humanitarian Law in the Republic of Poland, summarising the measures taken both at home and abroad by competent public authorities, public institutions and the Polish Red Cross between 2019 and 2023.

The purpose of this Report is to continue reviewing the compliance of domestic legislation and practice with the norms of international humanitarian law. As with all previous reports, the present Report reflects the great store that Poland sets by international humanitarian law and especially observance of that law.

This Fifth Report will aid broader dissemination of information regarding the law of armed conflict, which remains one of the most important branches of international law. Violations of international law may result from an insufficient legal awareness on the part of political decision-makers, military commanders, members of the armed forces, or civilians. Therefore, raising awareness of international humanitarian law may lead to the said law being observed.

Observance of international humanitarian law is, after all, fundamental to the functioning of modern democratic societies, and is the practical implementation of the rule of law in international relations.

This Report could not have been produced without the significant participation of and support from: the Ministry of National Defence, Ministry of National Education, Ministry of the Interior and Administration, Ministry of Culture and National Heritage, Polish Red Cross, civilian and military higher education

institutions, and the competent departments of the Ministry of Foreign Affairs. I would like to extend my sincere thanks to all those who were involved in preparing this Report.

**Artur Harazim**

Director of the Legal and Treaty Department  
Ministry of Foreign Affairs

# PART I

---

## Implementation of international humanitarian law

### Chapter 1

#### Interpretation of international humanitarian law in Poland – objectives and principles

In this Report, the term ‘international humanitarian law’ (IHL) is understood as equivalent to the formerly used term ‘international law of war’ (*jus in bello*). International humanitarian law is composed of the *rules of combat* and *rules of protection*, that is, the rules applicable to the methods and means of warfare and those applicable to the protection of persons and property under enemy control. Similarly to other areas of international public law, humanitarian law derives from international customs shaped over centuries. Since the second half of the 19<sup>th</sup> century, both categories of rules have been codified in a number of multilateral agreements. This evolution made international humanitarian law a collection of standards with the following specific features.

First of all, international humanitarian law is one of the areas of international public law with the greatest number of multilateral treaties. The major codifications that came in the 19<sup>th</sup> and 20<sup>th</sup> centuries in the form of the Hague and Geneva Conventions were among the most significant law-making initiatives in modern international law. Moreover, besides that codification, many further conventions were adopted in the course of the so-called *progressive development* of international law inspired among other things by technological innovations in the means and methods of warfare.<sup>1</sup>

---

1. See, e.g., probably the most complete collection of such instruments: D. Schindler, J. Tomas (eds.), *The Laws*

Secondly, one of the specific features of this collection of international humanitarian law treaties has come to be the impact of the causal relationship between armed conflicts and legislative changes.

It is said that each new convention comes a war too late. Newer and newer conflicts proved that there were many gaps, ambiguities, inconsistencies, and interpretative difficulties relating to the Conventions, which forced a natural regulatory reflex, viz. the need to engage in codification efforts after a war, in order to amend and supplement existing treaty regulations.

Thirdly, a significant portion of international humanitarian law has, due to the tendency discussed above, evolved into clearer and more precise norms, which is considered to be an important factor contributing to the observance of international humanitarian law, as opposed to unclear norms or those incapable of unequivocal interpretation.<sup>2</sup> Excessively precise formulation of conventional provisions in respect of the various points of international humanitarian law may, however, also make those provisions exceedingly expansive.

Fourthly, as a specific consequence of the manner in which the norms of humanitarian law are drafted, developed and supplemented, many of them are now formulated in the language of self-executing rules, that is rules which may be applied directly, without the need to adopt domestic legislative measures.

Fifthly, unlike other subdivisions of international law, international humanitarian law has seen no reduction of the role of custom. On the contrary, international humanitarian law has been significantly strengthened by the development of a sort of collection resembling a code of norms of customary law.<sup>3</sup>

---

*of Armed Conflicts. A Collection of Conventions, Resolutions and Other Documents, Alphen aan den Rijn-Rockville and Geneva, 1981, at 933. Also consult the relevant websites of the International Committee of the Red Cross (ICRC) — Treaty Database and States Party ([www.icrc.org](http://www.icrc.org)). Noteworthy Polish compilations include Międzynarodowe prawo humanitarne konfliktów zbrojnych. Zbiór dokumentów, M. Flemming et al. (ed.), Warsaw: National Defence University of Warsaw, 2003, at 587.*

2. This is postulated by the supporters of the legitimacy theory in international relations. One of its proponents cites as an example the clarity, or 'determinancy,' of the rules on the treatment of prisoners of war (T. M. Franck, Legitimacy in the International System, *American Journal of International Law*, 1988, Vol. 82, at 713-719); though this can be considered in reference to various other regulations in humanitarian law.

3. See *Study on Customary Humanitarian Law, conducted by the ICRC and published by Cambridge University Press in 2005. The study is available on the ICRC website (<https://ihl-databases.icrc.org/en/customary-ihl>) in several language versions.*

Sixthly, significant integration efforts took place within the normative system of international humanitarian law. The above manifested itself in the slow moving away from the distinction between the law of the Hague (rules of combat), enshrined mostly in the 1899 and 1907 Hague Conventions, and the law of Geneva (rules of protection), reflected in the 1949 Geneva Conventions and the 1977 Additional Protocols. Another such manifestation is the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the *Ottawa Treaty*<sup>4</sup>), done at Oslo on 18 September 1997, which contains in a single instrument the rules of anti-war law or disarmament law (*jus contra bellum*), the rules of combat in the form of the prohibition of the use of mines, and the rules of protection in the form of protective norms applicable to civilians and combatants.

Seventhly, the trend toward convergence and integration of humanitarian law rules applicable to international and non-international armed conflicts has intensified significantly, which creates an opportunity to increase the protection extended to persons afflicted in particular by the latter conflicts.

Eighthly, strengthening and expansion is seen in that part of international law which applies to the prosecution and punishment of grave breaches and other violations of international humanitarian law. Significant development is taking place in international criminal law, conducted to especially by the establishment of several *ad hoc* tribunals, hybrid courts and tribunals, as well as a permanent International Criminal Court.

These and other specific features of international humanitarian law and the dynamic changes therein must be reflected in this Report for a better understanding of the process of the implementation and dissemination of international humanitarian law.

---

4. Polish Journal of Laws of 2013, item 323.

## Chapter 2

### International law in the Polish legal system

#### 2.1. Poland's procedure for becoming bound by international treaties

Article 9 of the Constitution of the Republic of Poland of 2 April 1997 (JoL, item 483, as amended) provides that “The Republic of Poland shall respect international law binding upon it.” In consequence, Poland has an obligation to adhere to international agreements, norms of customary international law, the general principles of international community law, and the legislative resolutions of international organisations to which Poland is party. Under Article 38(1)(d) of the Statute of the International Court of Justice, judicial decisions are of significant importance for the interpretation and implementation of international law as a subsidiary means for the determination of rules of law.

The principle enshrined in Article 9 of the Constitution acquires special significance with reference to international humanitarian law, the customary norms of which have gained strong exposure in the decisions of international courts in the past decades.<sup>5</sup> Several years' worth of work by many experts of the International Committee of the Red Cross, government consultants, and non-governmental organisations bore fruit in a list of 161 customary norms agreed upon in 2005.<sup>6</sup>

Poland becomes bound by international agreements once they are ratified by the President of the Republic of Poland or approved by the Council of Ministers. Non-ratified agreements are only binding upon the state administration authorities which conclude them, and do not constitute sources of generally applicable law (Article 87(1) of the Constitution), although they are binding on the State in international relations on a par with ratified agreements.

Ratification is required for international agreements referred to in Article 89(1) and Article 90 of the Constitution and for such other international agreements as

---

5. *Case Concerning Certain Military and Paramilitary Activities in and Against Nicaragua*, (*Nicaragua v. United States of America*), *Merits, Judgment*, I.C.J. Reports, 1986, at 14.

6. J.-M. Henckaerts, *Studium poświęcone zwyczajowemu międzynarodowemu prawu humanitarnemu: wkład w zrozumienie i poszanowanie zasad prawa dotyczących konfliktu zbrojnego*, Warsaw: Centre for the Dissemination of International Humanitarian Law attached to the Main Board of the Polish Red Cross, 2006, at 45.

themselves stipulate such a requirement or allow for ratification where justified by special circumstances.

When ratification is the case, an international agreement is concluded by the Council of Ministers, and the consent to be bound thereby is given by the President of the Republic of Poland.

The President's powers of ratification are defined by Article 133(1) of the Constitution, which provides that the President shall: "ratify and renounce international agreements, and shall notify the Sejm and the Senate thereof." The President also carries out a preliminary review concerning the conformity of the agreement to the Constitution, and pursuant to Article 133(2) may request the Constitutional Tribunal's decision on the matter before ratifying the agreement. The powers of the Council of Ministers and of the President are subject to checks on the part of the Parliament, for instance by requiring consent granted by statute for the ratification or renunciation of certain categories of agreements.

An international agreement may be ratified:

- under Article 89(2) of the Constitution, without prior consent granted by statute (*small ratification*); Article 12(2) of the Act of 14 April, 2000, on International Agreements (JoL of 2020, item 127) prescribes small ratification for: "such international agreements as stipulate a ratification requirement or allow for ratification where justified by special circumstances;"
- under Article 89(1) of the Constitution, with prior consent granted by statute (*large ratification*);
- under Article 90(2) of the Constitution, with prior consent granted by statute (agreements that delegate to an international organisation or international institution the competence of organs of State authority in relation to certain matters);
- under Article 90(3) of the Constitution, with prior consent granted in a nationwide referendum (agreements referred to in the item above).

Agreements not requiring ratification require approval by the Council of Ministers (Article 12(3) of the aforementioned Act on International Agreements).



Approval includes all ways of giving consent for a state to be bound by a treaty known to the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969 (JoL of 1990, item 439) and in international practice that do not require the consent of the head of state. Neither the President nor the Parliament participate in this procedure.

Upon promulgation in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*), a ratified international agreement constitutes part of the domestic legal system and is applied directly, unless its application depends on the enactment of a statute (Article 91(1) of the Constitution).

Ratified agreements may shape the legal situation of citizens and define their rights and obligations. An international agreement ratified upon prior consent granted by statute has precedence over statutes if that agreement cannot be reconciled with the provisions of such statutes (Article 91(2) of the Constitution).

Moreover, in line with Article 241(1) of the Constitution, international agreements previously ratified by the Republic of Poland upon the basis of constitutional provisions valid at the time of their ratification and promulgated in the Journal of Laws are considered agreements ratified with prior consent granted by statute, and are subject to Article 91 of the Constitution if their connection with the categories of matters mentioned in Article 89(1) of the Constitution derives from the terms of an international agreement.

Article 241(1) is tremendously important, as the core of the *corpus juris* of international humanitarian law, i.e., the Geneva Conventions and the Additional Protocols, were ratified by Poland before the Constitution of the Republic of Poland of 1997 was adopted. All of them were published in the Journal of Laws, and undoubtedly fall within at least one category of the matters listed in Article 89(1) of the Constitution, i.e. “freedoms, rights or obligations of citizens, as specified in the Constitution.”

In consequence, almost all international humanitarian law treaties are part of the domestic legal system, i.e., they have been incorporated into it. This, in turn, has paved the way for their direct application by the addressees of the norms, including courts of law, unless legislative changes are required for matters regulated in non-self-executing provisions. In practice, it is often preferable that the provisions of international treaties are at the same time transposed, i.e.,

incorporated into national legislation. This need is often prompted by the language of the norms itself, the complexity of the norms, or the necessity for the precise delimitation of the powers of the relevant authorities. As a result, not only non-self-executing norms, but also some of the self-executing norms, are enforced by amending statutes or inferior legislation in order to guarantee the proper implementation of international humanitarian law.

## **2.2. Pledges relating to international humanitarian law made by Poland at the 33<sup>rd</sup> ICRCRC**

In 2019, at the 33<sup>rd</sup> International Conference of the Red Cross and Red Crescent, Poland submitted pledges arising out of international humanitarian law mentioned below. These were:

- 1) *Incorporating efforts to ensure protection of persons with disabilities in the context of armed conflicts into international standards relating to persons with disabilities:* The Republic of Poland pledges efforts to incorporate, to the greatest degree possible, the protection of persons with disabilities in the context of armed conflicts into international standards relating to the protection of persons with disabilities. It also pledges support on international forums for initiatives promoting and protecting persons with disabilities in the context of armed conflicts.
- 2) *Disaster preparedness and response:* The Republic of Poland and its National Society of the Red Cross (PRC), having engaged for many years now in a partnership in risk management and disaster response, pledge to support dialogue concerning the further reinforcement of national, regional and international legal frameworks with a view to facilitating the pursuit of international responses to crisis situations and cooperation in developing and implementing relevant provisions and policies.
- 3) *Volunteering:* The Republic of Poland and its National Society of the Red Cross (PRC), having engaged for many years now in a partnership in social responsibility, pledge to specify volunteering as the fundamental form of social participation, and recognise the fundamental role of volunteers in efforts for those in need, contributing to social justice, the development of communities, and the improvement of skills of people that volunteers work with.

- 4) *Restoring family links*: The Republic of Poland and its National Society of the Red Cross (PRC), having engaged for many years now in a partnership to restore family links via the National Information and Tracing Office, agree to reinforce cooperation with a view to increasing access to support for missing persons, especially migrants and refugees, in particular in family tracing and reunion.
- 5) *Social cohesion*: The Republic of Poland and its National Society of the Red Cross (PRC) pledge to promote the understanding of, non-violence against, and respect for cultural, linguistic and religious diversity in the Polish society, including by ensuring educational efforts that promote humanitarian values and, if possible, build partnerships to promote dialogue and integration.
- 6) *Dissemination of international humanitarian law*: The Republic of Poland and its National Society of the Red Cross (PRC), having engaged for many years now in a partnership to promote, disseminate and implement international humanitarian law, recognise the importance of these activities on the national level. In this connection and in the perspective of future humanitarian challenges, the Republic of Poland and its National Society of the Red Cross pledge collaborative work towards the broadest possible dissemination and effective implementation of norms of international humanitarian law.
- 7) *Protection of Red Cross emblem*: The Republic of Poland and its National Society of the Red Cross (PRC), having engaged for many years now in a partnership to promote, disseminate and implement international humanitarian law, acknowledge as necessary emphasising the importance of the nationwide recognition and protection of the red cross emblem. In this connection, the Republic of Poland and its National Society of the Red Cross pledge to strengthen the legal mechanisms and undertake promotional and educational activities concerning the protection of the red cross emblem.
- 8) *Auxiliary role of the National Society*: The Polish Red Cross is the National Red Cross Society of the Republic of Poland within the meaning of the Geneva Conventions relating to the Protection of Victims of Armed Conflicts of 12 August 1949 (JoL, no. 38, item 171) and the Additional Protocols of 8 June 1977 (JoL 1992, no. 41, item 175). The PRC operates under the Act of 16 November 1964 on the Polish Red Cross (JoL, no. 41, item 276) and the Statutes issued thereunder, approved by virtue of the Regulation of the Council of Ministers

of 20 September 2011 (JoL, no. 217, item 1284). The Republic of Poland appreciates the unique role of the PRC and its commitment to fulfilling the mission of preventing human suffering and mitigating its consequences, as well as protecting human dignity without any discrimination on the grounds of nationality, race, sex, religious beliefs, or political convictions. For the above reason, the Republic of Poland and its National Society of the Red Cross pledge to continue their constructive dialogue with a view to strengthening the National Society's organisational potential and ensuring effective efforts for those in need.

- 9) *Supplementing normative information on Polish legislation implementing the provisions of the instruments of international humanitarian law:* The Republic of Poland and its National Society of the Red Cross (PRC), having engaged for many years now in a partnership to promote, disseminate and implement international humanitarian law, pledge to continually update normative information on Polish legislation implementing the provisions of the instruments of international humanitarian law at the website of the International Committee of the Red Cross: <https://ihl-databases.icrc.org/en/national-practice/national-implementation-of-ihl?title=&typeOfPractice=&state=18004&language=&from=&to=&sort=topic&order=&topic=>.

The present Report demonstrates significant commitment on the part of Polish authorities to the process of implementation of international humanitarian law. Despite the large number of self-executing norms contained in the Geneva Conventions and other international instruments, translation of their content into a language enabling their full implementation is necessary in many areas. The advantage of this approach lies in a fuller transposition of international norms into national legislation and the verification of any areas in which suitable domestic legal norms may be lacking.

## Chapter 3

### Restrictions on methods and means of warfare

The Armed Forces of the Republic of Poland implement positive obligations contained in and arising from international agreements binding on Poland, and prohibitions of the use of specific methods and means of warfare, while:

- conducting programmed training and supplemental training for subunits;
- conducting various forms of operational and tactical training (especially command post exercises and military tactical exercises) which prepare military commands and soldiers to accomplish missions in line with the military purpose;
- preparing military commands and soldiers to accomplish missions during operations on foreign ground in Polish military contingents;
- reflecting restrictions arising from international humanitarian law in the legislation stipulating the rules for the use of force by the soldiers of the Polish Military Contingent.

The Polish Armed Forces constantly monitor new types of materiel and equipment acquired to make sure that they meet the requirements arising from restrictions on means of warfare.

Moreover, in respect of the various individual international agreements imposing restrictions on or prohibitions of the use of specific methods and means, implementation and dissemination of IHL take the following forms:

- 1) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 (JoL of 1929, item 278) (Geneva Protocol)

Despite its imperfections and the time that has passed since its adoption, the Geneva Protocol is still relevant. This is evidenced by the fact that this Protocol is invoked in the preambles to both the 1972 Biological and Toxin Weapons Convention (BTWC) and the 1993 Chemical Weapons Convention (CWC).

- 2) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, opened for signature in London, Moscow and Washington D.C. on 10 April 1972 (JoL of 1976, item 1) (BTWC)

Poland is a State Party to the BTWC of 1972; however, regulations which would allow its full implementation have still not been introduced.

The Polish legal system features fragmented regulation concerning measures applicable to the BTWC. Unfortunately, the relevant provisions are scattered over many acts of law, and usually pertain to different objectives. Hence, aiming to identify legal gaps in the scope in question, in 2011, on the initiative of the Ministry of Foreign Affairs, an inter-ministerial working group was established to prepare a draft law on the implementation of the BTWC Convention. Its task was to develop legislative solutions allowing the full implementation of BTWC. Unfortunately, despite the works reaching an advanced stage, the bill was not enacted, and this is a significant problem for national security and public health in Poland.

The Polish Armed Forces have never possessed or researched biological weapons, fully complying with the provisions of the Convention. Each year, ministries prepare and submit contributions to Confidence Building Measures (CBMs).

- 3) Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, opened for signature in Geneva on 18 May 1977 (JoL of 1978, item 132)

The Convention prohibits the States Parties from changing – through the deliberate manipulation of natural processes – the dynamics, composition or structure of the earth. Poland complies with the provisions of this international agreement.

- 4) Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on 10 October 1980 (JoL of 1984, item 104, as amended) (CCW)

Poland is party to the CCW along with all its Protocols:

- on Non-Detectable Fragments (Protocol I) – the Polish Armed Forces do not possess weapons that employ fragments not detectable in the human body by X-ray;
- on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II, as amended on 3 May 1996).

The Polish Armed Forces have completed steps to ensure that any use of mines (other than anti-personnel mines) will comply with the Protocol's restrictions (e.g. the obligation to mark minefields, subsequently demine them, and apply the relevant documentation procedures). Poland submits national reports on the implementation of the amended Protocol II on an annual basis. These reports are available at the website of the United Nations Office at Geneva ([www.unog.ch](http://www.unog.ch)) at <https://disarmamena.tematunoda.org/ccw-amended-protocol-ii/national-annual-reports-and-data-base/ccw-apis-database/>:

- on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) – the Polish Armed Forces do not possess incendiary weapons;
  - on Blinding Laser Weapons (Protocol IV) – the Polish Armed Forces do not possess blinding laser weapons;
  - on Explosive Remnants of War (Protocol V) – Poland submits national reports on the implementation of Protocol V on an annual basis. These reports are available at the website of the United Nations Office at Geneva ([www.unog.ch](http://www.unog.ch)) at: <https://disarmamena.tematunoda.org/ccw-protocol-v-on-explosive-remnants-of-war/national-reporting-and-database/ccw-protocol-v-database/>.
- 5) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993 (JoL of 1999, item 703, as amended) (CWC)

Poland has been a State Party to the CWC since 1999, and fully complies with its obligations. The National Authority tasked with the implementation of the CWC is the Ministry of Foreign Affairs, and the following institutions are also engaged, specifically, in preparing declarations, receiving inspections, and cooperating with the OPCW: the Ministry of Development and

Technology, Ministry of National Defence, and Ministry of the Interior and Administration. The following legislation regulates the implementation of the Convention:

- the Act of 22 June 2001 on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (JoL of 2018, item 359);
- the Regulation of the Minister of Economy of 21 May 2014 on reporting on activities involving chemical compounds and precursors thereof (JoL of 2014, item 783);
- the Regulation of the Council of Ministers of 30 December 2010 on the special procedure for receiving inspections of the Organisation for the Prohibition of Chemical Weapons in the territory of the Republic of Poland (JoL of 2011, item 40);
- the Regulation of the Minister of National Defence of 9 November 2010 on the development, production, processing and use of toxic chemicals and precursors thereof (JoL, item 1432; JoL of 2013, item 1502);
- Decision no. 450/MON of the Minister of National Defence of 25 November 2011 on the implementation of the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction by the organisational agencies of the Ministry of National Defence and organisational units subordinate to or supervised by the Minister of National Defence (Official Journal of the Ministry of National Defence, item 379, as amended).

It is also worth emphasising that on 26 May 2020, the Council of Ministers of the Republic of Poland gave consent for the Republic of Poland to be bound by the Consolidated Text of Adopted Changes to Schedule 1 of the Annex on Chemicals to the Chemical Weapons Convention, adopted in The Hague on 27 November 2019 (JoL of 2020, item 1367); these extended the list of hazardous chemical compounds found in Schedule 1 of the Annex on Chemicals to the CWC. In accordance with Article XV subparagraph 5(g) of the Convention, changes to the aforementioned Schedule 1 entered into force on 7 June 2020.



As a result of the enforcement of the aforementioned legislation, the provisions of the CWC are implemented through:

- monitoring the trade in toxic chemicals and their precursors listed in Schedule 1 to the Convention (in quantities and for purposes not prohibited);
  - annually drafting a general overview (and plans for the following year) on the use of chemicals listed in Schedule 1 to the Convention;
  - participating in training courses, conferences and workshops organised under the patronage of or directly by the OPCW;
  - using the toxic chemicals or precursors thereof listed in Schedule 1 to the Convention for defensive purposes as part of training in the armed forces, on terms defined in the Training Manual for Protection Against Chemical Warfare Agents and Radioactive Substances in the Armed Forces of the Republic of Poland ( Chem. ref. 405/2013).
- 6) Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, done at Oslo on 18 September 1997 (JoL of 2013, item 323) (Ottawa Treaty)

Poland has been bound by the Treaty since 1 June 2013, but had previously voluntarily submitted annual compliance reports already since 2003.. In the spirit of this Treaty, when taking part in peacekeeping missions abroad, members of the Polish Armed Forces take an active role in raising awareness among civilians of the threats relating to anti-personnel mines and other dangerous remnants of war, and make a significant contribution to demining and removing unexploded explosive ordnance in regions where they operate.

Additional information about the implementation of the Ottawa Treaty is provided in the reports submitted by Poland on an annual basis, available at the website of the United Nations Office at Geneva ([www.unog.ch](http://www.unog.ch)) at: <https://disarmamena.tematunoda.org/anti-personnel-landmines-convention/article-7-reports/article-7-database/>.

- 7) The Arms Trade Treaty, done at New York on 2 April 2013 (JoL of 2015, item 40) (ATT)

The Treaty establishes common international standards for the export, import, brokering and transit of conventional arms and equipment as well as technologies for the production thereof, and for the prevention and eradication of the illicit trade in such arms. The Treaty applies to all types of conventional arms within the seven categories of the UN Register of Conventional Arms (battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers) as well as small arms and light weapons. The legal and organisational framework currently in force guarantees full implementation by Poland of the provisions of this Treaty.

Also important is the Treaty on the Non-Proliferation of Nuclear Weapons done at Moscow, Washington D.C., and London on 1 July 1968 (JoL of 1970, no. 8, item 60, appendix; (NPT), of which Poland is a State Party, and UN Security Council Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction and means of their delivery. The former serves as the basis for international efforts aimed at preventing the proliferation of nuclear weapons, at eliminating them completely in the future, as well as at promoting peaceful use of nuclear energy. The latter is an international instrument obliging the Member States of the United Nations to undertake effective efforts to prevent non-State actors, such as terrorist groups, from gaining access to weapons of mass destruction.

# Chapter 4

## Protection of certain categories of persons

### 4.1. Protection of civilians

Currently, in Poland, the questions of civil defence are governed solely by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), done at Geneva on 8 June 1977 (PA I), adopted by the Republic of Poland on 19 September 1991 (JoL of 1992, item 175).

Civil defence tasks are set forth in Article 61 PA I, in accordance with which 'civil defence' means the performance of some or all of the humanitarian tasks listed below, intended to protect the civilian population against the dangers, and to help it to recover from the immediate effects, of hostilities or disasters and also to provide the conditions necessary for its survival. These tasks are:

- warning;
- evacuation;
- management of shelters;
- rescue;
- medical services, including first aid, and religious assistance;
- fire-fighting;
- detection and marking of danger areas;
- decontamination and similar protective measures;
- provision of emergency accommodation and supplies;
- emergency assistance in the restoration and maintenance of order in distressed areas.

Internal legal regulations concerning civil defence, the core of which in Poland was constituted by the Act of 21 November 1967 on the Universal Duty to Defend the Republic of Poland and Implementing acts of law thereto, failed to stand the test of time, and were not exhaustive of all the tasks of civil defence listed in PA I. The said act was repealed effective as of 23 April 2022, providing an opportunity to usher in new regulations in this area. The provisions of the repealed act and implementing acts of law issued thereunder, as relating to civil defence, had to be deemed outdated and no longer suited to the modern world. The provisions failed to clearly specify civil protection tasks in time of peace, being limited solely to tasks which covered planning, organisation, training and education on civil defence.

In 2022–2023, work on a new bill was initiated, which, as regards civil protection, would introduce direct references to international provisions on civil defence and ensure that national legislation was correlated with international provisions, and thus fully implementable in Poland. The bill contained measures which would allow the management of all resources available to protect the people of Poland, in time of peace, emergency, and war. The envisaged measures were aimed at reinforcing the role of public administration authorities and at making efforts to protect people more efficient. The bill would strengthen the role of the President of the Council of Ministers, the minister competent for the interior, and voivodes, not only with respect to crisis management in emergencies, but also in civil protection and civil defence. It also referred to guaranteeing funds for a broad range of civil protection and civil defence measures. The scope of amendments suggested in the bill was aimed at strengthening civil protection tasks, including in the case of a war or crisis, which was one of the overarching goals for the development and dissemination of the Geneva Conventions, including PA I. However, with the term of office of the Sejm coming to an end, work on the above-mentioned bill was discontinued in Q3 2023, and under a decision of the new leadership at the Ministry of the Interior and Administration, efforts were taken at the end of 2023 to continue works on regulations on civil protection and civil defence; however, within the framework of an entirely new draft law. The new leadership has set the following objectives for the future legislation: regulating issues concerning civil protection and civil defence by stipulating more precisely the tasks of individual authorities; creating new organisational solutions relating to civil protection, including civil defence, primarily in practical terms; and developing new solutions and tools to effectively manage all the resources available to protect the people of Poland in time of peace, emergency,

and war. The plan is that conceptual works on the said bill will incorporate the analyses and conclusions from the inspection of the Polish Supreme Audit Office in this regard, accounting for the current public administrative structures and the resources at the disposal of the public services. The fundamental objective of the civil protection solutions proposed will be the rational use of the extant state resources, especially of the national rescue and fire-fighting system. The future act will be based on the constitutional principle of the obligation incumbent on public administration authorities competent for civil protection to ensure and bear responsibility for the safety of citizens. Tasks related to civil protection should be performed in a manner consistent with that under i.a., the Act of 26 April 2007 on Crisis Management, so that the crisis management system supports and supplements civil protection efforts.

Regardless of the recent amendments to Polish law, in light of the ongoing war in Ukraine, the Chief Commandant of the State Fire Service is taking a variety of measures concerning civil protection, including civil defence, based on acts of domestic and international law. The Chief Commandant of the State Fire Service, as a central authority of the state government that is competent for the organisation of the national rescue and fire-fighting system and fire protection, has until recently served for a term contemporaneous to that of the Chief of Civil Defence, a central authority of the state government that is competent for civil defence (pursuant to Article 17 of the repealed Act on the Universal Duty to Defend the Republic of Poland). The fact that these positions were held concurrently was special, because it extended the scope of measures which could be implemented to protect people in cooperation with central and local government authorities, also in respect of civil defence tasks. It is worth noting that all the resources at the disposal of the Chief Commandant of the State Fire Service are in fact used for civil protection, including civil defence and the civil defence tasks under PA I.

Since 24 February 2022, the State Fire Service (SFS) has continuously played a role in providing aid for Ukraine, directing its efforts and resources to the performance of humanitarian tasks, including those provided for under Article 61 PA I. 11.34 million refugees have crossed the Polish-Ukrainian border since the beginning of the war. This was and still is a tremendous and unprecedented challenge for Poland and for all the services engaged in providing aid. No country in the world was prepared to receive so many people in such a short time. Because of this, crisis management plans were activated on many levels of public administration; these plans included procedures showing what measures the

state and its authorities should take to bring the situation under control. Providing swift and effective aid to refugees required imposing additional tasks on the SFS and volunteer fire departments (VFD); these tasks went significantly beyond the remit specified by statute. The SFS pursued numerous activities stemming from its own statutory tasks and provided support, as much as possible, for other services and entities, including voivodes, in connection with crisis management. The Service took actions which allowed the reception, transport and stay of foreigners, through:

- ensuring and coordinating transport of people using means of transport of the SFS, VFD, and the Police (from border crossings to reception points, and from reception points to places of stay within the voivodeship and the state);
- transporting food, beds, mattresses, linen, blankets and other items to reception points and places of stay;
- pitching pneumatic tents with heaters as *ad hoc* warming-up spots for people awaiting transport;
- coordinating and organising the transport of fire-fighting equipment and vehicles from Poland and abroad to Ukraine;
- supporting and coordinating the work of volunteers at the buildings of railway and bus stations selected by the voivodes (as ordered by the President of the Council of Ministers);
- engaging in other measures supporting the maintenance of reception points and places of stay;
- preparing places of stay at the selected organisational units of the SFS and VFD, and accommodation for, among others, families of Ukrainian fire-fighters;
- coordinating and funding the transport of refugees by private carriers from reception points and border crossings to places of stay in Poland and abroad (additionally, in the Podkarpackie and Lubelskie voivodeships, the SFS established buffer parking lots for buses and coaches, operated 24/7 by SFS fire-fighters);

- providing logistical support for the organisation of *ad hoc* refugee reception points;
- maintaining the Service's readiness to organise logistical support as regards establishing medical points (in line with the plans of the Ministry of Health).

SFS fire-fighters with paramedic qualifications were allocated to a medical train organised by the Ministry of Health in cooperation with the Ministry of the Interior and Administration Central Clinical Hospital in Warsaw. The SFS also cooperates with fire-fighting services from across the world that wish to provide fire-fighting equipment for Ukrainian fire-fighters, and organises the receipt of the said equipment in Poland and its transfer to Ukraine. An SFS rescue group was established, tasked with assisting the Governmental Agency for Strategic Reserves (GASR) in transporting material aid for Ukraine. The aid provided by Poland was a response to a call for humanitarian aid it had received from Ukraine.

#### **4.2. Protection of medical and religious personnel**

The special protection extended to medical and religious personnel under international humanitarian law applies to the categories of persons who have been authorised or ordered by a belligerent party to serve the victims of war. The protection and respect afforded to this type of personnel means that they may not be attacked or prevented from performing its humanitarian functions (Articles 24–26 GC I, Article 36 GC II, Article 20 GC IV, Articles 8 and 15 PA I, and Article 9 PA II). No one may be molested or punished for having carried out medical activities compatible with medical practices and ethics, regardless of the person benefiting therefrom (Article 18 GC I, Article 16(1) PA I, Article 10(1) PA II). Further, such persons may not be compelled to perform acts or to carry out work contrary to the rules of professional ethics or to other medical rules designed for the benefit of the wounded and sick, or to refrain from performing acts or from carrying out work required by those rules and provisions (Article 16(2) PA I, Article 10(2) PA II).

Despite not being permitted to take active part in combat, medical staff may use light individual weapons for their own defence or for that of the wounded and sick in their charge (Article 22(1) GC I, Article 13(2)(a) PA I).

The special protected status of medical and religious personnel continues to apply once they fall into the hands of the enemy (Articles 33 and 35 GC III). Though not formally considered prisoners of war, such personnel receive all the benefits and protection available to prisoners of war. While in prisoner-of-war camps, they must not be forced to do any work unrelated to their medical service or religious ministry. They should have the right to deal directly with the competent authorities of the camp with regard to all questions relating to their duties. Chaplains are to exercise their ministry freely amongst prisoners of war of the same religion, and are free to correspond with the ecclesiastical authorities in the country of detention and with international religious organisations.

In order to effect the protection of medical and religious personnel, such personnel may use the protective emblems defined by international law (Articles 38 and 44 GC I, Article 18 PA I, Article 12 PA II) as well as identity cards and tags. In Polish law, the use of protective emblems is governed by Defence Standard NO-02-A032:2009 Geneva Emblem – displaying and concealing the emblem on medical facilities, introduced by Decision no. 14/MON of the Minister of National Defence of 20 March 2024 on the Adoption and Introduction of Normalisation Documents Pertaining to Defence and National Security (Official Journal of the Ministry of National Defence, item 24). In turn, the question of identity cards and tags is regulated in Article 78 of the Act of 11 March 2022 on Homeland Defence (JoL of 2024, item 248).

Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions is classified in accordance with international law as a war crime pursuant to Article 8(2)(b)(xxiv) of the Rome Statute of the International Criminal Court. Such conduct qualifies as a criminal offence under Article 122 CC, which punishes attacks on undefended works and the use of other methods of warfare prohibited by international law. Moreover, Article 123 CC makes it a criminal offence to kill medical or religious personnel in violation of international law; cause such persons to suffer a serious detriment to health; subject them to torture, or cruel or inhuman treatment; experiment on them for exploratory purposes, even with their consent; use their presence to protect an area, facility or one's own armed units from warfare; or keep such persons as hostages.

Another important concern is the need for action to ensure the full protection of the “Civil Defence” emblem. The protection of the international “Civil Defence”



emblem during warfare, in accordance with PA I, is regulated in Article 126 § 2 CC. Article 126 § 1 imposes criminal punishment for conduct consisting in the use of the Red Cross or Red Crescent emblem in a manner inconsistent with international law during hostilities. Article 126 § 2 also criminalises conduct consisting in the use of a protective emblem for cultural heritage or any other emblem providing protection under international law in a manner inconsistent with international law during hostilities (...). The international “Civil Defence” emblem is an example of such an emblem.

### **4.3. Protection of Polish Red Cross staff and staff of other humanitarian organisations**

This issue is regulated primarily by Article 26 GC I. The goal of this provision is to place the staff of authorised aid societies established to support regular medical services of the armed forces of a given country on the same footing as the medical personnel of the armed forces, both with regard to the protection they enjoy and the treatment upon falling into the hands of the enemy power.

Primary sources enumerate the following conditions for affording protection to the staff of authorised aid societies established to support regular medical services of the armed forces:

- 1) The relevant organisation must be recognised by the government of the state in the territory of which it operates; as regards the Polish Red Cross, its role and tasks are defined in the Act of 16 November 1964 on the Polish Red Cross (JoL of 2019, item 179), and the Polish Red Cross Charter applicable pursuant to the Regulation of the Council of Ministers of 20 September 2011 on the Adoption of the Polish Red Cross Charter (JoL of 2011, item 1284).
- 2) The organisation must be authorised to lend its assistance to medical services of the armed forces; under Polish law, this condition is fulfilled through Article 2 of the Act on the PRC which provides that the Polish Red Cross is an organisation providing voluntary assistance to the public health service and the medical service of the Armed Forces. Furthermore, § 9(1) of the PRC Charter stipulates that during armed conflict, the Polish Red Cross supports the military and civilian medical services in line with the provisions of the

1949 Geneva Conventions and the 1977 Additional Protocols, and conducts humanitarian activities for the benefit of the victims of armed conflicts.

- 3) Appropriate notification must be given; any government, having authorised one or more societies as an organisation providing voluntary assistance to the medical services of its armed forces must, at the latest before actually employing their personnel, notify all other Contracting Parties (in peacetime) or its enemies (pending armed conflict) accordingly. This requirement is in the interest of the personnel concerned themselves, as otherwise a party to the conflict that has not been notified could refuse to afford due protection to the personnel. Commentary suggests that for the avoidance of any misunderstanding, this requirement should also be fulfilled with respect to the personnel of the National Society of the Red Cross or Red Crescent, even though the existence of such an organisation in the relevant country is common knowledge and is affirmed in international relations (through the recognition of the National Society by the ICRC or the participation of the National Societies, together with states and with the Movement's bodies, in the International Conferences of the Red Cross and Red Crescent). The Ministry of Foreign Affairs should play a leading role in the implementation of this requirement.
  
- 4) The personnel of National Societies must, in time of war, be subject to military laws and regulations while acting on behalf of the relevant state; this requirement stems from the international legal principle of the state's responsibility for the actions of its representatives and authorities. In practice, this means that the personnel of the societies are under the command of military superiors, and that military authorities are obligated to issue suitable emblems and identity cards to such personnel. Pursuant to Article 78 of the Act on Homeland Defence (JoL of 2024, item 248), military bodies provide identity cards and tags to: soldiers on active military service and persons serving in militarised units assigned to the Armed Forces; employees of the Ministry of National Defence; the civilian medical and sanitary personnel of the Armed Forces; civilians accompanying the Armed Forces; the personnel of the Polish Red Cross and other voluntary aid organisations; civilians being ministers of religion; and other persons specified under international law. In turn, the Regulation of the Minister of National Defence of 1 March 2024 on identity cards and tags (JoL of 2024, item 358) lays down the types of identity cards and tags and the rules for their issuance. The subordination of the personnel

of aid societies to military bodies does not mean that the organisations forfeit their own identity and status; being placed on the same footing with regard to protection does not incorporate the organisations' personnel into the armed forces. The terms of such subordination should be defined in domestic law (e.g., in the form of an executive regulation under the Act on the Polish Red Cross).

- 5) Aid society personnel should perform the same tasks as military medical personnel; this principle means that special protection is only extended to those members of the relevant society's personnel who actually perform the tasks of military medical personnel (and not to all personnel of a society authorised as an organisation providing voluntary assistance to the medical services of the armed forces). These tasks are defined in Article 24 GC I and consist in the search for, or the collection, transport or treatment of the wounded or sick, the prevention of disease, and administration of medical units and establishments.

It must be noted that such in-depth regulation of the situation of societies' medical personnel originated mainly from the fact that the GC I affords protection to military medical personnel, while the GC IV makes the status of civilian medical personnel equal to that of military medical personnel only in exceptional situations. Following the adoption of the 1977 Additional Protocols, this problem is of less significance to Contracting Parties, such as Poland. This is due to the fact that the Protocols protect medical personnel as a whole (Article 15 PA I and Article 10 PA II). Article 8(c) PA I provides that the term 'medical personnel' extends not only to military and civilian personnel of the parties to the conflict, and the personnel of civil defence organisations, but also to the "medical personnel of national Red Cross (...) Societies and other national voluntary aid societies duly recognised and authorised by a Party to the conflict." The emphasis has thus been shifted – the status and protection of such personnel is not a special privilege but the rule. However, due to the fact that the personnel must be "duly recognised and authorised" by their governments, and that not all states are parties to the Additional Protocols (as opposed to the Geneva Conventions, which are truly universal), a cautionary approach implies the need to fulfil the requirements under Article 26 GC I, which Poland has done.

#### 4.4. Prisoners of war

Matters relating to the treatment of prisoners of war, in line with the provisions of GC III, are regulated in the following Defence Standards enacted under Decision no. 14/MON of the Minister of National Defence of 20 March 2024 on the Confirmation and Implementation of Normalisation Documents Pertaining to National Defence and Security :

- 1) *NO-02-A020:2010 – Procedures for the treatment of prisoners of war, captured equipment and documents of the enemy power*, which defines the rules for the treatment of prisoners of war and their possessions, as well as specimens of documents needed to keep records of prisoners of war and their personal and military possessions.
- 2) *NO-02-A036:2010 Interrogation of prisoners of war*, which lays down the procedures for the interrogation of prisoners of war, the assignment of categories to prisoners of war depending on their knowledge, and the subdivision of the interrogating units, as well as specimens of interrogation reports and procedures for forwarding them to the competent services.

Military ranks (subdivided into privates, non-commissioned officers and commissioned officers), and the rules for granting and revoking them are set forth in Division IX, Chapter 2 of the Act on Homeland Defence. Article 43 GC III does not provide for a precise method of communicating to the enemy power the titles and ranks of persons entitled to the status of prisoners of war or of those who may enjoy treatment reserved for prisoners of war for the purpose of ensuring equality of treatment; it only requires combatant states to communicate relevant information upon the outbreak of hostilities. In practice, this obligation can be observed in any form, provided it ensures that the Article is given due effect.

#### 4.5. Refugees

The international legal system features a number of instruments aimed at protecting those who seek international protection from persecution or who have been officially recognised as refugees. Their impact extends to the entire international community, also on the regional level. Customary international law, which applies equally to all countries, is also of significant importance. International

protection is not automatically granted to anyone fleeing the consequences of an armed conflict.

Below are the main instruments of international law on refugees to which the Republic of Poland is a party:

- a) Convention Relating to the Status of Refugees, done at Geneva on 28 July 1951 (JoL of 1991, item 515 and 517);
- b) European Agreement on the Abolition of Visas for Refugees, done at Strasbourg on 20 April 1959 (JoL of 2005, item 1929);
- c) Protocol relating to the Status of Refugees, done at New York on 31 January 1967 (JoL of 1991, item 517);
- d) European Agreement on Transfer of Responsibility for Refugees, done at Strasbourg on 16 October 1980 (JoL of 2005, item 1931).

In turn, thanks to the case-law of the European Court of Human Rights, in which it analysed Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (JoL of 1993, item 284), a concept was adopted in international law of “subsidiary protection” which, under international protection law, enforces the prohibition of torture and inhuman or degrading treatment or punishment. This extended international law protection in Europe to include persons sentenced to death, victims of torture and inhuman or degrading treatment, and civilian victims of internal or international armed conflicts.

By establishing the Common European Asylum System, the European Communities (and later the European Union) also significantly contributed to harmonising EU law with the aforementioned provisions, by strengthening protection afforded to refugees and beneficiaries of subsidiary protection. Since 1999, EU Member States have adopted legislation forming the EU’s international protection *acquis*, including the following:

- 1) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in

receiving such persons and bearing the consequences thereof (Official Journal of the European Union (L) 212, 07.08.2001, p. 12–23);

- 2) Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (Official Journal of the European Union (L) 180, 29.06.2013, p. 1–30);
- 3) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Official Journal of the European Union (L) 180, 29.06.2013, p. 31–59);
- 4) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Official Journal of the European Union (L) 180, 29.06.2013, p. 60–95);
- 5) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (Official Journal of the European Union (L) 180, 29.06.2013, p. 96–116);
- 6) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for

the content of the protection granted (Official Journal of the European Union (L) 337, 20.12.2011, p. 9–26).

Transposition of these documents into domestic law on international protection has resulted in the establishment of a legal framework for the protection of refugees, beneficiaries of subsidiary protection, and persons who seek refugee status in Poland. The rules for the arrival of such persons and their stay in the Republic of Poland are set out in the Act of 12 December 2013 on Foreign Nationals (JoL of 2023, item 519, as amended). Binding European and international standards have found their reflection in the Act of 13 June 2003 on Granting Protection to Foreign Nationals in the Territory of the Republic of Poland (JoL of 2023, item 1504), and in extensive executive legislation, in particular:

- the Regulation of the Minister of the Interior of 23 October 2015 on the Rules of Stay in a Centre for Foreign Nationals (JoL, item 1828);
- the Regulation of the Minister of the Interior and Administration of 6 October 2023 on the Amount of Aid for Foreign Nationals Seeking International Protection (JoL, item 2154);
- the Regulation of the Minister of Health of 14 October 2016 on Medical Examinations and Sanitary Treatments of the Body and Clothing of Foreign Nationals seeking International Protection (JoL, item 1724);
- the Regulation of the Minister of the Interior and Administration of 23 June 2009 on the Geneva Convention Travel Document (JoL, item 835, as amended);
- the Regulation of the Minister of the Interior of 4 November 2015 on a Temporary Foreign National's Identity Certificate (JoL of 2022, item 1774);
- the Regulation of the President of the Council of Ministers of 9 December 2008 on the Organisational Charter and Rules of Procedure for the Refugee Council (JoL 2023, item 1970);
- the Regulation of the Minister of the Interior and Administration of 4 November 2015 on the model form of applications for international protection (JoL, item 1859);

- the Regulation of the Minister of the Interior and Administration of 20 May 2008 on the Procedures for Granting Funeral Allowances and the Conditions for Financing the Funerals of Foreign Nationals with State Funds (JoL, item 574);
- the Regulation of the Minister of the Interior of 23 July 2014 on the Specimen Fingerprint Card to be used to take Fingerprints of Foreign Nationals who have submitted Applications for Refugee Status or Asylum, or who Avail Themselves of Temporary Protection (JoL, item 1014);
- the Regulation of the Minister of Labour and Social Policy of 7 April 2015 on Aid Granted to Foreign Nationals (JoL of 2019, item 1946).

In Division V, Chapter 9, the Act of 12 December 2013 on Foreign Nationals allows foreign nationals deemed to be trafficking victims to temporarily stay in the Republic of Poland. Division VIII, Chapter 3 of the said act allows foreign nationals to stay in the Republic of Poland for humanitarian reasons and maintains permits for tolerated stay that were previously governed by the Act on Granting Protection to Foreign Nationals in the Territory of the Republic of Poland.

With the mass arrival of Ukrainian citizens in the Republic of Poland since 24 February 2022 due to the Russian Federation's aggression, a decision was made to develop a special law to secure the legality of the residence of Ukrainian citizens in the Republic of Poland and their rights, aimed at establishing decent conditions for that residence. Consequently, Poland adopted the Act of 12 March 2022 on Assistance to Ukrainian Citizens in connection with the Armed Conflict on the Territory of that State (JoL of 2024, item 167, as amended), which has already been amended several times and extended in duration periodically due to the dynamic developments and the complexity of tasks, given the challenges posed by the scale of the influx of Ukrainian citizens. This act provides the basis for the legal residence of Ukrainian citizens and specific members of their families (spouses, children born after arrival, closest family members, holders of a valid Pole's Card, parents or carers of minors) starting from 24 February 2022. The above means that, by virtue of law, Ukrainian citizens enjoy the extension and postponement of: residence periods and Polish visa validity periods; expiry dates for temporary residence permits; deadlines to leave the Republic of Poland under Article 299(6) of the Act of 12 December 2013 on Foreign Nationals; deadlines for voluntary return; as well as expiry dates for residence cards, Polish identity



documents issued to foreign nationals, and documents pertaining to the permit for tolerated stay. It is considered legal for Ukrainian citizens to stay in the Republic of Poland once the admissible short-term residence period ends (based on a Schengen visa issued by a Polish authority, a visa issued by another Schengen state, a residence permit issued by the competent authority of another Schengen state, or on the basis of visa-free travel). Furthermore, in proceedings to permit temporary residence for business activities specified in Article 142(1)(3) of the Act on Foreign Nationals, Ukrainian citizens do not have to meet the business volume and quality requirements if they conduct their business based on an entry in the Central Business Records and Information Office. Furthermore, Article 42a(1) of the Act on Assistance to Ukrainian Citizens in connection with the Armed Conflict on the Territory of that State establishes a subsidiary basis in substantive law for granting temporary residence to the citizens of Ukraine, while under Article 42b of that act it is possible not to commence proceedings to compel a foreign national to return to their country with respect to Ukrainian citizens, as well as to discontinue such pending proceedings. In turn, in the amended Article 100d(1), the time for which deadlines for voivodes to handle certain matters remain suspended was extended until 4 March 2024; these matters concern:

- 1) granting the following to a foreign national:
  - a) temporary residence ;
  - b) permanent residence;
  - c) an EU long-term residence permit;
  
- 2) amending:
  - a) temporary residence with permission to work;
  - b) temporary residence for the purpose of skilled employment;
  
- 3) revoking the following from a foreign national:
  - a) temporary residence ;
  - b) permanent residence;
  - c) an EU long-term residence permit.

Holders of this residence permit are considered to be availing themselves of temporary protection (temporary protection within the meaning of Council Directive

2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof). Residence also includes permission to work in the Republic of Poland. Furthermore, residence allows a person to take up and conduct business activities in the Republic of Poland under the same rules as Polish citizens, and that person is entitled to social benefits, including family and child support benefits, and to social assistance benefits. Other persons who are not covered by this Act, but who enjoy temporary protection under Article 2(1) and (2) of the Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (Official Journal of the European Union (L) 71, 4.3.2022, p. 1–6), may avail themselves of general solutions concerning the reception of third-country nationals relating to temporary protection, as set out in Division III, Chapter 3 of the Act of 13 June 2003 on Granting Protection to Foreign Nationals in the Territory of the Republic of Poland, as well as of provisions of substantive legal acts relating to the legal situation of foreign nationals entitled to temporary protection. What is more, citizens of Ukraine who are in the Republic of Poland legally, or whose residence is considered legal, may be employed in local government units or central government offices, whereas professional qualifications for regulated professions in mining, acquired in Ukraine by the aforementioned citizens of Ukraine who are in the Republic of Poland legally, are recognised.

In the extraordinary crisis that Russia's aggression against Ukraine certainly was, it was essential to quickly provide assistance to Ukraine and its citizens who took refuge in Poland. For this purpose, the Act of 12 March 2022 on Assistance to Ukrainian Citizens in connection with the Armed Conflict on the Territory of that State established the Aid Fund within the Polish National Development Bank (Bank Gospodarstwa Krajowego, BGK). On 17 March 2022, the BGK concluded an agreement on the operation of the Aid Fund with the President of the Council of Ministers. The aim of the Aid Fund is to fund or co-fund the performance of tasks related to aiding Ukraine, especially citizens of Ukraine affected by the armed conflict in Ukraine, including tasks performed in the Republic of Poland and abroad, as well as tasks related to the food security of Ukraine, also in relation to the said conflict. The tasks of the Aid Fund include: paying out family, child support and social assistance benefits to Ukrainian refugees; providing medical

care, which includes purchasing and distributing medicinal products; ensuring operations of reception points; providing funds for transportation with means of public transport; paying out pecuniary benefits; and supporting local government units in the areas of pre-school education, schools and facilities and transporting students. In 2022, tasks worth PLN 13.879 billion (PLN 13,879,566,000) of Aid Fund money were performed through the ministers competent for family, social security, health, digitisation, transport, upbringing and education, energy, agriculture, rural development and rural markets, home affairs, and public finances; the Head of the Chancellery of the Prime Minister, and the President of the Social Security Institution.

The Geneva Conventions (especially Article 22 GC III and Article 13 GC IV) and the Additional Protocols require Poland to establish and operate an office for the purpose of collecting information on the victims of wars and armed conflicts and conveying such information to their families. In accordance with the Act of 16 November 1964 on the Polish Red Cross, the PRC operates a **National Information and Tracing Office** upon state mandate. Since 1 January 2013, all tasks connected with the PRC's activities relating to the operation of the National Information and Tracing Office have been under the supervision of the Minister of the Interior and Administration. In performing its tasks, the PRC Information and Tracing Office collaborates with the Central Tracing Agency of the International Committee of the Red Cross in Geneva, the ICRC Delegations in conflict zones, the International Tracing Service in Bad Arolsen (Germany), and several dozen National Societies of the Red Cross and the Red Crescent. In Poland, this office cooperates with numerous institutions having at their disposal information on the victims of World War II and of contemporary armed conflicts (including the Institute of National Remembrance, Warsaw Rising Museum, Jewish Historical Institute, Council for the Protection of the Memory of Struggle and Martyrdom Sites, Office for Foreigners, National Archives).

For many years, the number of tracing requests submitted to the National Information and Tracing Office of the Polish Red Cross has remained on a stable level. Annually, there are approximately 600 requests to find missing family, 1,800 requests to issue certificates attesting to a person's fate during war, 3,900 requests to search for war graves, and 3,100 cases of correspondence relating to the verification of details of war victims and transfer of some of them over for investigations conducted by the prosecution service. At the same time, a change can be observed in the nature of such cases.

During the last four years, besides the traditional family tracing requests, a new phenomenon has emerged, covered by the internal Red Cross procedure termed ‘allegation of arrest’ by the International Committee of the Red Cross. The procedure owes its origin to modern armed conflicts, and in the case of the aforementioned requests made with the PRC National Information and Tracing Office, it has so far concerned Syrians arriving in Poland and stating that a detention facility is the most likely location of their family members. The vast majority of the *permanent requests* were in turn related to World War II.

# Chapter 5

## Protection of specific categories of locations and facilities

### 5.1. Protection of the natural environment in armed conflicts

Article 120 CC defines a war crime as the use of means of mass destruction prohibited by international law. The list of prohibited means of mass destruction includes in particular chemical and biological weapons which may be expected to cause widespread, long-term and severe damage to the natural environment.

Poland is party to:

- 1) the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, done at Moscow on 5 August 1963 (JoL, item 288);
- 2) the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, opened for signatures in Geneva on 18 May 1977 (JoL of 1978, item 132);
- 3) the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 (JoL of 1995, item 88); and
- 4) the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, done at Geneva on 18 May 1977 (JoL of 1977, item 132).

The mainact of law governing the question of environmental protection is the Act of 27 April 2001 on Environmental Protection (JoL of 2022, item 2556, as amended).

In its policy on environment protection, the Ministry of National Defence seeks to minimise environmental degradation caused by the operation of the armed forces. Due to its multifaceted, interdisciplinary nature, environmental protection within the Polish Armed Forces is treated as a separate sub-system within the structural framework of the MND. The development and operation of this sub-system are based on the following principles:

- the protection of the environment and of its resources is the task of every soldier and every employee of the Ministry;
- the organisation of environmental protection is the task of commanders at all levels of the Armed Forces and managers of other organisational units of the Ministry;
- military training as well as planning and fulfilment of other tasks adheres to the principle of minimising the adverse impact on the environment;
- rational use must be made of the natural resources;
- environmental education is an integral part of every form of training and education in the Armed Forces of the Republic of Poland;
- the Polish Armed Forces set an example with regard to the protection of the natural environment.

The implementation of environmental protection objectives and strategies within the defence sector is based on the following elements:

- minimising environmental degradation caused by ongoing activities;
- preventing future degradation, including through legislation;
- remedying past environmental damage;
- securing adequate funds for the defence sector's pursuit of its environmental goals;
- oversight of environment-oriented activities.<sup>7</sup>

---

7. To this end, a number of legislative instruments have been adopted, including the Regulation of the Minister of National Defence of 24 March 2016 on compliance with the provisions on environmental protection at organisational agencies and units subordinate to or supervised by the Minister of National Defence (JoL, item 327), and the Regulation of the Minister of National Defence of 9 August 2002 on Detailed Rules for Preparing Training Instruction to Meet the Requirements of Plant and Animal Protection During the Training of Polish Armed Forces on Testing Grounds (JoL, item 1157).

Annual reports are produced on the state of the environment in areas under the administration of the Minister of National Defence and on the fulfilment by the organisational units of the Polish Armed Forces of environment protection requirements; these reports include:

- summaries of gas and dust emissions, water intake, sewage discharge, and emission of excessive noise;
- the premises of a data collection system concerning infrastructural works that have a substantial impact on the environment, as the foundation for establishing a central database on works of this type used by the Ministry of National Defence;
- the premises of a data collection system concerning hazardous and non-hazardous waste.

## **5.2. Protection of cultural property**

Poland is a State Party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention and the Protocol for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954 (JoL of 1957, item 212), as well as the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 26 March 1999 (JoL of 2012, item 248).

The basis for the system of security measures against the predictable consequences of armed conflict – organised in time of peace – lies in the Act of 23 July 2003 on the Protection and Care of Historical Monuments (JoL of 2022, item 840, as amended). Based on the aforementioned statutory delegation, the minister competent for culture and protection of national heritage issued on 25 August 2004 the Regulation on the Organisation and Manner of Protection of Historical Monuments in the Event of Armed Conflict and of Crisis Situations (JoL of 2004, item 2153), which requires public administrative authorities at the relevant levels and heads of organisational units which own monuments to plan, prepare, and execute preventive, documentation, protective, and rescue and conservation

activities intended to protect monuments against destruction, damage or loss during armed conflict or in other crisis situations.

Organisational units that own monuments prepare plans for the protection of such monuments in the event of armed conflict or crisis situations. At the same time, such plans are also prepared at the levels of the state, voivodeship, district, and commune. Plans for the protection of monuments in the event of armed conflict or crisis situations specify the condition of the protected resources, describe the potential threats, identify the scope of activities and the method for the pursuit of tasks, and define the resources, manpower, duration and costs required for its implementation. The documents are updated annually. The performance of monument protection tasks has been entrusted to Voivodeship Offices for Monument Protection, the structures of which now include dedicated offices for monument protection in the event of armed conflict or crisis situations.

The scope of the tasks pursued by these offices includes, in particular: preparing and updating the voivodeship plans for the protection of monuments in the event of armed conflict or crisis situations; agreeing upon plans for the protection of monuments in the event of armed conflict or crisis situations on the level of districts, communes and organisational units tasked with the execution of protection plans; carrying out reviews in voivodeships in respect of the safety of monuments; engaging in training, informational and educational activities; participating in defence exercises and courses, and tasks relating to crisis management organised by the voivode or by a local government authority.

Invariably, in accordance with Resolution II to the 1954 Hague Convention, the Republic of Poland has an advisory and auxiliary body to the Council of Ministers, established pursuant to the Regulation of the Council of Ministers of 27 April 2004 on the Polish Advisory Committee (JoL, no. 102, item 1066).

The emblem of the Hague Convention and the conditions for its use to mark registered monuments continue to be defined by the Regulation of the Minister of Culture of 9 February 2004 on the specimen of the informative emblem placed on registered immovable monuments (JoL of 2004, item 259, as amended). Moreover, the Blue Shield emblem is used on facilities that are a part of cultural heritage and require the preparation of protection plans in the event of armed conflict or crisis situations, and on the containers intended for the evacuation of movable



cultural property. The emblem and the conditions for its use are specified in an annex to the aforementioned Regulation.

Provisions guaranteeing compliance with international legal norms for the protection of cultural property are included in Decision no. 72/MON of the Minister of Defence of 6 March 2014 on Compliance with the Rules of Protection of Cultural Property by the Minister of National Defence ([Official Journal of the Ministry of National Defence of 2014, item 83](#)).

On 11 July 2019, the Minister of National Defence and the Minister of Culture and National Heritage signed a Memorandum of Cooperation Establishing the International Centre for Training and Research on Cultural Heritage in Danger.<sup>8</sup>

The structure of the Ministry of National Defence features an organisational unit responsible for the performance of tasks aimed at disseminating knowledge concerning the protection of cultural property in the Ministry, and especially provisions of the Convention and of national legislation. Specialist training in the field of protection of cultural heritage was organised for sub-units preparing for missions, in order to familiarise the soldiers of the Polish Military with the regulations dealing with the protection of cultural property in the event of armed conflict. To assist with the performance of the tasks during the mission in Afghanistan, the Ministry published a booklet titled: “Afghanistan’s Cultural Heritage. Legal and Organisational Aspects of Protection.”

Since 2021, the International Centre for Training and Research on Cultural Heritage in Danger has organised and conducted cyclical workshops on the topic of “Protection of Cultural Property in Crisis Situations” with the participation of the Polish Armed Forces, representatives of the Ministry of Culture and National Heritage, the Ministry of the Interior and Administration, Voivodeship Offices for Monument Protection, and representatives of public administration authorities at the voivodeship level. The purpose of the workshops is primarily to perfect the procedures concerning the use of the forces and resources allocated from the Polish Armed Forces in order to protect and evacuate cultural property in crisis situations, and to cooperate with non-military units. The workshop conclusions are formed into recommendations on increasing the efficiency of the Polish Armed

---

8. Decision no. 166/MON of the Ministry of National Defence of 22 October 2019, establishing the International Centre for Training and Research on Endangered Cultural Heritage.

Forces in the area of protecting cultural property; these recommendations are taken into account within the system of sharing know-how, and serve as a basis for updating training programmes on cultural property protection.

Under Polish law, persons who violate the Hague Convention during armed conflict are liable to sanctions under Chapter XVI of the Act of 6 June 1997 – Criminal Code for crimes against peace, crimes against humanity, and war crimes. The inclusion of these provisions in the CC fulfils the requirements of Article 28 of the Convention, which requires the Contracting Parties to introduce sanctions for breaches of the Convention in their criminal law. The CC provides for the prosecution of perpetrators regardless of their nationality and regardless of whether the offence was committed in Poland or in the territory of another state.

Furthermore, in its Memorandum of Cooperation in Combating the Illegal Export or Import of Monuments of 7 February 2020 between the Minister of Culture and National Heritage, the Head of the National Revenue Administration, the Commander-in-Chief of the Police, and the Chief Commandant of the State Fire Service, Poland expressed its firm resolve to combat illegal imports of cultural property as well. This is of significant importance in relation to any attempts at the illegal transfer of monuments from war zones.

On 8 February 2018, the Conservator General of Monuments and the Police Commander-in-Chief signed the Memorandum of Understanding on Co-Operation in the Prevention and Combating of Criminal Activities against Monuments and other Cultural Property.

Given the necessity to provide monuments with a high level of fire protection and safety, in 2002, the Programme Council for the Protection of Cultural Property from Extraordinary Threats was established, attached to the Chief Commandant of the SFS; subsequently, it was converted into the Council for the Protection of Cultural Property in 2021. The current composition of the Council for the Protection of Cultural Property of the Chief Commandant of the SFS was determined in May 2022 in a decision of the Chief Commandant; the Council is the permanent consultative and advisory body for the Chief Commandant in matters of protection of cultural property in any event that threatens heritage, and in particular in the event of fires, local threats, natural disasters, crisis situations, political and military crises, and armed conflicts. The Council includes representatives of the National Headquarters of the State Fire Service, the Fire Service College in

Cracow, the Central School of the Fire Service, and other institutions and organisations competent in matters of the protection of cultural property, such as: the Ministry of Culture and National Heritage and the Ministry of the Interior and Administration. From the very beginning of its operations, the Council has been formulating conclusions and recommendations aimed for instance at achieving optimum protection of cultural heritage; effectively implementing crisis management relating to the protection of cultural heritage; setting the directions and topics for scientific work, research and development, and innovative work, as well as for analyses and expert publications on the protection of cultural heritage; perfecting the process of planning, executing and evaluating monument protection plans; and effectively disseminating knowledge on the protection of cultural heritage.

Thanks to the commitment that the members of the Councils attached to the Chief Commandant of the SFS have shown so far, three large projects have been organised, the main topic of which was the protection of cultural property, in particular against extraordinary threats. On 18–20 September 2019, an international conference was held in Cracow, titled “Protection of Cultural Property in the event of Special Threats.” The event was organised by the Chief Commandant of the SFS and the Fire Service College in Cracow in cooperation with the Ministry of Culture and National Heritage, the Polish Committee of the Blue Shield, and other entities that perform tasks in the protection of cultural property in Cracow. On 25–26 November 2021, an international scientific conference was held in Cracow, titled “Protection of Cultural Heritage in the event of Special Threats – Climate, Environmental, Pandemic and Fire Risks. Good Practices.” The conference, under the honorary patronage of the Ministry of Culture and National Heritage and the Chief Commandant of the SFS, was organised by the Office for Civil Protection in cooperation with the National Archives, the Polish Committee of the Blue Shield, the International Cultural Centre in Cracow, the Fire Service College in Cracow – the Centre for Training in Civil Protection and Cultural Property, and the Manggha Museum of Japanese Art and Technology. The conference was addressed to owners and administrators of monuments, persons dealing with the protection of monuments, representatives of rescue and protection services, persons interested in the safety of persons or property and in the use of modern technologies to safeguard monuments, and representatives of central and local government institutions dealing with the topic at hand.

On 22–23 November 2022, the International Centre for Training and Research on Cultural Heritage in Danger organised in Wrocław a scientific conference titled “Protection of Cultural Property in the Activities of the Polish Armed Forces in Poland and Abroad” under the honorary patronage of the Minister of National Defence and the Polish National Commission for UNESCO. The theme of the conference was the role in the protection of cultural property that the military component has played in recent years, and conclusions from the participation of the Polish Armed Forces in missions abroad. The conference became a platform for the exchange of knowledge and know-how between the Ministry of National Defence and civilian circles engaged in the protection of cultural property.

On 12–13 September 2023, the International Centre for Training and Research on Cultural Heritage in Danger organised in Wrocław a scientific conference titled “Battlefield Archaeology,” which aimed at raising public awareness of matters concerning the protection of archaeological heritage in the form of battlefields, which are non-renewable, limited, and exposed to the adverse impacts of both natural and anthropogenic factors.

On 21 November 2023, in Wrocław, the International Centre for Training and Research on Cultural Heritage in Danger organised “The Evolution of Concepts in the Protection of Cultural Property,” a conference which aimed at analysing the concepts used in the field of protection of cultural property, and determining whether there was a need for them to evolve, and for fundamental definitions in this regard to be extended, so that cultural heritage is properly safeguarded.

On 26–28 September 2023, Cracow hosted the International Forum “Safe Collections – Safe Heritage. “Museums, Libraries and Archives in the face of Threats.” It was organised by the Ministry of Culture and National Heritage, the National Archives, the Polish Committee of the Blue Shield, and the SFS Headquarters, with the Office for Civil Protection taking a leading role. The forum was combined with conferences and workshops at the National Archives in Cracow, the National Museum in Cracow, and the Jagiellonian Library, as well as with a scientific conference titled “Safety of Historic Objects and Museum, Library and Archive Collections – Protection from Extraordinary Threats.” The forum and the conference furthered the cooperation between various actors to protect cultural property and national heritage for the generations to come.

Furthermore, in day-to-day cooperation with the Main Board of the Polish Red Cross, representatives of the National Headquarters of the SFS participate each year in training and courses organised as an element of the Polish School of International Humanitarian Law in Radziejowice, where one of the subjects taught is the protection of cultural property in armed conflicts.

### **5.3. Protection of civilian and military hospitals**

The obligation to protect civilian and military hospitals is provided for directly in the provisions of international humanitarian law. This entails the obligation to respect medical units and establishments, which also include hospitals (with no distinction made between civilian and military hospitals), and a prohibition on attacking them, as long as, besides their humanitarian function, they are not used for hostile action (Article 27 of the Regulations annexed to the 1907 Convention respecting the Laws and Customs of War on Land, Article 19 GC I and Article 12 PA I). Due respect for medical units and establishments means that external persons and authorities must not interfere with their medical activity in any way which that disrupts their work and the treatment they give. Protection against attacks is supported by the obligation to exercise due diligence to ensure that the said medical units and establishments are situated far enough from military objectives, so that enemy attacks cannot imperil their safety. Moreover, in order to effect and indicate the right to special protection, medical units and establishments may bear protective emblems prescribed under the Geneva Conventions and Additional Protocols, e.g., the emblem of the Red Cross. The use of such emblems should be subject to state control. The above matters are regulated by Defence Standard NO-02-A032:2009 Geneva Emblem – displaying and concealing the emblem on medical facilities.

There is no standard in international humanitarian law categorically obliging states to mark medical units and establishments with protective identification emblems. Therefore, a situation where medical units or establishments are not marked with protective emblems does not violate the law. At the same time, the prohibition on attacking such units or establishments is absolute, meaning that attacking them under the pretext that they are not entitled to special protection because protective emblems were not used should be classified as a war crime in line with Article 8(2)(b)(xxiv) of the Rome Statute of the International Criminal Court.

#### 5.4. Protection of works and installations containing dangerous forces

International humanitarian law generally stipulates that buildings or facilities containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, must not be made the object of attack, even where these facilities are military objectives, if such an attack may cause the release of dangerous forces and consequent severe losses among the civilian population (Article 56(1) PA I and Article 15 PA II). However, this protection is not absolute; it ceases when the works or installations are used in regular, significant and direct support of military operations, and if such an attack is the only feasible way to terminate such support. If the protection ceases, the attacking party must take all practical precautions to avoid the release of the dangerous forces. The attacked party has the obligation to endeavour to avoid locating any military objectives in the vicinity of such buildings or facilities containing dangerous forces. Nevertheless, this obligation does not extend to facilities erected for the sole purpose of defending the protected buildings or facilities. Parties to the conflict may conclude further agreements among themselves to provide additional protection for buildings or facilities containing dangerous forces, and may mark them with a special sign consisting of a group of three bright orange circles placed on the same axis, as specified in Article 16 of Annex I to PA I.

Legislation governing the protection of works and installations containing dangerous forces within the meaning of Article 56 PA I includes, in particular, the following documents:

- the Act of 11 March 2022 on Homeland Defence (JoL of 2024, item 248), which lays down, among other things, the rules for militarising and protecting works of particular importance for the defence or security of the state, the organisation of tasks performed by entrepreneurs for the Armed Forces, and the performance of special defence services;
- the Regulation of the Council of Ministers of 21 April 2022 on works of special importance for the defence or security of the state, and on their special protection (JoL of 2022, item 880), which specifies the categories of works of special importance for the defence or security of the state, as well as tasks concerning their special protection, and the competence of state authorities in these matters.

## 5.5. Zones and localities under special protection

The Geneva Conventions and PA I provide for the possibility of establishing various types of specially protected zones and localities, mainly in the event of an international armed conflict. These include:

- *hospital and safety zones* provided for in Article 23 GC I and Article 14 GC IV, and in Annex I to these Conventions. Their purpose is to protect wounded and sick soldiers as well as the personnel entrusted with assisting them and the administration of these zones (GC I), as well as wounded, sick and aged persons, children under fifteen, expectant mothers, and mothers of children under seven (GC IV). Such zones may be established both in time of peace and after the outbreak of hostilities, but their actual protection depends on the agreements concluded between the belligerents;
- *neutralized zones* provided for in Article 15 GC IV. Their purpose is to shelter wounded and sick combatants or non-combatants from the effects of hostilities. In the case of armed conflict not of international nature, Article 3 of the four Geneva Conventions of 1949 provides for the establishment of analogous zones for civilians. Such zones may be established during armed conflict on the basis of an agreement concluded between the belligerents;
- *non-defended localities* provided for in Article 59 PA I. Their purpose is to provide protection for the civilian population in its place of residence situated near or in a zone where armed forces are in contact. The status of non-defended localities is declared by a party to the conflict (if all the conditions laid down in Article 59 are fulfilled) or by agreement between the belligerents (if not all conditions laid down in Article 59 are fulfilled);
- *demilitarised zones* provided for in Article 60 PA I. As in the case of non-defended localities, the purpose of demilitarised zones is to provide protection for the civilian population in its place of residence. They are established by agreement between the belligerents, but the location of the zone may be established unilaterally even in peacetime.

The Criminal Code of 1997 makes it a criminal offence to violate the provisions protecting the aforementioned zones and localities against attack. Under Article 122 § 1 CC, “[w]hoever attacks in warfare an undefended locality or works, or

a hospital, demilitarised or neutral zone, or uses any other method of warfare prohibited by international law, shall be subject to the penalty of imprisonment for between five and twenty-five years.”

## **5.6. Administration of graves**

The matter of the organisation of cemeteries and burials of the dead is governed by the Act of 31 January 1959 on Cemeteries and on the Burial of the Dead (JoL of 2023, item 887, as amended). Article 10 of the said Act provides that the right of burial of military personnel deceased while on active duty rests with the competent military authorities, in accordance with the provisions of military law.

The supervision and safeguarding of war graves and cemeteries is regulated by the Act of 28 March 1933 on War Graves and Cemeteries (JoL of 2018, item 2337), which vests the authorities of the Republic of Poland with the responsibility to preserve war graves and extend respect and decorum thereto, regardless of the nationality and religion of those buried or the formation in which they served.

Matters relating to the transfer of bodies or their remains to other graves (including graves located abroad) are governed by Article 4 of the Act of 28 March 1933 on War Graves and Cemeteries and Article 14 of the Act of 31 January 1959 on Cemeteries and on the Burial of the Dead, as well as the regulation implementing it, i.e., the Regulation of the Minister of Health of 27 December 2007 on the Issuance of Permits and Certificates for the Transport of Human Bodies and Remains (JoL of 2007, item 1866). The procedures for burial during armed conflict are laid down in Defence Standard NO-02-A053:2004 Warfare – Emergency burial procedures, enacted under Decision no. 14/MON of the Minister of National Defence of 20 March 2024 on the Adoption and Introduction of Normalisation Documents Pertaining to Defence and National Security. This Standard defines the procedures for the emergency burial of the members of own, allied or enemy forces who have been killed (i.e., who were wounded in action and who succumbed to injuries or other harm prior to receiving assistance from medical personnel) or who died on land. It also lays down the rules of procedure for persons killed or dead at sea and with deceased civilians belonging to the armed forces but not taking part in the hostilities. It regulates the general rules of interment (observance of hygiene and counter-epidemic measures; protection of bodies against carrion-eating animals and birds, desecration or robbery; enabling the



exhumation and identification of bodies; prevention of environmental contamination through contact with bodies or remains contaminated due to the use of nuclear, biological or chemical weapons), the selection of the place for burial, the marking of the graves, the treatment of the bodies (with special attention paid to the treatment of those killed or dead due to the use of weapons of mass destruction), the preparation of burial reports, and instructions concerning personal effects and identity tags. The Standard also lists the relevant provisions of the 1949 Geneva Conventions and Additional Protocols concerning persons killed and dead during hostilities.

# Chapter 6

## Responsibility for breaches of international humanitarian law

### 6.1. Criminal legislation dealing with violations of international humanitarian law

For a long time, crimes against peace, crimes against humanity, and war crimes had not seen comprehensive regulation in Polish law. Polish criminal legislation of old penalised war crimes to some extent (Regulation of the President of the Republic of 21 October 1932 – Military Criminal Code, JoL, item 765). Criminal liability for such crimes was expanded in the Decree of the President of the Republic of Poland of 30 March 1943 on Criminal Liability for War Crimes (JoL, item 6), which penalised the gravest breaches of international law against the Polish State, a Polish legal person or a Polish citizen; the Decree of 31 August 1944 on the Punishment of Fascist-Hitlerite Criminals Guilty of Murder and Ill-Treatment of the Civilian Population and of Prisoners of War, and the Punishment of Traitors to the Polish Nation, or (August Decree) (JoL, item 16); and the Criminal Code of the Polish Military of 23 September 1944 (JoL, item 27). The attempt to include in the 1969 Criminal Code (JoL, item 94) a chapter titled “Crimes against Peace, Humanity and International Relations” was unsuccessful. The chapter was removed from the bill during readings in the Sejm, as the matter was intended for a separate act, which, however, was never passed. Not until the new codification was Chapter XVI inserted into the Act of 6 June 1997 – Criminal Code. It was titled “Crimes against Peace, Crimes against Humanity and War Crimes,” and provided for holistic regulation this issue. Chapter XVI deals with several areas of protection: international peace (Article 117), fundamental human rights (Article 118, Article 118a and Article 119), rules governing the production and handling of weapons of mass destruction and other means of warfare (Article 120 and Article 121), and the principal rules of warfare and conduct during armed conflicts (Articles 122–126). The subdivision in the title of Chapter XVI CC reflects the Charter of the International Military Tribunal (annexed to the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis), signed at London on 8 August 1945 (JoL of 1947, item 367), Article 6 of which defines crimes against peace, war crimes, and crimes against humanity. Chapter

XVI addresses the most socially harmful crimes, which is reflected in the severity of the attendant penalties.

The choice of the method for implementing in Polish law the provisions relating to breaches of international humanitarian law determined the form of the new provisions. In particular, this is true of the departure from the casuistry in defining the prohibited methods and means of warfare that is typical for international humanitarian law. The Criminal Code regulates these matters synthetically, through references to the prohibitions specified in international law. It is worth noting that the provisions of Chapter XVI CC on war crimes make no distinction between international and non-international armed conflicts, which permits the conclusion that they apply to both.

The review concerning the status as regards transposition into Polish law of the provisions of international humanitarian law preceding the introduction of Chapter XVI to the CC did not account for the provisions of the Rome Statute of the International Criminal Court of 17 July 1998 ([JoL of 2003, item 708](#)) (the “Statute”), as Poland had not yet adopted it at the time. The Statute is not a typical criminal law agreement, and does not require the States Parties to prosecute the crimes it covers; it merely lays down the scope of crimes subject to the jurisdiction of the International Criminal Court. However, considering that the definitions of crimes against humanity and war crimes set out in the Statute form the currently accepted standard in international law, the Ministry of Justice drafted an amendment to the CC, aimed at fully transposing the crimes covered by the Statute into the Polish legal system. The act amending the CC was adopted on 20 May 2010 and entered into force on 8 September 2010. The amendment saw the introduction to the CC of Article 118a, corresponding in its scope to Article 7 of the Statute; supplementation of the list of war crimes defined in Article 8 of the Statute (Article 122, Article 124 and Article 125 CC); and expansion of liability of military commanders and other superiors in line with Article 28 of the Statute (Article 126b CC).

## **6.2. Criminal legislation relating to war crimes – grave breaches of the Geneva Conventions and of Protocol I**

Pursuant to Articles 49, 50, 129 and 146 of the four Geneva Conventions respectively, the Contracting Parties undertook to: “enact any legislation necessary to

provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of [the Geneva Conventions.]” The CC criminalises the following “grave breaches” of the Geneva Conventions:

a) wilful killing – criminalised under Article 123 § 1 CC:

- Article 123 [Assault on the life or health of prisoners of war or civilians]

**§ 1.** Whoever, in violation of international law, commits the homicide of:

- 1) persons who surrendered by laying down their arms or lacking means of defence;
- 2) the wounded, sick, shipwrecked persons, medical or religious personnel;
- 3) prisoners of war;
- 4) civilians in an occupied area, annexed or under warfare, or other persons who are protected by international law during warfare,

shall be subject to the penalty of imprisonment for no less than twelve years, or the penalty of life in prison.

b) torture or inhuman treatment, including biological experiments – criminalised under Article 123 § 2 CC:

Article 123 [Assault on the life or health of prisoners of war or civilians]

**§ 2.** Whoever, in violation of international law, causes the persons specified in § 1 to suffer a serious detriment to health; subjects them to torture, or cruel or inhuman treatment; experiments on them for exploratory purposes, even with their consent; uses their presence to protect an area, facility or one’s own armed units from warfare; or keeps such persons as hostages, shall be subject to the penalty of imprisonment for between five and twenty-five years.

c) wilfully causing great suffering or serious injury to body or health – criminalised under Article 123 § 2 and Article 124 CC:

Article 123 [Assault on the life or health of prisoners of war or civilians]

**§ 2.** Whoever, in violation of international law, causes the persons specified in § 1 to suffer a serious detriment to health; subjects them to torture, or cruel or inhuman treatment; experiments on them for exploratory purposes, even with their consent; uses their presence to protect an area, facility or one's own armed units from warfare; or keeps such persons as hostages, shall be subject to the penalty of imprisonment for between five and twenty-five years.

- Article 124 [Other criminal violation of international law]

**§ 1.** Whoever, in violation of international law, compels the persons specified under Article 123 § 1 to serve in the forces of a hostile power or participate in military action directed against their own state; uses corporal punishment; uses violence, unlawful threat or deceit to compel these persons to engage in sexual intercourse or to submit to or perform any other sexual activity; perpetrates an attack on human dignity, including without limitation by way of degrading or humiliating treatment; deprives these persons of liberty or of the right to trial by an independent and impartial court, or restricts their right to defence in criminal proceedings; or declares the rights or claims of citizens of the opposing side to be extinguished, suspended or inadmissible for court action, shall be subject to imprisonment for between three and twenty years.

- d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly – criminalised under Article 125 CC:

- Article 125 [Attack on personal or cultural property]

**§ 1.** Whoever, in an area occupied, annexed or under warfare, in violation of international law, destroys, damages, removes or appropriates personal or cultural property,

shall be subject to the penalty of imprisonment for between one and ten years.

**§ 2.** If the offence pertains to property of significant value or particular importance to culture, the perpetrator shall be subject to the penalty of imprisonment for between three and twenty years.

e) compelling a prisoner of war or a civilian to serve in the armed forces of a hostile power – criminalised under Article 124 § 1 CC:

- Article 124 [Other criminal violation of international law]

**§ 1.** Whoever, in violation of international law, compels the persons specified under Article 123 § 1 to serve in the forces of a hostile power or participate in military action directed against their own state; uses corporal punishment; uses violence, unlawful threat or deceit to compel these persons to engage in sexual intercourse or to submit to or perform any other sexual activity; perpetrates an attack on human dignity, including without limitation by way of degrading or humiliating treatment; deprives these persons of liberty or of the right to trial by an independent and impartial court, or restricts their right to defence in criminal proceedings; or declares the rights or claims of citizens of the opposing side to be extinguished, suspended or inadmissible for court action, shall be subject to imprisonment for between three and twenty years.

f) wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial – criminalised under Article 124(1) of the Criminal Code:

- Article 124 [Other criminal violation of international law]

**§ 1.** Whoever, in violation of international law, compels the persons specified under Article 123 § 1 to serve in the forces of a hostile power or participate in military action directed against their own state; uses corporal punishment; uses violence, unlawful threat or deceit to compel these persons to engage in sexual intercourse or to submit to or perform any other sexual activity; perpetrates an attack on human dignity, including without limitation by way of degrading or humiliating treatment; deprives these persons of liberty or of the right to trial by an independent and impartial court, or restricts their right to defence in criminal proceedings; or declares the rights or claims of citizens of the opposing side to be extinguished, suspended or inadmissible for court action, shall be subject to imprisonment for between three and twenty years.

g) directing attacks against the civilian population or against civilian persons – criminalised under Article 122 CC:

- Article 122 [Inadmissible means and methods of warfare]

**§ 1.** Whoever attacks in warfare an undefended locality or works, or a hospital, demilitarised or neutral zone, or uses any other method of warfare prohibited by international law, shall be subject to the penalty of imprisonment for between five and twenty-five years.

**§ 2.** Whoever uses a means of warfare prohibited by international law in warfare shall be subject to the same punishment.

- h) directing indiscriminate attacks affecting the civilian population or civilian works – criminalised under Article 122 CC, cited above;
- i) attacking works containing dangerous forces – criminalised under Article 122 CC, cited above;
- j) directing attacks against undefended localities and demilitarised zones – criminalised under Article 122 CC, cited above;
- k) directing attacks against individuals with the knowledge that they are out of combat (*hors de combat*) – criminalised under Article 122 CC, cited above:
  - Article 122 § 1 explicitly mentions only a few types of protected works, otherwise referring to the methods of warfare prohibited under international law. The doctrine of international criminal law identifies prohibited methods and means of warfare. All acts mentioned in items (g) to (k) are considered to be among the prohibited methods of warfare.
- l) unjustified delay in the repatriation of prisoners of war or civilians – criminalised under Article 124 CC;
- m) practices of apartheid or other inhuman or degrading practices based on racial discrimination – criminalised under Article 119 § 1 and Article 123 § CC:
  - Article 119 § 1. Whoever uses violence or makes an unlawful threat against a group of persons or an individual person because of their national, ethnic, racial, political or religious affiliation, or because of their lack of religious belief, shall be subject to the penalty of imprisonment for between three months and five years.

- n) unlawful deportation or resettlement of civilians – criminalised under Article 124 CC;
- o) taking of hostages – criminalised under Article 123 § 2 CC;
- p) directing attacks against clearly identified historical monuments, works of art or places of worship which constitute the common cultural or spiritual heritage of nations and to which special protection has been afforded under a separate agreement – criminalised under Article 125 CC;
  - Article 125 [Assault on personal or cultural property]

**§ 1.** Whoever, in an area occupied, annexed or under warfare, in violation of international law, destroys, damages, removes or appropriates personal or cultural property

shall be subject to the penalty of imprisonment for between one and ten years.

**§ 2.** If the offence pertains to property of significant value or particular importance to culture, the perpetrator shall be subject to the penalty of imprisonment for between three and twenty years.

The war crimes defined in the CC are universal offences, which means that they can be committed by any natural person. As regards whether war crimes may be committed through omission, the same general rules as for all other offences apply. This means that Article 2 CC applies. Depending on the specific circumstances of the commission of the relevant offence, Article 18 § 3 may also apply (aiding through omission).

Article 2 Criminal liability for omissions that amount to offences based on the consequences shall be borne solely by the person upon whom it was legally and specially incumbent to prevent the consequences.

- Article 18 § 3. **Whoever, with the intent for another person to commit a punishable offence, facilitates by their conduct the commission thereof, particularly by providing the instrument or means of transport, or giving counsel or information, shall be liable for aiding; whoever through omission facilitates the commission thereof by another**



person, despite it being legally and specially incumbent on them to prevent the commission, shall also be liable for aiding.

### **6.3. Criminal legislation relating to wartime offences other than grave breaches of the Geneva Conventions and of Protocol I**

The Criminal Code also criminalises other violations of international humanitarian law not deemed “grave breaches.” These include:

- 1) all methods of warfare prohibited under international law (Article 122);
- 2) all means of warfare prohibited under international law (Article 122);
- 3) using the presence of persons protected under international humanitarian law to protect an area, facility or one’s own armed units from warfare (Article 123);
- 4) using corporal punishment (Article 124);
- 5) depriving persons of liberty in violation of international humanitarian law (Article 124);
- 6) making an attack on the human dignity of persons protected under international humanitarian law, including without limitation by way of degrading and humiliating treatment (Article 124);
- 7) compelling persons to participate in military action directed against their own state (Article 124);
- 8) resettling the civilian population (Article 124);
- 9) committing sexual offences against persons protected under international humanitarian law (Article 124);
- 10) declaring the rights or claims of citizens of the opposing side to be extinguished, suspended, or inadmissible for court action (Article 124);

- 11) inducting or recruiting persons under eighteen into the armed forces or using such persons in warfare (Article 124);
- 12) restricting the right to defence in criminal proceedings of persons protected under international humanitarian law (Article 124);
- 13) using during warfare, in violation of international law, the emblem of the Red Cross or the Red Crescent, of the protective emblem for cultural property, or of any other emblem protected under international law (Article 126);
- 14) making use during warfare of the national flag or military emblems of the adverse party, a neutral state or international organisation or committee (Article 126).

#### **6.4. Criminal legislation relating to the crime of genocide**

The crime of genocide is defined in Article 118 CC:

- Article 118 [Genocide]

**§ 1.** Whoever, acting with the intent to destroy, in whole or in part, a national, ethnic, racial, political or religious group, or a group with a certain world-view, kills or causes serious harm to the health of a member of the group,

shall be subject to the penalty of imprisonment for no less than twelve years, or the penalty of life in prison.

**§ 2.** Whoever, acting with the intent specified under § 1, inflicts on the members of the group conditions of life threatening its biological destruction, imposes measures intended to prevent births within the groups, or forcibly removes children of the group,

shall be subject to the penalty of imprisonment for between five and twenty-five years.

The provisions of Article 118 § 1 and § 2 implement the obligations arising from the UN Convention of 9 December 1948 on the Prevention and Punishment of the

Crime of Genocide (JoL of 1952, item 9). The definition of the crime of genocide in Polish law is broader than the one in the Convention. In addition to the groups named in the 1948 Convention, Article 118 also extends to political groups and groups with a certain world-view. Genocide, also known as extermination, is the gravest crime, carrying the penalty of imprisonment of no less than twelve years, or the penalty of life in prison. Penalisation in the case of this offence, in all its instances, extends not only to the executive perpetrator but also to persons who engage in any form of complicity – including through direction or mandate – which applies, in particular, to persons issuing such instructions (orders): political leaders, commanders of military, police or paramilitary units, concentration camp commanders, etc. Pursuant to Article 126c § 1 CC, preparation to commit the crime of genocide in any of the forms described above is also punishable. Article 126c was introduced to the CC on the basis of the provisions of the Act of 10 June 2016 on Counter-Terrorist Activities (JoL of 2022, item 2632, as amended). Besides criminalising the preparation of the crime of genocide, this provision also criminalises preparation to commit other crimes such as: initiating or waging a war of aggression (Article 117); participating in a mass attack against a population (Article 118a), using means of mass extermination (Article 120), conducting warfare inconsistent with international law (Article 122), committing war crimes against prisoners of war or civilians (Article 123), committing other violations of international law during warfare (Article 124), and damaging or appropriating cultural property (Article 125).

- Article 126c [Preparations for crimes against peace, crimes against humanity, and war crimes]

**§ 1.** Whoever makes preparations to commit an offence specified under Article 117, Article 118, or Article 120, shall be subject to the penalty of imprisonment for between three and twenty years.

**§ 2.** Whoever makes preparations to commit an offence specified under Article 118a § 1 or § 2, Article 122 or Article 123, shall be subject to the penalty of imprisonment for between one and ten years.

**§ 3.** Whoever makes preparations to commit an offence specified under Article 124 § 1 or Article 125, shall be subject to the penalty of imprisonment of up to three years.

## 6.5. Criminal legislation relating to crimes against humanity

The Act of 20 May 2010<sup>9</sup> introduced a new crime (Article 118a) corresponding in scope to Article 7 of the Rome Statute of the International Criminal Court, i.e., to crimes against humanity.

- Article 118a [Crimes against humanity]

**§ 1.** Whoever, while taking part in a mass-scale attack or in at least one in a series of attacks directed against any civilian population, pursuant to or in furtherance of a State or organisational policy:

- 1) commits murder;
- 2) causes serious injury to a person's health;
- 3) inflicts on a population conditions of life threatening their biological existence, in particular by depriving them of access to food and medical care, calculated to bring about the destruction of the said population, shall be subject to the penalty of imprisonment for no less than twelve years, or the penalty of life in prison. <sup>9</sup>

**§ 2.** Whoever, while taking part in a mass-scale attack or in at least one in a series of attacks directed against any civilian population, pursuant to or in furtherance of a State or organisational policy:

- 1) causes a person to become or remain enslaved;
- 2) deprives a person of liberty for a period of more than seven days, or in a manner involving particular torment;
- 3) uses torture or subjects a person to cruel or inhuman treatment;
- 4) commits rape or, with the use of violence, unlawful threat or deceit otherwise violates the sexual liberty of a person;
- 5) using violence or an unlawful threat, causes a woman to become pregnant with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law;
- 6) deprives a person of liberty and refuses to give information or provides false information on the fate or whereabouts of the person, with the

---

9. Act of 20 May 2010 amending the Criminal Code, the Act on the Police, the Provisions Implementing the Criminal Code, and the Code of Criminal Procedure (Polish Journal of Laws of 2010, No. 98, item 626).

intention of removing them from the protection of the law for a prolonged period of time, shall be subject to the penalty of imprisonment for between five and twenty-five years.

**§ 3.** Whoever, while taking part in a mass-scale attack or in at least one in a series of attacks directed against any civilian population, pursuant to or in furtherance of a State or organisational policy:

- 1) in violation of international law, forces persons to change their lawful place of residence;
- 2) engages in serious persecution against a population for reasons considered unacceptable under international law, including without limitation for reasons of political, racial, national, ethnic, cultural, or religious affiliation, or the lack of religious belief, causing deprivation of fundamental rights, shall be subject to the penalty of imprisonment for between three and twenty years.

Besides Article 118a, which reflects crimes against humanity under Article 7 of the Statute, Chapter XVI CC, dealing with crimes against peace, crimes against humanity, and war crimes, defines in Article 119 the crime of the use of violence or an unlawful threat against a person or a group of persons because of their national, ethnic, racial, political or religious affiliation, or because of their lack of religious belief. The protection extended by Article 119 applies to fundamental values and human rights, including first and foremost the right to life and to the development of individual values and of group distinctiveness.

- Article 119 § 1 Whoever uses violence or makes an unlawful threat against a group of persons or a particular individual because of their national, ethnic, racial, political or religious affiliation, or because of their lack of religious belief, shall be subject to the penalty of imprisonment for between three months and five years.

## **6.5. Jurisdiction and competence of courts**

Criminal law does not restrict liability for offences covered under Chapter XVI CC, i.e., crimes against peace, crimes against humanity, and war crimes, to soldiers. Crimes listed in this chapter are universal offences, which means that they can be

committed by any natural person. Consequently, cases involving such crimes are examined by common courts, unless they are within the jurisdiction of military courts. However, Polish criminal law is evolving in the direction of eliminating the differences between proceedings before military courts and proceedings before common courts. The Act of 6 June 1997 – Code of Criminal Procedure (JoL of 2024, item 37, as amended) has significantly restricted the *ratione personae* competence of military courts. The system of military courts has been modified to resemble the common judiciary, retaining distinctions only to the extent justified by the specific needs of the military; moreover, general administrative and organisational oversight has been given to the Minister of Justice. Criminal proceedings before military courts follow all procedural guarantees applicable before common courts and fulfil the relevant international standards.

## 6.6. Liability of superiors

By issuing an order, the fulfilment of which is tantamount to the commission of a punishable offence, a superior or higher-ranking soldier with the authority to issue an order bears criminal liability under Article 18 § 1 CC. When a subordinate attempts to commit a punishable offence, the person giving the order bears the same liability as for attempting to commit such an offence (Article 22 § 1 CC). Occasionally, the conduct of a superior may also qualify as a punishable offence through performance, under Article 231 § 1 CC. Superiors include not only those on active military duty but also civilians to whom soldiers report hierarchically.

- Article 18 § 1. Liability for perpetration shall be borne not only by whoever commits a punishable offence alone or jointly and in concert with another person, but also by whoever directs the commission of a punishable offence by another person or, taking advantage of the subordination of another person, orders that person to commit such an offence.
- Article 231 § 1. A public official who acts to the detriment of a public or individual interest by exceeding their authority or not performing their duty, shall be subject to the penalty of imprisonment for up to three years.

§ 2. If the perpetrator commits the offence specified in § 1 with the purpose of obtaining a property-based or personal benefit, they shall be subject to the penalty of imprisonment for between one and ten years.

§ 3. If the perpetrator of the offence specified in § 1 acts unintentionally and causes material damage, they shall be subject to a fine, community service, or the penalty of imprisonment for up to two years.

In Article 28, the Rome Statute of the International Criminal Court provides for the responsibility of military commanders and other superiors for crimes covered by the Statute and committed by those under their effective command and control. Such responsibility is limited to cases where the superior either knew or should have known that the subordinates were committing or about to commit such crimes, yet still failed to take all the necessary measures to prevent their commission. Although the Criminal Code provides for aiding through omission (Article 18 § 3), which essentially corresponds in scope to Article 28 of the Statute, such liability is limited to intentional crimes only, while Article 28 of the Statute stipulates that unintentionally culpable commanders or superiors also bear responsibility for the acts of their subordinates. A new specific regulation has thus been introduced (Article 126b), which deals with commanders or superiors who permit the commission of a punishable offence by a subordinate as perpetrators of such crimes (and not as aiders) and which stipulates liability for unintentional crimes as well.

- Article 126b § 1. Whoever, in breach of their duty of proper control, fails to prevent the commission of offences under Article 117 § 3, Article 118, Article 118a, Article 119 § 1 or Articles 120–126a by a person under their effective command or control, shall be subject to the penalty provided for therein.

§ 2. If the perpetrator acts unintentionally, they shall be subject to the penalty of imprisonment for between three months and five years.

## **6.7. On-order action**

The concept of an order is defined in Article 115 § 18 CC. It is a communication to perform or refrain from performing a specific action, conveyed to a soldier by a superior or authorised higher-ranking soldier. The authority to issue orders is usually derived from organisational arrangements, rules and regulations, or authority granted in an official manner or one arising from the decision of an authorised higher-level commander. A superior is a person who, besides the right to issue orders, directs the work of the members of the military and is responsible

for them. A higher-ranking soldier, in turn, is one with a higher military rank, who may communicate orders to a member with a lower rank in a given situation. Orders may be conveyed in any form whatsoever, e.g., oral, written or by signal. An order must be an explicit communication to perform or refrain from performing a specific action in relation to duties and conduct connected with military service. Under Article 318 CC, a member of the armed forces who commits a punishable offence in following an order is not committing a crime, unless in following the order, the said member commits the crime intentionally. The obligation to follow an order is waived if the subordinate would have to commit a crime. The liability of a member of the armed forces is predicated on their awareness of the criminal nature of the order, including their awareness of its incompatibility with the provisions of criminal law, along with their belief that following the order would entail committing a crime. Article 344 § 1 CC provides that a soldier who refuses or fails to follow an order to commit a crime is not guilty of insubordination. Pursuant to § 2 thereof, if a subordinate follows an order incorrectly in order to materially reduce the harmfulness of the act, a court may impose an extraordinarily lenient punishment or decide not to impose it altogether.

## **6.8. Non-applicability of statutory limitations**

Poland is party to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, adopted by the General Assembly of the United Nations on 26 November 1968 (JoL of 1970, item 208, as amended).

The principle of non-applicability of the statute of limitations to crimes against humanity and war crimes is also incorporated into the Constitution (Article 43) and CC (Article 105).

- Article 43 of the Constitution

There shall be no statute of limitations regarding war crimes and crimes against humanity.

- Article 105 [Preclusion of statutory limitations]
- Articles 101-103 shall not apply to:



- 1) crimes against peace, crimes against humanity, and war crimes;
- 2) intentional killing of a person, serious injury to a person's body or health, or deprivation of liberty of a person with particular torment, by a public official, committed in relation to the performance of their official duties;
- 3) criminal offences under Article 197 § 4 or § 5 against persons under fifteen;
- 4) criminal offences under Article 148 § 2(2) or § 3, committed in connection with the rape of a person under fifteen or rape with particular cruelty;
- 5) criminal offences under Article 197 § 4 or § 5 committed with particular cruelty;
- 6) criminal offences under Article 156 § 1 and Article 197 § 4 in conjunction with Article 11 § 2.

### **6.9. Jurisdiction of Polish courts in criminal matters and the duty to prosecute crimes under the Geneva Conventions**

Pursuant to Article 49 GC I, Article 50 GC II, Article 129 GC III and Article 146 GC IV, the Contracting Parties undertook to : “search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and [to] bring such persons, regardless of their nationality, before its own courts.”

The fulfilment of the above obligation largely hinges on the principle of territoriality laid down in Article 5 CC, the principle of legalism (mandatory prosecution) established in Article 10 CCP, and the provisions of Articles 109–113 CC, defining the terms of liability for crimes committed abroad. The latter determine the scope of application of the Criminal Code, and with it the jurisdiction of Polish courts in criminal cases, including without limitation in respect of crimes against peace, crimes against humanity, and war crimes.

Article 5 CC defines the principle of territoriality, stating that Polish criminal law applies to all punishable offences committed in the territory of the Republic of Poland, as well as on board of a Polish vessel or aircraft, regardless of the perpetrator's nationality or statelessness. A punishable offence is deemed to have been committed in the territory of the Republic of Poland or on board of a Polish vessel or aircraft if that is where the perpetrator acts or omits to perform an act that have a duty to perform, or if that is where the criminal consequence occurs or is intended by the perpetrator to occur (Article 6 § 2 CC).

The Criminal Code does not define the term “territory of the Republic of Poland” in greater detail. That term is defined in the Act of 12 October 1990 on the Protection of the State Border (JoL of 2022, item 295, as amended) as the area delineated by the state borders, separating the territory of the Republic of Poland from the territories of other states and from open sea, which includes inland waters, territorial sea, the air space above this territory and the subsoil under it. The Act of 21 March 1991 on the Maritime Domain of the Republic of Poland and on Maritime Administration (JoL of 2023, item 9601, as amended) provides that the territorial sea is the belt of waters extending twelve nautical miles from the lowest water mark along the coast or the external boundary of internal waters (bays and harbours).

The Criminal Code extends the principle of territoriality to include punishable offences committed outside the territory of the Republic of Poland. Polish criminal law applies to punishable offences committed on board of a Polish sea-going vessel or aircraft, regardless of their location when the offence is committed. This also applies to military units. For example, Polish criminal law applies when the offence is committed on board of a Polish sea-going vessel in a foreign port or on the open sea.

Article 10 of the Polish Code of Criminal Procedure enshrines the principle of legalism, placing absolute duty to prosecute crimes upon the authority established for such purpose. The principle of legalism extends only to crimes prosecuted *ex officio*. Since all crimes under Chapter XVI CC are prosecuted *ex officio*, the principle of legalism applies to them in full. The principle in question obligates all authorities conducting proceedings to act in such a manner that no one, with the exception of cases defined by statute or in international law, should be allowed to avoid liability for a crime committed. Article 10 is addressed not only to the authorities involved in pre-trial investigations, but also to courts. Any authority tasked with prosecuting crimes (public prosecutors, the Police, the Internal Security Agency, the Military Police, agencies authorised under special provisions, etc.) are obligated, in the event of a justified suspicion that an offence has been committed, to institute and conduct a pre-trial investigation. Moreover, it is the duty of a public prosecutor to press and uphold charges if the act is prosecuted *ex officio*.

The terms of liability for offences committed abroad are enshrined in Chapter XIII CC. Articles 109-113 establish the principles of nationality, relative protection, and universal repression:

Article 109 Polish Criminal Law shall apply to Polish citizens who commit an offence abroad.

- Article 110 § 1. **Polish criminal law shall apply to foreign nationals who commit abroad a punishable offence against the interests of the Republic of Poland, a Polish citizen, a Polish legal person, or a Polish organisational unit without legal personality, as well as to foreign nationals who commit abroad a terrorist crime.**

**§ 2. Polish criminal law shall apply to foreign nationals who commit abroad a punishable offence other than listed in § 1, if under Polish criminal law, such offence is subject to a penalty of imprisonment of more than two years, the perpetrator resides within the territory of the Republic of Poland, and no decision to extradite them has been taken.**

- Article 111 § 1. Liability for an offence committed abroad shall, however, be conditional on such act being likewise recognised as a criminal offence by statute in force in the place of its commission.

**§ 2.** If there are differences between Polish criminal law and the statute in force in the place of commission, the court may take such differences into account in favour of the perpetrator.

**§ 3.** The condition under § 1 shall not apply to Polish officials who, while performing their duties abroad, commit an offence in connection with the performance of their function, nor to persons who commit an offence in a place that is under no jurisdiction of a state authority.

- Article 112 Notwithstanding the provisions applicable in the place where the offence is committed, Polish criminal law shall apply to Polish citizens or foreign nationals if they commit:

- 1) an offence against the internal or external security of the Republic of Poland;

1a) (no longer in force)

- 2) an offence against Polish authorities or public officials, or an offence which consists in obtaining under false pretences a false certification from a Polish public official or other person with the authority under Polish law to issue documents;
- 3) an offence against the essential economic interests of Poland;
- 4) an offence which consists in providing false testimony, representation, opinion, or translation, or in using another person's identity document, a false certification document, or a forged document - before a Polish authority;
- 5) an offence yielding, even indirectly, a property-based benefit in the territory of the Republic of Poland.

- Article 113 Notwithstanding the provisions applicable in the place where the offence is committed, Polish criminal law shall apply to Polish citizens or foreign nationals with respect to whom no extradition decision has been taken, in the event that they commit abroad an offence which the Republic of Poland is obligated to prosecute under international agreements, or an offence covered by the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998 (JoL of 2003, item 708; and of 2018, item 1753).

## Chapter 7

### Competence of domestic authorities and organisations in respect of the implementation of international humanitarian law

In Poland, international humanitarian law is implemented by the executive and the judiciary.

As far as the executive branch is concerned, every authority of the central government performs tasks related to the implementation of international humanitarian law within their respective area of competence under the special provisions in force.

Order no. 51 of the President of the Council of Ministers of 20 May 2004 (Polish Official Gazette of 2003, item 692) established the Commission for International Humanitarian Law. Its main task is to disseminate the norms of international humanitarian law for the purpose of introducing them into the Polish legal system, including in particular by:

- a) reviewing and analysing international agreements relating to international humanitarian law and giving opinions in this area;
- b) submitting to the President of the Council of Ministers periodic opinions on the legislative, organisational and educational measures that should be undertaken in order to transpose the norms of international humanitarian law into Poland's legal system;
- c) formulating proposals on drafting instruments intended to transpose the norms of international humanitarian law into Polish legislation;
- d) liaising and exchanging information on an ongoing basis with other Committees and Commissions that deal with the topics of international humanitarian law, including in particular the Commission for the Dissemination of International Humanitarian Law at the Main Board of the Polish Red Cross;

- e) analysing information about legislative bills, government programmes, and other documents relating to international humanitarian law upon which work is in progress;
- f) drafting course programmes regarding international humanitarian law;
- g) formulating an opinion, at the request of the competent minister, on Poland's position for international conferences and on the implementation of obligations there assumed;
- h) liaising with foreign institutions dealing with the topics of international humanitarian law.

The Commission comprises representatives of the ministries responsible for the implementation and dissemination of international humanitarian law in Poland, including representatives of the ministers competent for public administration; public finance; culture and protection of national heritage; science; upbringing and education; home affairs; foreign affairs; higher education; and the Minister of National Defence, as well as the Minister of Justice.

The Resolution of the Council of Ministers of the Republic of Poland of 27 April 2004 on the Polish Advisory Committee (JoL, item 1066) established the Polish Advisory Committee, an auxiliary body to the Council of Ministers, the tasks of which include, in particular:

- 1) submitting opinions and requests to the Council of Ministers regarding legislative, technical or military measures that should be undertaken in time of peace or during armed conflict, as well as in the event of participation of the Polish Armed Forces in peacekeeping and stabilisation missions undertaken by international organisations with the consent of the UN in order to ensure the implementation of the Hague Convention and the associated Protocols to which Poland is party;
- 2) submitting requests to the Council of Ministers intended to ensure, in the event of armed conflict, the familiarity with, respect for, and protection of historical monuments both within the territory of the Republic of Poland and abroad by the Armed Forces of the Republic of Poland;

- 3) guaranteeing, in co-operation with central government authorities, contacts and cooperation with Committees of similar nature in other countries and with the relevant international organisations;
- 4) clarifying the implementation of the provisions of the Hague Convention and the associated Protocols with public administration institutions and authorities, as well as social and non-governmental organisations.

The Committee is chaired by a secretary of state at the Ministry of Culture and National Heritage who is responsible for the protection of monuments. It is made up of the representatives of the Minister of National Defence, the Minister of the Interior and Administration, the Minister of Foreign Affairs, the Minister of Justice, the Minister of Education, and persons with specialist qualifications in the area of monument protection and care. The Committee commenced its operations in 2004.

In the course of administering justice, courts and tribunals are obliged to respect the international law binding upon the Republic of Poland (Article 9 of the Constitution of the Republic of Poland). Moreover, in line with Article 91(1) of the Constitution, judges may apply international agreements directly if three requirements are fulfilled: the agreement has been ratified, has been promulgated in the Journal of Laws, and is fit for direct application, i.e., does not require the enactment of a statute. Judges, within the exercise of their office, are independent and subject only to the Constitution and statutes (Article 178(1) of the Constitution).

# PART II

---

## Dissemination of international humanitarian law

### Chapter 1

#### Activities of the state administration in respect of the dissemination of international humanitarian law

##### 1.1. The Commission for International Humanitarian Law

Since 2009, the Commission has taken a series of measures aimed at disseminating international humanitarian law. These include establishing three expert teams to draft the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Reports on the Implementation and Dissemination of International Humanitarian Law in the Republic of Poland, to analyse the obligations in the field of assistance measures arising from international agreements on conventional disarmament, and to adopt specific proposals for further actions in this field. The purpose of preparing the reports was to review compliance of domestic legislation and practice with the norms of international humanitarian law. The information gathered allowed the identification of areas requiring concrete action in order to guarantee the full implementation of international humanitarian law in the Polish legal system and its dissemination in Polish society.

The present Fifth Report, which includes up-to-date information about the implementation and dissemination of international humanitarian law in Poland, will be distributed among the interested institutions both in Poland and abroad. The Report will also be made available on the official website of the Ministry of Foreign Affairs.



## 1.2. Ministry of Foreign Affairs

### *Humanitarian aid activities*

In accordance with the Act of 16 September 2011 on development cooperation (JoL of 2021, item 1425), humanitarian aid is aid which consists in particular in ensuring assistance, care and protection for a population suffering from armed conflicts, natural disasters, and other humanitarian crises, whether natural or man-made.

Polish humanitarian aid is given in accordance with the European Consensus on Humanitarian Aid<sup>10</sup> and the Good Humanitarian Donorship principles defined therein, as well as with other international guidelines specified by the United Nations, the European Union, and others. Such principles derive from the international humanitarian *acquis* and include without limitation independence, impartiality, neutrality, and humanitarianism. They define the rules for cooperation with the various entities of the humanitarian sector, safeguarding those institutions' areas of competence.

Polish humanitarian aid is provided in close partnership with international humanitarian organisations, a perfect example of which is Poland's activities within the EU and the UN. Cooperation is intended with institutions including the United Nations Office for the Coordination of Humanitarian Affairs, the United Nations High Commissioner for Refugees, and the International Committee of the Red Cross.

Poland recognises the ICRC as a key partner in providing humanitarian aid. As one of the world's longest-operating humanitarian organisations, the ICRC has an extensive legal and operational legacy, as well as expertise upon which Poland hopes to draw.

## 1.3. Ministry of National Education

The "Exploring Humanitarian Law" (EHL) programme created by the International Committee of the Red Cross is implemented in Poland through

---

10. <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431445468547&uri=CELEX%3A42008X0130%2801%29>

collaboration between, (the Centre for Education Development (ORE) (a subordinate unit of the Ministry of National Education), and the Polish Red Cross (PRC), with financial support from the MNE. EHL serves as the basis of an online course available for teachers, aimed to give them: (1) knowledge about the international humanitarian law of armed conflict; (2) practical skills to teach classes under the EHL using materials developed by the PRC and made available on an e-learning platform.

The year 2021 saw the development of a new version of the “Exploring Humanitarian Law” e-training course (by the PRC in cooperation with the ORE), which features up-to-date content, accounting for the newest situations and armed conflicts across the world, a new visual interface, and new suggested lesson plans for teachers employing digital tools. The course was also adapted to the current technical requirements for e-learning courses. Furthermore, workshops were prepared and conducted for teachers to introduce them to the questions of international humanitarian law (on 16-17 December 2021).

In 2022, “Exploring Humanitarian Law” was available to teachers on the ORE training platform from 1 March to 20 April (as an e-learning course, with thirty hours as the expected time required for participants to complete it). On 23 May, a legal and political science webinar titled “Humanitarian Law – Genesis, Legal Context, and its State in the Present Day” was held, introducing its participants to the questions of humanitarian law and preparing for future training (for teachers and teaching consultants of history, History and Present Times, Social Studies, Polish, as well as any others who are interested in this topic). In 2023, “Exploring Humanitarian Law” was available to teachers on the ORE digital platform from 10 November to 10 December.

The mandatory subject “education for safety”, introduced in the 2009/2010 school year, was taught at junior high school and later at secondary school until the 2017/2018 school year. Owing to the reform of the educational system, which also entailed modifying the education structure, including the gradual abolishing of junior high school (*gimnazjum*) as a type of school, “education for safety” is mandatory in the 8<sup>th</sup> grade of primary school and consequently the 1st grade of secondary school, be it at level one trade school (*branżowa szkoła I stopnia*), the four-year general high school (*liceum*), or the five-year vocational high school (*technikum*).

The curriculum sufficiently accounts for the principles of international humanitarian law. In primary school, emphasis is put on preparing the students for situations which require the protection of life and health, including the provision of first aid. In secondary school, emphasis is put on developing individual ability to act effectively in and cope with situations which involve specific threats (detailed requirements for students include knowledge of the basic principles of international humanitarian law and basic UN documents regulating the activities of civil defence worldwide). The understanding and interpretation of matters of state security is multifaceted, and requires understanding the past, having a picture of the present, and setting forth objectives to think about the future. The curriculum content focuses on security management, policies and strategy, with the international context also taken into account.

In 2022, the minister competent for upbringing and education issued regulations amending the general primary and secondary school curricula with regard to “education for safety”, introducing a new definition of “education for safety” as a subject and specifying the knowledge that the students were required to attain at the respective stages of education: “education for safety is to prepare students to exhibit proper conduct and the appropriate reaction in situations that threaten life or health and in emergencies. The curriculum shall include content concerning state security, organisation of rescue efforts, first aid, and education regarding defence.” Furthermore, with the growing threat to state security, the curriculum and outcomes for “education for safety” had to be updated, with questions of state defence, shooting skills, training for students to deal with threats resulting from hostilities, and basics of fire rescue being added. These changes took effect from the 2022/23 school year onward.

The new provisions also stipulate the procedure for students in comprehensive education to meet requirements concerning the basic curriculum on shooting at level one trade schools – where, within the area of a district, a school has access to firearms, pneumatic weapons, airsoft guns, or a virtual or laser shooting range, the said requirement shall be satisfied starting from the 2022/2023 school year, whereas for schools which do not enjoy the relevant conditions, “this requirement shall be satisfied in the 2022/2023 and 2023/2024 school years as far as possible.” This means that the amended education for safety curriculum on shooting skills with firearms, pneumatic weapons, airsoft guns, or at a virtual or laser shooting range will be completed in full starting from the 2024/2025 school year.

#### 1.4. Ministry of Culture and National Heritage

Each year, when disseminating the rules of protection of cultural property under international humanitarian law of armed conflict, the Ministry of Culture and National Heritage co-organises the Polish School of International Humanitarian Law in Radziejowice. The topics covered include i. a. the rules of protection of cultural property in the armed conflict or crisis situations, presented by Krzysztof Sałaciński, an employee of the Ministry of Culture and National Heritage, and President of the Polish Committee of the Blue Shield.

The Ministry of Culture and National Heritage maintains a databank of civilian experts in the protection of cultural heritage with the ability to perform tasks relating to EU civilian and military missions. Each year, they undergo military training at the Military Training Centre for Foreign Operations in Kielce, and substantive training concerning the skills and tools required in missions at the International Centre for Training and Research on Cultural Heritage in Danger in Danger.

The Ministry of Culture and National Heritage organises annual defence and crisis training, as well as courses concerning the rules of protection of cultural property in the event of armed conflict, for heads of national cultural institutions, rectors of art academies, directors of museums, and people dealing with the safety of people and collections at cultural institutions. They are held in Poland, including at the International Centre for Training and Research on Cultural Heritage in Danger.

On 11 July 2019, the Ministry of National Defence and the Ministry of Culture and National Heritage signed the Memorandum of Cooperation in joint efforts to protect cultural property in the event of armed conflict or crisis situations. Based on this memorandum, the Minister of National Defence decided to establish the International Centre for Training and Research on Cultural Heritage in Danger in Wrocław, effective as of 1 May 2020.

In the Ministry of Culture and National Heritage operates the Polish Advisory Committee, an auxiliary body to the Council of Ministers that is competent for the protection of cultural property in the event of armed conflict. It is an interministerial body, and includes i. a. the representatives of the Minister of National Defence, the Minister of Foreign Affairs, the Minister of the Interior

and Administration, the Minister of National Education, the Minister of Science and Higher Education, and the Minister of Justice, as well as experts in the protection of cultural heritage. In this body's work, the members of the Committee have prepared a series of legal additions to the Act on Homeland Defence and to the draft Act on Civil Protection and Crisis Management. The members have also undertaken dissemination efforts, in particular concerning the safety of cultural heritage, by co-organising regular events in Cracow (in 2019, 2021, and 2023), in which many institutions and services have taken part, with substantive support from the Polish Committee of the Blue Shield.

Since the outbreak of the war in Ukraine, the Ministry of Culture and National Heritage has been providing material and financial aid and support for Ukrainian cultural institutions, museum institutions, library archives, and artists. On 23 February 2022, the Ministry established a task force to monitor and analyse threats to cultural heritage, and on April 2022, as part of the National Institute of Heritage, the Polish Support Centre for Culture in Ukraine was created, which coordinated ministerial and institutional aid directed to Ukraine's cultural institutions, provided training on the rules of protection for people representing various Ukrainian cultural institutions, and established direct cooperation with Ukrainian institutions to implement projects to document losses to Ukraine's cultural heritage. The Support Centre also disseminated information on the losses to the cultural heritage of Ukraine on the international stage. One of the tasks pursued by the Ministry of Culture and National Heritage since the outbreak of the war has also been to inform various international forums, such as the UN, UNESCO and other agendas of international and non-governmental organisations, of the destruction of Ukraine's cultural heritage by the aggressor, Russia. Poland has sponsored or initiated many efforts on various international forums, to condemn Russia for its attacks on the cultural heritage of Ukraine and its violations of international obligations pertaining to the protection of cultural property in armed conflict, especially the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954.

In December 2023, as part of its activity at UNESCO, during a meeting of the States Parties to the Second Protocol to the Hague Convention of 1954, done at The Hague on 26 March 1999, Poland was elected to the Committee for the Protection of Cultural Property in the Event of Armed Conflict. The Committee is an executive body under the Second Protocol to the Hague Convention, and comprises representatives of twelve states.

## 1.5. Ministry of National Defence

### 1.5.1. The establishment of the International Centre for Training and Research on Cultural Heritage in Danger

The International Centre for Training and Research on Cultural Heritage in Danger (the “Centre”) commenced its operations on 1 May 2020 pursuant to Decision no. 166/MON of the Minister of National Defence of 22 October 2019 establishing the International Centre for Training and Research on Cultural Heritage in Danger, this being the result of the Memorandum of Cooperation between the Ministry of National Defence and the Ministry of Culture and National Heritage signed on 11 July 2019. The establishment of an international specialist military centre furthers the implementation of various international agreements concerning the protection of cultural heritage, in particular the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. The Centre was created to disseminate good practices regarding protection of cultural property, including to implement domestic and international law, and prepare specialists on protection of cultural property in crisis situations, armed conflict, and war. The strategic objective of the Centre is to ensure that cultural heritage is safe and preserved.

The main tasks of the Centre include:

- conducting domestic and international training and courses for soldiers and civilians on the protection of cultural property in the event of armed conflict or crisis situations;
- conducting analyses and research concerning the implementation of international law regarding protection of cultural property in the form of systemic solution designs for the Armed Forces of the Republic of Poland;
- conducting research, analyses and consultations to develop optimal solutions regarding safety of cultural heritage, for the purpose of developing training programmes for the protection of cultural property in the event of armed conflict or crisis situations.

The training offered includes courses and sessions for commanders at various levels of command, specialists, and consultants dealing with the protection of cultural property, as well as soldiers and employees of the Ministry of National Defence dealing with this topic. Once the respective courses and sessions are NATO-certified, the training will be directed to other armies of allied countries. The teachers are national experts, both military and civilian. The International Centre for Training and Research on Cultural Heritage in Danger co-implements NATO Objective S 1106 “S&R – Training of own personnel in stabilisation and reconstruction”, and co-operates in implementing Objective L 3310 “Civil-military cooperation (CIMIC)” as regards the preparation of specialists for the protection of cultural property.

#### 1.5.2. Seminars and international courses

The Armed Forces of the Republic of Poland conduct operations contributing to the dissemination of international humanitarian law. They have raised the profile of the law of war in the practical training of members of the military, and caused greater intensity of training for military commands and staffs and training of law-of-war instructors. Commissioned officers of the Polish Military systematically participate in international seminars and courses dedicated to this area of law, organised by such institutions as the International Committee of the Red Cross, the International Institute of Humanitarian Law, and the International Society for Military Law and the Law of War.

Topics of international humanitarian law were included in syllabuses for applicants for professional military service and in courses delivered as part of the professional development system for professional members of the Polish Armed Forces in line with Decision no. 163/MON of the Minister of National Defence of 27 November 2020 on the Tasks and Coordination of Training in International Humanitarian Law in Armed Conflict at the Ministry of National Defence (Official Journal of the Ministry of National Defence, item 189).

### 1.5.3. Training for candidates for professional members of the military

As part of intramural programmes and officer schools operated by military academies for officer candidates, Decision no. 88/MON of the Minister of National Defence of 30 June 2020 on the Military Education Standard for Officer Candidates — Minimum Curriculum Requirements (Official Journal of the Ministry of National Defence, item 107) introduced “International humanitarian law in armed conflict” as a separate subject comprising twenty hours of instruction (ten hours of theory and ten hours of practice), with an examination at the end. Moreover, the issues in this area are included in such other course subjects such as educational activities in the military, basics of pedagogy, command leadership, peace-keeping and stabilisation activities, selected national and international security issues, civilian-military cooperation and environmental protection, or medical backup.

### 1.5.4. Lifelong education in the professional development of professional members of the Polish Armed Forces

Decision no. 420/MON of the Minister of National defence of 12 September 2008 on introducing in the Armed Forces of the Republic of Poland a Professional Development System for Professional Members (Polish Journal of the Ministry of National Defence, item 241, as amended) stipulates that issues of international humanitarian law of armed conflict are to be taught at all levels of education and training in postgraduate programmes and qualifying courses at:

- the War Studies University (WSU) in Warsaw;
- the Naval Academy (NA) in Gdynia;
- the Military University of the Land Forces (MULF) in Wrocław;
- the Polish Air Force University (PAFU) in Dęblin;
- the Land Forces Non-Commissioned Officer School (LFNCOS) in Poznań;



- the Air Force Non-Commissioned Officer School (AFNCOS) in Dęblin;
- the Navy Non-Commissioned Officer School (NNCOS) in Ustka.

Furthermore, under the Professional Development System for Professional Members of the Polish Armed Forces and the Annual Professional Development Plan at the International Centre for Training and Research on Cultural Heritage in Danger, a programme and organisational framework has been introduced for the following postgraduate programmes and professional development courses pursued each year:

- Extramural Post-Diploma Studies “International Humanitarian Law of Armed Conflict,” at two semesters, comprising 200 hours of lectures and practical workshops at the War Studies University in cooperation with the Military Centre for Civic Education (MCCE);
- “International Humanitarian Law of Armed Conflict” – 68 hours at the WSU;
- “International Humanitarian Law of Armed Conflict” – 60 hours at the PAFU;
- specialist course in international humanitarian law of armed conflict for commissioned and non-commissioned officers of the Land Forces – 60 hours at the Land Forces Training Centre (LFTC);
- “International Humanitarian Law of Armed Conflict” – 40 hours at the NA for commissioned and non-commissioned officers of the Polish Navy;
- e-learning course on international humanitarian law of armed conflict at the MCCE;
- “International Humanitarian Law of Armed Conflict for Commissioned Officers” – 70 hours at the MCCE;
- course in international humanitarian law of armed conflict – protection of cultural property in armed conflict and crisis situations – 35 hours at the MCCE;
- course in international humanitarian law of armed conflict for legal advisors – 35 hours at the MCCE;

- “Course in International Humanitarian Law of Armed Conflict” – 35 hours at the Naval Training Centre (NTC);
- “Legal Aspects of the Protection of Cultural Property in Practice” – 16 hours at the International Centre for Training and Research on Cultural Heritage in Danger in Wrocław (the “Centre”);
- “Protection of Cultural Property in Time of Peace, Crisis and War” – 30hours at the Centre;
- “Protection of Cultural Property in Planning Brigade and Regiment Operations” – 35 hours at the Centre;
- “Protection of Cultural Property in Planning Battalion and Division Operations” – 21 hours at the Centre;
- “Protection of Military Monuments” – 24 hours at the Centre;
- “Protection of Cultural Property in Time of Peace, Crisis and War” – 21 hours at the Centre;
- “Protection of Cultural Property within the Tasks of the Education and Youth Corps” – 21 hours at the Centre;
- “Protection of Historic Military Parishes” – 21 hours at the Centre;
- “Protection of Cultural Property within the Tasks of Military Fire Protection” – 21 hours at the Centre;
- “Reports and Photographs in the Context of the Protection of Cultural Property” – 20 hours at the Centre.

Additionally, international humanitarian law topics are covered by other forms of professional development for professional members of the military, such as:

- post-diploma and qualifying courses for candidates for various positions carrying a specific military rank, delivered at military academies and non-commissioned officer schools;

- NATO course in English – held three times so far – with MCCE support and with the participation of American lecturers – JAG Corps and legal staff from SHAPE, IMS NATO HQ, as well as armed forces of Czechia, Hungary, Latvia, Türkiye and Norway;
- delivery and coordination of training for legal advisors in IHLAC home and abroad – e.g., at the International Institute of Humanitarian Law in Italy, Partnership for Peace Training Centre in Ankara, NATO School in Oberammergau, the ICRC in Geneva, or JAG Schools in the USA (IHL training, humanitarian law summer schools, targeting courses, operational law, Rules of Engagement);
- courses and preparatory training for members of the Military Police leaving for missions abroad, organised by the Military Police Training Centre in Mińsk Mazowiecki, featuring topics relating to the use of force and permissible methods and rules of combat, as well as protected entities during armed conflict.
- “Educational (Formative) Activities at the Unit” – course at the WSU;
- “Environmental Safety” – course at the WSU;
- “Pedagogical Course for Academic Teachers” – course at the NA;
- “Methodological Course in Teaching and Educational (Formative) Activities for NCOs” – course at the NA;
- “Basic Rules of Medical First Aid” – course at the NA;
- “Medical First Aid” – course at the NA;
- “Own Safety and Shared Responsibility” – course at the NA;
- “Methodological Preparation for Team Leaders, Platoon Commanders and Military Education Unit Instructors” – course at the MULF;
- “Methodological Preparation for Platoon Commanders” – course at the MULF;
- “Methodological Preparation for Company (Battery) Commanders” – course at the MULF;

- “Military Leadership and Social Competences” – course at the MCCE;
- “Conducting Educational and Formative Prophylaxis and Combating Social Pathologies in the Military for Subunit Commanders” – course at the MCCE;
- “Educational (Formative) Activities at the Unit” – course at the MCCE;
- “Shaping Military Discipline at the Ministry of National Defence” – course at the MCCE;
- “Workshops for Commanders in Soft Skill Building for Commander-Subordinate Communication” – course at the WSU;
- “Protection of Cultural Property in the Operations of the Polish Armed Forces” – a post-diploma programme planned for 2025 at the WSU;
- “Operational Law for Legal Advisors” – course planned for 2025 at the WSU.

In line with the Methodology of Civic Education for Soldiers on Active Military Duty introduced under Decision no. 351/MON of the Minister of National Defence of 5 November 2012 on the Methodology for Educating Service Personnel in “Civic Education” and “Military Prophylaxis and Discipline” (Official Journal of the Ministry of National Defence, item 421, as amended), the issues of international humanitarian law of armed conflict are taught at all personnel corps of the Polish Military in civic education classes. Since 2021, as part of Civic Education, the Polish Military has disseminated a resource prepared by the Centre on “The Basics of Protection of Cultural Property in the light of Ministerial, National, and International Law,” and has launched an e-learning course on “Protection of Cultural Property at the Polish Armed Forces.”

During such training, particular emphasis is placed on the significance of fundamental principles of the law of war such as: military necessity, distinction, proportionality, precaution during military operations, prohibited means and methods of warfare, and the rules governing the protection of civilian persons and facilities (including humanitarian personnel), and the rules of treatment of prisoners of war and detainees. The training is conducted not only in the form of lectures but using interactive methods, which require the participants to be directly involved, to do their own analysis, and to solve relevant case studies.

The implementation of the international humanitarian law of armed conflict in teaching practice is considered very important, as is the inclusion of such topics in exercises, and the completion of tasks relating to peace-keeping and stabilisation missions. The main objective is to shape attitudes and habits in the professional cadre and in service personnel that preclude conduct incompatible with the norms of international law in extreme battle conditions. Furthermore, all members of the military leaving for peace-keeping and stabilisation missions undergo mandatory training in international humanitarian law and the cultural and legal modalities of the relevant country.

Additionally, other measures are undertaken in order to acquaint the members of the Polish Military and the employees of the Ministry of National Defence with the principles and obligations involved in international humanitarian law and with issues related to individual responsibility for one's actions; these include: training cycles for the professional cadre of the Polish Army and employees of the Ministry of National Defence within the system of supplementary training, conferences, meetings as part of cooperation with international organisations, and dissemination of training materials and information materials.

The International Centre for Training and Research on Cultural Heritage in Danger in Wrocław, in cooperation with the Finnish Defence Forces International Centre (FINCENT) in Helsinki, NATO Stability Policing Centre of Excellence (SP COE) in Vicenza, as well as the Civil-Military Centre of Excellence (CCOE) in The Hague, is preparing a Cultural Property Protection international course as part of the Advanced Distributed Learning (ADL) formula for NATO personnel.

#### 1.5.5. Publications

As part of the work on implementation and dissemination of international humanitarian law at the Doctrine and Training Centre of Polish Armed Forces (DTCPAF), in 2015 Decision no. 134/Szkol./P3/7 of the Minister of National Defence introduced the doctrinal document titled "Advice for Training in International Humanitarian Law and Law of Armed Conflict" – DU-7.0.1.1. The electronic version of the document is available for members of the military in the MIL-NET-Z system on the DTCPAF e-library website. In accordance with the Plan for the development and updating of doctrines, doctrinal documents and supplementary documents on the politico-military level –2018-2021, the next amendment to

the document was commenced in 2019. It corresponded to proposed amendments to the second edition of the allied publication titled “*ATrainP – 2 TRAINING IN THE LAW OF ARMED CONFLICT*,” the final draft of which was published and submitted for national approval by the Joint Standardisation Board (JSB).

#### 1.5.6. Ministry of the Interior and Administration

The Ministry of the Interior and Administration disseminates the norms and principles of international humanitarian law primarily through the following subordinate services:

##### **State Fire Service (SFS)**

The State Fire Service is a professional, uniformed service that has its own specialist equipment and is tasked with dealing with fires, natural disasters and other local threats. The SFS is additionally responsible for organising **the national rescue and fire-fighting system**. The national rescue and fire-fighting system (the “System”) is an integral part of internal state security organisation. Its purpose is to save and preserve lives, health, property and the environment, as well as to forecast, identify and fight fires, natural disasters and other local threats. The System brings together fire protection units, other services, inspectorates, guard forces, institutions and entities which have voluntarily consented to act jointly in rescue efforts under a civil law agreement. The operations of the SFS also involve implementing some of the civil defence tasks specified under Article 61 PA I. The main purpose of the System is to save and preserve lives, health, property and the environment in the efforts undertaken by the SFS and other rescue entities (in particular, VFD units) by fighting fires or other natural disasters, as well as engaging in chemical, environmental, technical, and medical salvage and rescue. The System envisages cooperation with the units of the State Medical Rescue system and the public-safety answering system; with its manpower and resources, the System cooperates with the competent authorities and entities during emergencies caused by biological factors, including acts of terrorism, and takes part in efforts to eliminate threats and in rescue efforts in the event of a radiological emergency. The structure of the System also envisages adapting procedures for carrying out fundamental rescue efforts to the specific nature of the given event, be it a mass emergency or disaster.

The National Headquarters of the SFS, through the Chief Commandant of the SFS, performs tasks relating to exchanging information with international coordination centres for rescue and humanitarian aid, especially with: NATO's Euro-Atlantic Disaster Response Coordination Centre (EADRCC), the EU's Emergency Response Coordination Centre (ERCC), and the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA).

As an active member of the international community, Poland is playing an ever greater part in assistance efforts for states affected by various types of crisis situations, such as in the rescue and humanitarian assistance provided under the EU Civil Protection Mechanism (which is an international rescue assistance system supervised and organised by the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO) of the European Commission). The Mechanism supports states affected by a disaster that requires international rescue intervention (floods, earthquakes, technical emergencies). The assistance provided under the Mechanism consists in particular in delegating adequately equipped specialised responder teams (so-called *modules*) and providing material assistance and expertise. The Mechanism includes all EU Member States and associated states acceding under individual agreements. Currently, apart from EU Member States, the Mechanism includes Iceland, Norway, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Türkiye, and Ukraine. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism, in force since 1 January 2014, also allows requests for assistance to be made by third countries, the UN and its agencies, as well as the relevant international organisations: the International Maritime Organisation (IMO), the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), the Organisation for the Prohibition of Chemical Weapons (OPCW), and the International Atomic Energy Agency (IAEA).

Moreover, topics of international humanitarian law are included in the programme for "Basic Training Courses for New Civil Protection and Civil Defence Employees in Voivodeships, Districts and Municipalities" held at central and local levels, and the programme for "Training Courses for Civil Defence Instructors." These programmes cover topics relating to international humanitarian law and humanitarian operations.

In 2019-2021, employees of the National Headquarters of the SFS attended courses at the Polish School of International Humanitarian Law in Radziejowice. These training courses concerned the International Red Cross and Red Crescent Movement and its role in the development and dissemination of international humanitarian law; the status of a combatant and of a prisoner of war; international humanitarian law in the light of the global problem of excessively injurious weapons; the operation of military medical services in armed conflict; non-international armed conflicts; asymmetric warfare; individual responsibility for crimes; protection of human rights in the event of armed conflict; civil protection in armed conflict; methods and means of warfare; protection of cultural property; the Additional Protocol; and the implementation of international humanitarian law.

The humanitarian aid coordination practice to date shows that a key role in the system for providing such aid is played by the structures associated with the minister competent for internal affairs and with the civil protection and civil defence system.

## **Police**

Polish Police officers have gained experience on foreign missions in countries such as:

- 1) Kosovo (Special Unit of the Polish Police);
- 2) Liberia (UN mission) (Police experts);
- 3) Georgia (Police experts);
- 4) Afghanistan (Police experts).

The participation of Polish police officers in civilian crisis management operations is based on the implementation of a mandate for a specific mission. Before being dispatched on a mission, every officer undergoes suitable training, which includes information about human rights, humanitarian rights, and the protection of victims of war operations. Moreover, upon the arrival of officers in the mission zone, every mission holds an induction course, during which the procedures and standards of a given mission are explained in detail.



## Chapter 2

### Activities of the Polish Red Cross in relation to the dissemination of international humanitarian law

The Polish Red Cross is the Republic of Poland's National Society of the Red Cross within the meaning of the Geneva Conventions and Additional Protocols. It operates under the Act of 16 November 1964 on the Polish Red Cross (JoL, no. 41, item 276), and the Statute issued thereunder, approved by virtue of the Regulation of the Council of Ministers of 20 September 2011 (JoL, no. 217, item 1284). Although it is an independent organisation, it fulfils an auxiliary role to the State and lends support to it in pursuit of humanitarian objectives. Building a constructive dialogue between the Government of the Republic of Poland and the PRC is an important step toward strengthening the Society's organisational potential and ensuring its efficient and comprehensive operations for the benefit of those in need. What appears to be of significance in this respect is the adoption, during the International Conference of the Red Cross and the Red Crescent, of joint humanitarian pledges, showing a consensus on socially important issues and readiness to cooperate in that regard.

The PRC is actively involved in disseminating and promoting the humanitarian Principles of the Red Cross Movement and of the norms of humanitarian law. The following are among many of its efforts that deserve special recognition.

#### **2.1. Polish School of International Humanitarian Law**

The School of IHL is a course in international humanitarian law of armed conflict organised for over 25 years by the Bureau of the Main Board of the PRC in cooperation with such partners as: the Ministry of Foreign Affairs, the Ministry of Culture and National Heritage, and the National Headquarters of the SFS. Occasionally, the School is also supported by the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. School participants include students of law, political science and international relations, representatives of uniformed services, humanities teachers and lecturers, as well as employees and volunteers of the Polish Red Cross and other non-governmental organisations. Knowledge is passed on in the form of lectures

and presentations, and in practical classes by working on case studies. The School employs eminent experts at military and civilian higher education institutions from across Poland with foreign mission experience as lecturers. The programme features many topics, including international humanitarian law in the context of human rights and refugee law, law of war occupation, the legal status of medical personnel, the case-law concerning international crimes, the protection of cultural property in armed conflict, the conduct of hostilities in urban areas, modern means of warfare and their compliance with the requirements under the rules and norms of humanitarian law, and the protection of the red cross emblem. Since the very beginning, the School has operated at the Creative House (Dom Pracy Twórczej) in Radziejowice, part of the Ministry of Culture and National Heritage. On average, 35 people are invited to take part. Due to the COVID-19 pandemic, it was held remotely twice (in 2021 and 2022) on the Microsoft Teams platform, with 123 people joining in total. The year 2023 saw the 25<sup>th</sup> anniversary of the School, with 30 persons taking part.

## **2.2. Organisation of the meetings and coordination of the works of the Commission for the Dissemination of International Humanitarian Law**

Since 1979, the Main Board of the PRC has featured the Programme Council of the Centre for the Dissemination of International Human Law, later transformed into the Commission for the Dissemination of International Humanitarian Law. Since 2012, the Chairman of the Commission has been Dr Marcin Marcinko of the Jagiellonian University. The Commission is composed of top experts; lawyers doing research on and teaching public international law; permanent representatives of the ministries of national defence, foreign affairs, internal affairs, culture, and education; as well as employees and volunteers of the Polish Red Cross.

The long-term programme of the Commission envisages efforts to popularise humanitarian law in Poland through advocacy, publication and training. The Commission started the Polish School of International Humanitarian Law, the Professor Remigiusz Bierzanek Thesis Competition, and the Exploring Humanitarian Law Programme; it issues positions for statutory meetings of the International Red Cross and Red Crescent Movement and publishes educational materials, such as “International Humanitarian Law – Answering Your Questions. A Compendium for Students of the Polish School of International Humanitarian Law.” The Commission meets twice a year to plan and discuss these events.

### **2.3. Organisation of the meetings and coordination of the works of the Commission for the Protection of the Red Cross Emblem and the protection of the emblem against misuse**

The Commission for the Protection of the Red Cross Emblem was established in 1995 at the Main Board of the Polish Red Cross. Since 2013, the Chair of the Commission is Dr Magdalena Stefańska, representing the Bureau of the Main Board of the PRC. It includes lawyers, representatives of ministries of foreign affairs and national defence, the Polish Patent Office, and the International Committee of the Red Cross. The Commission has also cooperated with the Chief Pharmaceutical Inspectorate.

The purpose of the Commission is to communicate through media channels the function of the Red Cross emblem and the need for its protection, to provide opinions on requests from third parties to use the emblem, to intervene in identified cases of misuse or improper use, to edit documents and prepare publications pertaining to the protection of the emblem, and to train and support people dealing with the dissemination of information in this regard. The Commission receives more and more requests from third parties for consultations concerning graphic designs of logotypes, which is proof of the growing social awareness of the Commission's existence and purpose, as well as of the emblem's special protection. At the same time, the Commission is in constant liaison with the International Committee of the Red Cross, analysing controversial cases of misuse, and taking part in research, campaigns, initiatives and programmes aimed at strengthening the legal protection of the emblem and raising social awareness in this regard. In order to plan and discuss these initiatives, the Commission meets once a year.

### **2.4. Participation in the consulting works of the European Legal Support Group**

The PRC is part of the European Legal Support Group, which comprises representatives of the National Societies of the Red Cross and Red Crescent dealing with the dissemination of international humanitarian law. The Group provides a space for cooperation in exchanging knowledge and know-how, and formulating joint positions and advocacy efforts. It provides recommendations for the components of the International Red Cross and Red Crescent Movement as regards humanitarian

resolutions adopted and pledges made during the International Conference of the Red Cross and Red Crescent.

## **2.5. Training and talks on international humanitarian law**

The PRC cooperates with academic centres and institutions that deal with educating cadres in international relations, political science, law, administration and defence. The members of the Commission for the Dissemination of International Humanitarian Law and the Commission for the Protection of the Red Cross Emblem regularly meet with course and programme students, including postgraduate students, to provide an insight into the issues of humanitarian aid, international humanitarian law, and the protection of the Red Cross emblem. They provide recommendations concerning curricula, co-organise and hold seminars, and advise on the theses of their mentees.

The PRC also conducts internal training, during which members, employees and volunteers get to learn about the history of the International Red Cross and Red Crescent Movement, the fundamental humanitarian rules and standards, as well as the basics of international humanitarian law. In 2022, the National Congress of the PRC adopted a new 2030 Strategy, one of the priorities of which is widespread humanitarian awareness.

## **2.6. “Exploring Humanitarian Law” educational programme**

In cooperation with the Centre for Education Development (ORE), the PRC has reviewed and updated the “Exploring Humanitarian Law” (EHL) programme, which has been implemented in Poland since 2003, and has been online since 2013. As the ORE, which is mandated by the Minister of Education and Science, provides programmes for the employees of Teacher Training Centres and the teachers themselves, the educational programmes must be designed in a very user-friendly way, using the modern language of education. With several hundred people attending EHL every year over a few years, the PRC managed to get feedback on how to modernise the course. Originally, it was composed of five thematic modules, and a test at the end. Since 2022, it has been a four-module course, focusing on an introduction to the issues of IHL, the perspective of the combatant, criminal law, and humanitarian aid. The work requirement was

reduced to thirty hours, and the programme allows teachers to select materials and activating methods to be used in class. Therefore, attention was paid not only to the content, but the teaching methodology as well. The programme was updated to include introductory workshops for teachers, during which many issues were clarified; lesson plans concerning hybrid war, the influence of new technologies on military operations, and human trafficking were also developed. The new EHL programme was launched at the beginning of 2022.

## **2.7. Professor Remigiusz Bierzanek Thesis Competition**

This competition has been held for over 25 years by the Bureau of the Main Board of the PRC at the initiative of the Commission for the Dissemination of International Humanitarian Law in cooperation with the Ministry of Foreign Affairs. In each competition, graduates of law, international relations, and similar disciplines are given the opportunity to submit bachelor's, master's and doctoral theses to a jury of experts. An additional category was added for post-diploma theses in 2016. The authors of the best papers are awarded attractive prizes, and the theses are made available to the readers of the Library of International Humanitarian Law at the PRC, as well as on the platform of the MFA. The winners of the competition have touched upon topics such as: responsibility for the use of autonomous weapons systems, threatened use of force as element of modern state policy, the justifiability of limiting the use of anti-personnel mines, sexual violence in armed conflict, operations of humanitarian organisations to improve safety, and cyberwarfare.

## **2.8. Library of International Humanitarian Law**

The Bureau of the Main Board of the PRC houses an informal Dr hab. Marian Flemming Library of International Humanitarian Law, which has the status of a workplace library. The collections include approximately 5,000 titles – books and articles, brochures, reports, journals and conference reports in a number of languages (mostly Polish, English or French) – as well as a video library of approximately 200 CDs with recordings documenting humanitarian aid. There are also numerous photographs and slides documenting the activities of the International Red Cross and Red Crescent Movement. All of them have been divided into more than a dozen thematic areas, which include: the foundations

of international humanitarian law, women in armed conflict, children in armed conflict, prisoners of war, migrants and refugees, reports of the International Committee of the Red Cross, the history of the International Red Cross and Red Crescent Movement, methods and means of warfare, the Polish Red Cross, and humanitarian law versus state defence. In addition, the employees of the International Cooperation Division working at the library have wide-ranging insight into current domestic and international publications available online, which they recommend to those who are interested in those topics. The library is used by students, lecturers, historians, and enthusiasts of humanitarian subjects.

## 2.9. The ICRC Customary IHL Database

The PRC, represented in this regard by the Chair of the Commission for the Dissemination of International Humanitarian Law, continually updates information about the development of customary law in Poland in the ICRC database available at: <https://ihl-databases.icrc.org/en/national-practice/national-implementation-of-ihl?title=&typeOfPractice=&state=18004&language=&from=&to=&sort=topic&order=&topic=>

## 2.10. Humanitarian diplomacy

The representatives of the Polish Red Cross engage in *humanitarian diplomacy*, the aim of which is to advocate for and raise humanitarian issues in public discourse, especially with the Government of the Republic of Poland, ministries, public utility institutions, academic centres, international organisations with missions in Poland, non-governmental organisations, business sector actors engaged in corporate social responsibility, and civil society. The purpose of such diplomacy is to better understand social needs and find the best ways to address them. Recently, during the COVID-19 pandemic, the Polish-Belarusian border crisis, and the conflict in Ukraine, along with the related wave of migration to Poland, this dialogue has become all the more significant.

The PRC strengthens its operational potential by establishing new strategic partnerships, thanks to which it is able to provide aid for those that are most in need. Through its efforts and resources in 2021-2023, the Society extended aid to over 1,200,000 migrants. The most substantial initiatives include:

- the launch in 2022 by the PRC Lubelskie Regional Branch of the *Special Needs Fund* to support migrants from Ukraine and meet their special needs: prosthetics, insulin pumps, hearing aids, wheelchairs, braces, or orthopaedic shoes. In total, 303 migrants were provided with aid valued at a total of PLN 145,000;
- the organisation of medical aid and mental health assistance by the PRC Rescue Groups at reception points, Border Guard posts, centres for refugees, and border crossings. Aid was extended to around 10,000 people. Vouchers for medical supplies were handed out to 24,000 people. The PRC also occasionally assists with medical transport of the injured;
- the allocation of material and financial aid by distributing food packs and hygiene kits, medical equipment, and pre-paid cards and vouchers for essentials. The cash support programme was extended to include the “Shelter” component, which is assistance in renting flats or for host families. Almost 9,000 tonnes of over 555,000 hygiene kits and 1,280,930 food packs were distributed. 21,308 families received financial support, and 85,000 families received vouchers for essentials. Those interested in receiving aid can call the helpline launched in cooperation with the American Red Cross. It operates in Polish, Ukrainian, Russian, and English. To date it has handled over 32,000 cases;
- the initiation of integration events, such as spending public holidays together, summer camps for children, job market activation events, and Polish language classes for adults. The classes are also met with interest from seniors. In summer, over 3,000 children from Ukraine and Poland went on camps and 120,000 received school starter kits, whereas over 150,000 adults attended language and professional development courses and took part in integration activities. Aid was also distributed to 150 Romani families. The PRC established seven integration centres in Poland;
- searches to find missing persons and reunite families under the Restoring Family Links programme through the National Information and Tracing Bureau in cooperation with the International Committee of the Red Cross. Given the current crises, the Bureau has received over 3,800 requests to search for missing persons; currently, over 150 are being handled, and 23 have resulted in people being successful reunited;

- the provision of training concerning ethics, safety rules, tolerant attitudes, the protection of rights of migrants and beneficiaries of aid, basic humanitarian law, the protection of the red cross emblem, first aid, mental health assistance in a crisis, preparation for a disaster and responding to humanitarian crises - addressed to the employees and volunteers of the PRC, beneficiaries, as well as uniformed forces, including the Police, the SFS and the Polish Armed Forces.



## Chapter 3

### Poland's activities in the forums of the UN relating to the promotion and strengthening of international humanitarian law, 2019–2023

#### *Poland's activities at the UN Security Council in connection with its membership in 2018–2019*

Promoting international humanitarian law was one of the priorities of Poland's membership of the Council. This was aligned with the larger context of promoting international law, which was Poland's fundamental priority at the Council. The degree to which Poland has achieved its goals in this regard can be assessed as considerable. Poland actively promoted international humanitarian law largely by organising meetings, but also by tabling documents adopted by the Council. The main initiatives that Poland undertook at the UNSC on the issues of IHL in 2019 include the meetings of the Council: the open debate on children and armed conflict on 2 August 2019, and the briefing on international humanitarian law on 13 August 2019 to mark the 70<sup>th</sup> anniversary of the Geneva Conventions.

Other initiatives included the adoption of the Presidential Statement (PRST) on International Humanitarian Law to commemorate the 70<sup>th</sup> anniversary of the Geneva Conventions in August 2019. It was the only document that the UNSC adopted during its 2018–2019 term that was strictly concerned with international humanitarian law. It was tabled and adopted on Poland's initiative. Poland's success and legacy when it comes to its membership of the Security Council lies in placing rights of persons with disabilities in the context of armed conflicts on the agenda of the Council. Despite the disproportionate impact that armed conflict has on this group, this subject was not raised during the Council's discussions. Poland's activity in this area was in line with its humanitarian pledge to particularly vulnerable groups, and to act with a view to protecting the rights of persons with disabilities in other UN forums. Thanks to Poland's efforts, the Security Council unanimously adopted Resolution 2475, sponsored by 68 Member States of the United Nations, representing all regional groups, including 13 members of the Council (except for Russia and China). It was the first UNSCR on this matter, and the only one ever adopted on Poland's initiative. Poland is still actively promoting

the protection of persons with disabilities on the available discussion forums, including the Council. It always endeavours to include references to this issue in documents negotiated at international organisations, and emphasises its gravity in Security Council open debates. Together with the United States Mission, on 3 December 2019 in New York, Poland organised a meeting on the progress made to date in implementing the resolution and on the potential efforts which the UNSC could undertake in this area.

Children and armed conflict remain one of the agendas of the Council in which there is a consensus among members. The last twenty years have seen it grow in significance. During its two presidencies in the Council, Poland organised two meetings devoted to children and armed conflict: on 7 May 2018 (Arria-formula meeting) and 2 August 2019 (open debate led by the Minister of Foreign Affairs). Furthermore, on 26 November 2019, in cooperation with Belgium, Peru, and the United Kingdom, Poland organised an Arria-formula meeting on reintegration of children associated with armed forces and armed groups. For the first time, Security Council members looked at the issue of reintegration through the prism of two agendas which had so far been discussed separately, i.e., Children and Armed Conflict on the one hand, and Youth, Peace and Security on the other. Poland and like-minded countries broadly defined the issue of protection of civilians, at the same time decidedly indicating it as a priority.

The systematic development of the Council's legacy in the protection of civilians is also the result of Poland's involvement in 2018–2019. This has allowed us to place many important topics before the Council, including those supported by resolutions, and thus to fully achieve the goals we set ourselves before we joined the UNSC. Poland further promoted initiatives which were not formally the subject-matter of the works at the UNSC, but which were nonetheless thematically connected to them (thus supporting Poland's candidacy for the Human Rights Council for 2020–2022) and which were priorities in Polish foreign policy. In recognition of our commitment, we were invited to the Group of Friends of the Protection of Civilians in 2019, and became an official member. What is more, Poland organised two events which furthered the Security Council open debate on protection of civilians led on 22 May 2018 by Jacek Czaputowicz, Minister of Foreign Affairs: namely, a briefing with representatives of the World Health Organisation on attacks against medical infrastructure during armed conflict (8 March 2019) and a side event on healthcare in armed conflict organised with the International Peace Institute as part of Protection of Civilians Week (24 May 2019).

Poland also participated in negotiations of resolutions, including on missing persons, or on the Call to Action, which it joined. Regarding this item on the agenda, Poland also organised an Arria-formula meeting during its August presidency at the UNSC on improving the safety and security of persons belonging to religious minorities in armed conflict. The meeting was part of the celebrations of the first International Day Commemorating the Victims of Acts of Violence based on Religion or Belief, established under a General Assembly Resolution adopted on Poland's initiative on 28 May 2019. It was led by the Minister of Foreign Affairs. The meeting included the *Pro Dignitate Humana* award ceremony, to promote the priority involving the protection of religious freedom. Promoting IHL was one of the most important areas of activity for Poland at the UN Security Council in 2018-2019. This commitment not only contributed to keeping this topic high on the Council's agenda, but led to the Council adopting concrete documents, including documents pertaining to those aspects of IHL which the Council had never dealt with so far. This contribution and added value on the part of Poland continued to be present even after our exit and is being developed.

### *Poland's activities at the UN in 2020-2023*

When Poland's membership in the Security Council came to an end, promoting the respect for and dissemination of international humanitarian law remained one of its priorities for engagement in the UN forum. Poland is committed to efforts promoting IHL, taking into account the specific natures of respective social groups. We also pay particular attention to the protection of groups particularly vulnerable in armed conflict, including women, children, persons with disabilities, and people belonging to religious minorities. Poland regularly underlines the gravity of those issues when negotiating documents, endeavouring to include obligations and efforts in this regard. Furthermore, Poland actively promotes these issues in its participation in events organised on the UN forum, including Security Council open debates, Arria-formula meetings, and events organised at the Human Rights Council, of which Poland was a member in 2020-2022. In 2022, the issues of international humanitarian law and threats to civilians in armed conflict raised by Poland centred around the consequences of Russia's aggression against Ukraine.

## *Protection of Civilians*

The main place for a discussion on promoting respect for international humanitarian law is the Protection of Civilians (PoC) agenda. Poland treats PoC matters as a priority. In this context, we pay particular attention to the need to protect the rights of groups particularly vulnerable to the adverse impacts of armed conflicts, especially women, children, persons with disabilities, persons belonging to religious minorities, internally displaced persons, and humanitarian workers. Poland presented its cross-sectional position on this matter during the open debate on protection of civilians in armed conflict held at the UNSC on 25 May 2021. As an active member of the Group of Friends of the Protection of Civilians, Poland took part in the Group's meeting on the impact of the COVID-19 pandemic on the implementation of UNSCR 2286 held on 31 March 2021. During the discussion, Poland pointed out that victims of armed conflicts must be ensured full access to humanitarian aid.

Demining is very important for preserving peace and security and creating the right conditions for observing the fundamental rights of civilians, including guaranteeing full access to humanitarian aid. On 8 April 2021, an open debate on this topic was held at the Security Council. Poland highlighted the dangers posed by improvised explosive devices (IED) and explosive remnants of war (ERW) to persons particularly vulnerable to them, including children, young people, agricultural workers, and internally displaced persons.

In the context of protecting the rights of internally displaced persons, Poland took part in the consultations of the High-Level Panel on Internal Displacement on 11 March 2021. In our speech, we pointed to the negative impact that internal displacement has on issues related to maintaining peace and safety and ensuring sustainable development.

One issue which Poland continues to highlight in a special way on the PoC agenda is combating sexual violence in conflict. We regularly take part in Security Council open debates on this issue. We call on others to fight impunity and show that perpetrators must be held accountable. We also emphasise the need to protect the rights of women and girls with disabilities, who are more and more often victims of sexual violence in conflict.

Protection of civil works in the context of critical infrastructure is also an important element of discussion on the PoC agenda. Poland took the floor in the Security Council open debate on this subject on 27 April 2021. Those attending the meeting condemned attacks on critical infrastructure, including hospitals and medical establishments in the unanimously adopted UNSCR 2573. Poland was one of its co-sponsors.

In 2021, Poland was also engaged in efforts for the protection of rights of persons belonging to religious minorities by taking part in an informal Security Council Arria-formula meeting on freedom of religion and belief in time of conflict.

The question of protecting civilians, including the most vulnerable groups, was also raised by Poland during regular Security Council debates on Afghanistan, as well as during the humanitarian conference on Afghanistan organised in September 2021 in Geneva.

Poland regularly participates in Protection of Civilians Week. It is worth noting that it was first held in May 2018, when Poland presided over the Security Council. As part of Protection of Civilians Week, which was a side event to the Security Council debate on protection of civilians in armed conflict held on 25 May 2022, the day before the debate, Poland co-organised a virtual high-level event on healthcare in armed conflict and the implementation of UNSCR 2286 with Spain, the International Rescue Committee, and the Safeguarding Health in Conflict Coalition. Canada, the European Union, Mexico, and France joined as sponsors. The organisation of the meeting confirmed Poland's commitment to issues of healthcare in armed conflict and the continuation of our initiatives on this topic. In 2023, during Protection of Civilians Week, Poland co-organised two events on the protection of children with disabilities in armed conflict (22 May 2023), and healthcare during armed conflict (24 May 2023).

### *Children and Armed Conflict*

Poland continued its efforts to implement the Children and Armed Conflict agenda. Every year, at the Third Committee of the General Assembly, Poland takes part in an interactive dialogue with the Special Representative of the Secretary-General for Children and Armed Conflict. Speeches are an opportunity to sum up the actions taken far to improve the situation of children in armed

conflict, and to highlight issues which require urgent reaction of the international community. In 2020, Poland also took part in an informal Security Council Arria-formula meeting which concerned the role of digital technologies in ensuring access to education in conflict and post-conflict settings. Poland also remains an active member of the CAAC Group of Friends at the UN.

Furthermore, under the patronage of the Polish MFA, on 24 November 2020, the Embassy of Belgium in Warsaw and the College of Europe in Natolin organised an international virtual conference titled “The Protection of Children in Armed Conflict: Two Decades of Institutional and Humanitarian Action.” Its purpose was to discuss the efforts made in the past twenty years to guarantee the protection of the rights of the child in armed conflict, both in institutional and humanitarian terms. With regard to the institutional panel, Poland made reference to issues such as the CAAC-related activities it undertook at the Security Council during its membership in 2018-19. During the first half of 2021, the difficult situation of children exposed to the consequences of armed conflict further deteriorated due to the spread of the SARS-CoV-2 virus. The pandemic exacerbated the problems which had been present in protecting children in armed conflict. This primarily concerns the limited options for reaching the injured, and therefore for adequately reporting violations of their rights taking place in conflict situations. In light of the foregoing, on 7 May 2021, Poland took part in an informal Security Council Arria-formula meeting on the impact of the COVID-19 pandemic on violations against children in situations of armed conflict. Poland also took part in the Security Council open debate on children and armed conflict on 28 June 2021. On 23 September 2021, the Minister of Foreign Affairs Zbigniew Rau met Special Representative of the Secretary-General for Children and Armed Conflict Virginia Gamba. During the meeting, the MFA expressed Poland’s support for the Special Representative’s mandate and efforts. He particularly underlined Poland’s commitment in reintegration of children associated with armed groups or armed forces and pointed to Poland’s participation in the celebrations of the 25<sup>th</sup> anniversary of the CAAC agenda. The impact of the pandemic on the agenda was profound and multifaceted. The situation was further complicated by the threats arising from the impact of COVID-19 – among other things, schools and other social spaces being closed, economic slowdown, and access to humanitarian aid being limited. In 2019, even before the outbreak of the COVID-19 pandemic, around 127 million school-age children living in crisis-affected countries did not attend school. The pandemic only intensified this negative trend. In this context, in October 2021, Poland co-sponsored Security Council Resolution 2601, which for the first time highlighted the correlation

between protecting education and maintaining international peace and security. In turn, in 2021, Poland took part in an informal Security Council Arria-formula meeting on the protection of education in conflict and post-conflict settings. On 15 March 2022, during the 49<sup>th</sup> regular session of the Human Rights Council (HRC), the annual report (for 2021) of the Special Representative of the Secretary-General for Children and Armed Conflict was presented. Poland actively participated in the presentation, raising the issue of Ukrainian children who are victims of the Russian aggression against Ukraine. Engaging in the promotion of the CAAC agenda objectives, on 19 January 2022, Poland took active part in the high-level virtual meeting to celebrate the 25<sup>th</sup> anniversary of establishing the mandate of the Special Representative of the Secretary-General for CAAC. In February this year, the Special Representative published a report on the use of voluntary contributions in 2020–2021. It specifies how the funds of the Office of the Special Representative were spent within the four pillars of the CAAC agenda: protection, prevention, awareness-raising, and identification of best practices. The Report takes account of Poland's contributions.

When intensifying and operationalising the efforts focused on the pursuit of the CAAC agenda objectives, Poland joined the Group of Friends of Children and Armed Conflict in Geneva (15 March 2022) and in the European Union (3 June 2022). Poland regularly participates in Security Council open debates on the CAAC agenda as well as Arria-formula meetings, particularly emphasising in 2022–2023 the violations against children related to Russia's aggression against Ukraine. Poland remains an active member of the Group of Friends of CAAC and the Group of Friends of Reintegration of Child Soldiers. It has also played an important role in setting up the Global Coalition for Reintegration of Child Soldiers, and is a member of its Steering Committee.

### *Protection of persons with disabilities*

What plays a significant role in the implementation of the PoC agenda is the question of the rights of persons with disabilities who are disproportionately affected by the consequences of armed conflict. After the success that was the adoption of the first-ever Security Council resolution on the protection of persons with disabilities in armed conflict (UNSCR 2475), brought about by Poland in cooperation with the United Kingdom, we tried to maintain commitment to this topic, for instance by referencing the difficult situation of persons with disabilities in our speeches at the

UN. On 28 May 2020, the Headquarters of the United Nations in New York hosted a virtual side event on the situation of persons with disabilities in armed conflict, co-organised by Poland, the United Kingdom, the EU, and UNMAS. The event was part of Protection of Civilians Week, which Poland inaugurated in 2018 and which was a side event to the Security Council open debate on the same topic. Poland decided to take advantage of the first anniversary of the adoption of UNSCR 2475, falling on 20 June 2020, to table a joint declaration of the Member States of the UN. Its purpose was to underline the commitment of the signatories to promoting the rights of persons with disabilities in conflict and to point to the need to intensify efforts for the implementation of the resolution. The declaration was supported by 79 Member States representing all regional groups. On 20 June 2021, which was the second anniversary of the resolution, Poland particularly highlighted the need for it to be implemented in full, publishing relevant promotional content on the social media platforms of the MFA and foreign missions. On 3 December 2020, as a side event to the 13<sup>th</sup> session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, Poland organised an event devoted to the implementation of Security Council Resolution 2475, which had been adopted on its initiative. The event was also held in the context of the International Day of Persons with Disabilities (3 December). On 7 December 2021, Poland organised a meeting on the situation of persons with disabilities in peace processes. Also in the context of the International Day of Persons with Disabilities, it was also one of the events during Humanitarian Week (6-10 December 2021). It was co-sponsored by the Dominican Republic, Kenya, Germany, and the United States. The event touched upon subjects which had up until then not been discussed in depth at the UN. Furthermore, on 11 March 2022, in cooperation with Ireland, Moldova and the United States, Poland organised a virtual briefing on the protection of persons with disabilities in Ukraine in the context of the ongoing Russian military aggression. It allowed us to highlight the need to account for the situation and needs of persons with disabilities when planning humanitarian programmes. On 2-3 May, Poland took active part in workshops on protecting and receiving persons with disabilities and older persons affected by the war in Ukraine, organised by the German Institute for Human Rights in Berlin. The meeting was co-organised by Gerard Quinn, the UN Special Rapporteur on Disability, and Claudia Mahler, Independent Expert on the human rights of older persons. It was an opportunity to discuss the situation of persons with disabilities and older persons, especially the refugees currently in Poland, as well as the particular challenges involved in ensuring that these groups receive care. In June 2023, Poland co-organised two events on the issues of persons with disabilities in armed conflict.



## *IHL in the context of the war in Ukraine*

When Russia launched its war of aggression against Ukraine, during its speeches in briefings, open debates, and Arria-formula meetings at the UNSC, Poland repeatedly emphasised the multifaceted consequences of the war for a civilian population, including particularly vulnerable groups. We focused on issues concerning children, persons with disabilities, access of civilians to food and potable water, healthcare, and education. On many occasions, we also highlighted the refugee crisis brought about by the war, Poland's efforts for refugees currently in Poland, and the need for these endeavours to be supported by the international community.

In the face of Russian aggression against Ukraine, Poland undertook initiatives and took part in a series of meetings devoted to the humanitarian consequences of the attack. For instance, it co-sponsored and joined the interregional group of states engaged in drafting the Resolution of the General Assembly of the United Nations on Humanitarian Consequences of the Aggression Against Ukraine; it organised and co-organised events related to the humanitarian situation in Ukraine: a virtual briefing concerning the protection of persons with disabilities in Ukraine in the context of the ongoing Russian invasion (11 March 2022), a side event on education in conflict and post-conflict settings with Piotr Gliński, Deputy Prime Minister and Minister of Culture and National Heritage (6 May 2022), a side event on the resolution for the protection of persons with disabilities in conflict (23 May 2022), and a side event on the practical measures to implement UNSCR 2286 as regards the protection of medical infrastructure in conflict (24 May 2022); furthermore, Poland took part in Security Council Arria-formula meetings and closed-door meetings with the highest offices of the UN, including the meeting between the President of the Republic of Poland and António Guterres, Secretary-General of the United Nations (26 April 2022), or the meetings of the Minister of Foreign Affairs Zbigniew Rau with the Secretary-General of the United Nations (15 March 2022 and 17 July 2023) and the Under-Secretary-General Rosemary DiCarlo (16 May 2022).

Special Representative of the Secretary-General on Sexual Violence in Conflict, Pramila Patten, visited Poland from 7 to 10 May 2022. She met with the representatives of the Ministry of Justice (including those of the Public Prosecutor General), and of the Ministry of Health. The talks concerned sexual violence in conflict and the possibilities for coordinating efforts to prevent and react to the

sexual violence related to Russia's aggression against Ukraine, including human trafficking for sexual exploitation purposes.

In reference to efforts aimed at holding Russia accountable for the crimes it has committed, Poland joined the Group of Friends of Accountability for the Aggression against Ukraine, operating in New York and Geneva at the same time. The purpose of the Group is to exchange and coordinate information on the efforts aimed at holding accountable the persons and entities responsible for the breaches of international law, including humanitarian law.

### *Strengthening accountability for violations of international law*

Poland also placed special emphasis on strengthening accountability for violations of international law, including international humanitarian law. We raised this issue during Security Council open debates on the protection of civilians in armed conflict (25 May 2022 and 23 May 2023), and on the strengthening of accountability and justice for grave breaches of international law (2 June 2022), as well as during the debate of the General Assembly on Responsibility to Protect (23 June 2022).

### *Youth, Peace and Security agenda*

The year 2020 saw the 5<sup>th</sup> anniversary of the adoption of Security Council Resolution 2250 addressing the role of youth in peace and security. In the second half of 2020, Poland took part in two events promoting the Youth, Peace and Security agenda. During these events we emphasised the need to provide special protection for children and young people in armed conflict, and to account for their needs in humanitarian efforts. In particular, we pointed to the significance within this context of protection of schools and other educational facilities in armed conflict. In June 2021, as a side event to the competition organised by the Council for Dialogue with the Young Generation and the MFA for Poland's Youth Delegate at the UN General Assembly, Secretary of State Piotr Wawrzyk took part in the debate titled "The Role of Youth in Public Life in Poland, Europe, and the World," whereas in January 2022, Poland participated in a virtual high-level conference on strengthening political action to involve young people in peace processes. What is more, working with young people on the UN forum is one of the

priority areas listed in the United Nations Secretary-General's Report "Our Common Agenda" (OCA), which is a set of recommendations and a response to the current and future global challenges. As part of the recommendations included in the OCA, Poland supported the suggestion to convert the Office of the Envoy on Youth into a United Nations Youth Office with a strengthened mandate. Since 2020, Poland has been a member of the Group of Friends of Youth, Peace and Security, also known as Champions of Youth.

### *Humanitarian issues in the context of climate change*

Poland was also involved in events devoted to humanitarian issues in the context of climate change. In the second half of 2021, Poland took part in the Holhuashi Dialogue on Climate Change and Humanitarian Situations, as well as in two debates at the Security Council on maintaining international peace and security in the context of climate change, during which one of the main subjects was the impact of climate change and loss of biodiversity on humanitarian issues. In 2022, Poland took part in a Security Council Arria-formula meeting on climate finance to sustain peace and security, and the debate at the Security Council concerning climate and security in Africa. One of the main topics of the events was the impact of climate change on humanitarian issues.

### *Series of humanitarian discussions*

The European Union decided to organise, in cooperation with France, Germany, Mexico, Niger, Norway and Switzerland, a series of four expert humanitarian discussions from March to June 2021, devoted to material aspects touched upon in international humanitarian aid discussions. Poland took active part in all four meetings within the series:

- 17 March 2021, on monitoring the safety of humanitarian personnel;
- 20 April 2021, on practices of humanitarian organisations in risk management and security;
- 19 May 2021, on preventing and combating criminalisation of humanitarian aid and ensuring respect for humanitarian space;

- 16 June 2021, on strengthening accountability and fighting impunity of perpetrators of attacks on humanitarian employees in armed conflict.

### *Responsibility to Protect*

The question of strengthening the implementation of IHL was highlighted by Poland during the celebrations of the 15<sup>th</sup> anniversary of adopting the Responsibility to Protect doctrine (R2P). On 24 September 2020, as a side event to the high-level week of the UN General Assembly, Secretary of State Piotr Wawrzyk took part in the Ministerial Meeting on R2P. In his speech, he emphasised the significance of respecting IHL to prevent crimes against humanity.

### *Group of Friends of the International Humanitarian Fact-Finding Commission*

In 2021, Elżbieta Mikos-Skuza was re-elected to the International Humanitarian Fact-Finding Commission, where she currently serves as the First Vice-President.

The Commission (in Bern) was established pursuant to Article 90 PA I. It commenced its work on 25 June 1991. It consists of fifteen members – people of “high moral standing and acknowledged impartiality,” who act on their own behalf. The Commission is competent to enquire into any fact alleged to be a grave breach of the GC and PA I, as well as to facilitate, through its good offices, the restoration of an attitude of respect for GC and PA I. The competence of the Commission is limited – it has no competence to issue legal opinions on the compatibility with the law of the facts found. In the exercise of its mandate, the Commission observes the principles of neutrality, independence, impartiality, and confidentiality.

Poland has taken steps to reactivate the Group of Friends of the Commission in cooperation with the United Kingdom and Argentina, the countries with which Poland co-versed over the group. The efforts of the Group focus on raising public awareness of the Commission and its mandate in the context of compliance with IHL. Poland held the rotating presidency of the Group of Friends for 2022.

# ANNEXES

---

## Annex I

### List of multilateral international agreements in the field of international humanitarian law to which Poland is party

<b>No.</b>	<b>Title</b>	<b>Date of signature by the Republic of Poland</b>	<b>Date of ratification by the Republic of Poland</b>	<b>Place of publication</b>
1.	Convention on Hospital Ships, signed at The Hague on 21 December 1904		10 April 1936	(JoL of 1936, item 439)
2.	Convention respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, signed at The Hague on 18 October 1907	9 July 1925	20 January 1927	(JoL of 1927, item 163)
3.	Convention respecting the Laws and Customs of War on Land with Regulations concerning the Laws and Customs of War on Land, signed at The Hague on 18 October 1907	9 July 1925	20 January 1927	(JoL of 1927, item 161)

4.	Convention relating to the Status of Enemy Merchant Ships at the Outbreak of Hostilities, signed at The Hague on 18 October 1907	31 May 1935	28 November 1935	(JoL of 1936, item 64)
5.	Convention relating to the Conversion of Merchant Ships into War-Ships, signed at The Hague on 18 October 1907	31 May 1935	28 November 1935	(JoL of 1936, item 65)
6.	Convention concerning Bombardment by Naval Forces in Time of War, signed at The Hague on 18 October 1907	31 May 1935	28 November 1935	(JoL of 1936, item 66)
7.	Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention, signed at The Hague on 18 October 1907	31 May 1935	28 November 1935	(JoL of 1936, item 67)
8.	Convention relative to certain Restrictions with regard to the Exercise of the Right of Capture in Naval War, signed at The Hague on 18 October 1907	31 May 1935	28 November 1935	(JoL of 1936, item 68)

9.	Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925	17 June 1925	18 October 1928	(JoL of 1929, item 278)
10.	Convention and Statute establishing an International Relief Union, signed at Geneva on 12 July 1927	12 July 1927	13 June 1930	(JoL of 1933, item 35)
11.	Procès-verbal relating to the Rules of Submarine Warfare set forth in Part IV of the Treaty of London of 22 April 1930, signed at London on 6 November 1936		25 May 1937	(JoL of 1937, item 425)
12.	Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, and Charter of the International Military Tribunal, signed at London on 8 August 1945		25 June 1947	(JoL of 1947, item 367)
13.	Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948		22 September 1950	(JoL of 1952, item 9, as amended).

14.	<p>Conventions for the Protection of Victims of Armed Conflicts, signed at Geneva on 12 August 1949:</p> <ul style="list-style-type: none"> <li>• Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;</li> <li>• Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;</li> <li>• Convention relative to the Treatment of Prisoners of War; and</li> <li>• Convention relative to the Protection of Civilian Persons in Time of War.</li> </ul>	8 December 1949	18 September 1954	(JoL of 1956, item 171, appendix)
15.	<p>Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention and the Protocol for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May 1954</p>	14 May 1954	16 July 1956	(JoL of 1957, item 212, appendix)



16.	Treaty on the Non-Proliferation of Nuclear Weapons signed at Moscow, Washington D.C. and London on 1 July 1968	1 July 1968	3 May 1969	(JoL of 1970, item 60)
17.	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, adopted by the General Assembly of the United Nations on 26 November 1968	16 December 1968	29 January 1969	(JoL of 1970, item 208, as amended).
18.	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, opened for signature at London, Moscow and Washington D.C. on 10 April 1972	10 April 1972	11 December 1972	(JoL of 1976, item 1, appendix)
19.	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, opened for signature at Geneva on 18 May 1977	18 May 1977	4 May 1978	(JoL of 1978, item 132, appendix)

20.	<p>Protocols Additional to the Geneva Conventions of 12 August 1949, done at Geneva on 8 June 1977:</p> <ul style="list-style-type: none"> <li>• Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I);</li> <li>• Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)</li> </ul>	12 December 1977	19 September 1991	(JoL of 1992, item 175, appendix)
21.	<p>Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on 10 October 1980:</p> <ul style="list-style-type: none"> <li>• Protocol on Non-detectable Fragments (Protocol I);</li> <li>• Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II);</li> <li>• Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III);</li> </ul>	10 April 1981	24 February 1983	(JoL of 1984, item 104)

22.	Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989	26 January 1990	30 April 1991	(JoL of 1991, item 526)
23.	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993	13 January 1993	27 July 1995	(JoL of 1999, item 703, appendix)
24.	Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to have Indiscriminate Effects (Protocol IV, entitled Protocol on Blinding Laser Weapons), done at Vienna on 13 October 1995		31 July 2004	(JoL 2007, item 1583)
25.	Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 CCW Convention as amended on 3 May 1996)		23 July 2003	(JoL 2005, item 1048)

26.	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, done at Oslo on 18 September 1997	4 December 1997	14 December 2012	(JoL of 2013, item 323)
27.	Rome Statute of the International Criminal Court, done at Rome on 17 July 1998	9 April 1999	9 October 2001	(JoL of 2003, item 708)
28.	Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 26 March 1999	9 June 2006	17 November 2011	(JoL of 2012, item 248)
29.	Food Aid Convention, adopted by the United Nations General Assembly on 13 April 1999		9 June 2006	(JoL of 2007, item 813)
30.	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, adopted in New York on 25 May 2000	13 February 2002	14 February 2005	(JoL of 2007, item 608)

31.	Amendment Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on 10 October 1980 (CCW Convention), adopted by States Parties at the Second CCW Review Conference in Geneva on 21 December 2001		28 August 2006	(JoL of 2007, item 566)
32.	Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol V), done at Geneva on 28 November 2003		1 July 2011	(JoL 2011, item 1577)
33.	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), adopted at Geneva on 8 December 2005	20 June 2006	30 September 2009	(JoL of 2010, item 447)

34.	Amendments to the Rome Statute of the International Criminal Court done at Rome on 17 July 1998, and adopted during a revisionist conference in Kampala (Resolutions 5 and 6) on 10 and 11 June 2010	10 June 2010	31 July 2014	(JoL of 2014, item 500)
35.	Agreement on the International Tracing Service, done at Berlin on 9 December 2011	9 December 2011	30 July 2012	(JoL of 2016, item 797)
36.	Arms Trade Treaty, done at New York on 2 April 2013	1 July 2013	17 December 2014	(JoL of 2015, item 40)

## Annex III

### Contact details of Polish national authorities and organisations competent in the area of the implementation and dissemination of international humanitarian law in the Republic of Poland

#### 1) **Commission for International Humanitarian Law**

Secretariat of the Commission – Legal and Treaty Department  
of the Ministry of Foreign Affairs  
al. J. Ch. Szucha 23, 00-580 Warsaw  
T: +48 22 523 9424, F: +48 22 523 8329  
E: [dpt.sekretariat@msz.gov.pl](mailto:dpt.sekretariat@msz.gov.pl)

#### 2) **Ministry of National Education**

Department of International Cooperation  
al. J. Ch. Szucha 25, 00-918 Warsaw  
T: + 48 22 34 74 312, F: 22 34 74 253  
E: [Sekretariat.DWM@men.gov.pl](mailto:Sekretariat.DWM@men.gov.pl)

#### 3) **Ministry of Science and Higher Education**

Department of International Cooperation  
ul. Wspólna 1/3, 00-529 Warsaw  
T: + 48 529 22 66  
E: [Sekretariat.DWM@mnisw.gov.pl](mailto:Sekretariat.DWM@mnisw.gov.pl)

#### 4) **Ministry of Culture and National Heritage**

Office of the Director General  
ul. Krakowskie Przedmieście 15/17, 00-071 Warsaw  
T: +48 22 421 05 62  
E: [bdg@kultura.gov.pl](mailto:bdg@kultura.gov.pl)

## **5) Ministry of National Defence**

Legal Department  
ul. Klonowa 1, 00-909 Warsaw  
T: +48 261 871 584 F: +48 261 870 637  
E: [dp.sekretariat@mon.gov.pl](mailto:dp.sekretariat@mon.gov.pl)

## **6) Ministry of Justice**

Criminal Legislation Department  
al. Ujazdowskie 11, 00-950 Warsaw  
T: (22) 52-12-645  
F: (22) 52-12-636  
E: [sekretariat.dlpk@ms.gov.pl](mailto:sekretariat.dlpk@ms.gov.pl)

## **7) Ministry of the Interior and Administration**

Department for Population Protection and Crisis Management  
ul. Stefana Batorego 5, 02-591 Warsaw  
T: +48 22 601 52 07  
E: [sekretariat.dolizk@mswia.gov.pl](mailto:sekretariat.dolizk@mswia.gov.pl)

## **8) Ministry of Foreign Affairs**

Legal and Treaty Department  
al. J. Ch. Szucha 23, 00-580 Warsaw  
T: +48 22 523 9424, F: +48 22 523 8329  
E: [dpt.sekretariat@msz.gov.pl](mailto:dpt.sekretariat@msz.gov.pl)

Department of the United Nations and Human Rights  
al. J. Ch. Szucha 23, 00-580 Warsaw  
T: +48 22 523 9400  
E: [dnzpc.sekretariat@msz.gov.pl](mailto:dnzpc.sekretariat@msz.gov.pl)

Security Policy Department  
al. J. Ch. Szucha 23, 00-580 Warsaw  
T: +48 22 523 9205  
E: [dpb.sekretariat@msz.gov.pl](mailto:dpb.sekretariat@msz.gov.pl)

Department of Development Cooperation  
ul. Krywulta 2, 00-370 Warsaw  
T: +48 22 523 8412  
E: [dwr.sekretariat@msz.gov.pl](mailto:dwr.sekretariat@msz.gov.pl)



**9) Ministry of Health**

Security Department  
ul. Miodowa 15, 00-952 Warsaw  
T: (22) 63 49 443  
E: [dep-db@mz.gov.pl](mailto:dep-db@mz.gov.pl)

**10) Commission for Dissemination of International  
Humanitarian Law at the Main Board of the Polish  
Red Cross**

ul. Mokotowska 14, 00-561 Warsaw  
T: +48 22 326 12 86, F: +48 22 628 41 68  
E: [info@pck.org.pl](mailto:info@pck.org.pl)  
[zarzad.glowny@pck.org.pl](mailto:zarzad.glowny@pck.org.pl)  
[head.office@pck.org.pl](mailto:head.office@pck.org.pl)

**11) Polish Advisory Committee**

ul. Krakowskie Przedmieście 15/17, 00-071 Warsaw  
T: +48 22 42 10 260, F: +48 22 828-16-96  
E: [ksalacinski@mkidn.gov.pl](mailto:ksalacinski@mkidn.gov.pl)

**12) Council for the Protection of Cultural Property  
of the Chief Commandant of the State Fire Service**

ul. Podchorążych 38, 00-463 Warsaw  
T: +48 22 523 39 00, F: +48 22 523 30 16  
E: [sekretariat\\_kgpsp@kgpsp.gov.pl](mailto:sekretariat_kgpsp@kgpsp.gov.pl)

**13) Main Board of the Polish Red Cross**

ul. Mokotowska 14, 00-561 Warsaw  
T: +48 22 326 12 86, F: +48 22 628 41 68  
E: [info@pck.org.pl](mailto:info@pck.org.pl)  
[zarzad.glowny@pck.org.pl](mailto:zarzad.glowny@pck.org.pl)  
[head.office@pck.org.pl](mailto:head.office@pck.org.pl)

