



TWO YEARS OF GOOD CHANGES IN THE MINISTRY OF JUSTICE



MINISTERSTWO
SPRAWIEDLIWOŚCI

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Ladies and Gentlemen,

the security of the Polish citizens, fair courts and clear and effective law, which protects honest citizens, while being ruthless against criminals - these are the most important objectives I set for myself as Minister of Justice. I am implementing them consistently.

For two years now, I have had the honour to perform the function and change Poland for better in cooperation with the whole Government. In the Ministry of Justice, we have used this time to prepare approx. 60 draft statutes of which 21 have already become Polish law. They have become the law which protects the weaker and vulnerable, but is tough against those who violate it.

The good changes, including effective fighting against VAT crimes, clearing “wild reprivatisation” in Warsaw, radical improvement in the collectability of maintenance or taking away properties from criminals following the introduction of the so called extended confiscation, are spectacular. Their effects are reported by the media on an ongoing basis.

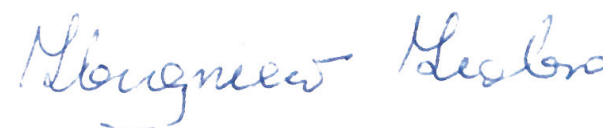
Other changes, e.g. those related to fighting against usury crimes, a plague of small thefts or stepping up penalties for the most dangerous criminals, are to be adopted and will become perceptible in some time.

My ambition is also to restore confidence in the Polish judiciary. We have achieved a lot by introducing, e.g. the random allocation system of cases to judges in order to assure the Poles that court proceedings will be conducted in an honest way, as well as to shorten the proceedings by assigning workload to judges evenly. We have also restored the institution of assistant judges, i.e. “the judges for probation”, with an intent to recruit well-educated persons to the judiciary.

We will continue our reforms of the judiciary so that the Poles can regain faith in fair and efficient courts. We will follow the will of millions of the Poles who voted for a really good change in the election.

I promise that I will never lack determination to implement that.

Yours faithfully,





Patryk Jaki, Secretary of State



Michał Wójcik, Secretary of State



Łukasz Piebiak, Undersecretary of State



Marcin Warchoń, Undersecretary of State



Michał Woś, Undersecretary of State

PROJECTS OF THE MINISTRY OF JUSTICE

- Random allocation of cases to judges
- System for assigning workload to judges evenly
- Transparent properties of judges
- Restoring the institution of assistant judges in courts
- Abolishing the rule of “fruits of the poisoned tree”
- Appointing a Reprivatisation Verification Committee
- Draft statute about reprivatisation
- Fighting against usury
- Fighting against abuses by court executive officers
- Fighting against small thefts
- Penalties for tampering with a car’s odometer
- Criminal responsibility of companies
- Harsh penalties for bestiality against animals
- Reforming the Prosecutor’s Office
- Harsh penalties for rapists



- More rights to self-defence
- Extending the period of limitation for crimes
- Fighting against road hogs
- Fighting against VAT swindles
- Taking away properties from criminals
- Launching a register of paedophiles
- Protecting children against violence
- Efficient collection of maintenance
- Stop to taking away children due to poverty
- Protecting Polish children abroad
- Limiting the right to transfer children abroad
- Restoring the electronic system of surveillance over prisoners
- Programme of work for prisoners
- Reforming the Prison Service
- Penalties for the “Polish death camps”
- Founding the Museum of Cursed Soldiers
- e-KRS for entrepreneurs

The folder in electronic form is available on the Internet website: ms.gov.pl.

SPECTACULAR SUCCESSES

” *In the years 2008-2015, representatives of the state central bodies were informed about gigantic swindles and losses as a result of the operation of VAT gangs and did not solve the problem. The Prosecutor's Office has consistently continued its fight against VAT swindles worth billions. The changes have already brought noticeable effects. VAT proceeds to the state budget mark a highly noticeable increase.*

Zbigniew Ziobro, Minister of Justice and Prosecutor General

” *We can boast of a huge success, as the collectability of maintenance soared up. These are hard statistics for the benefit of children. It was sufficient to introduce simple and clear rules.*

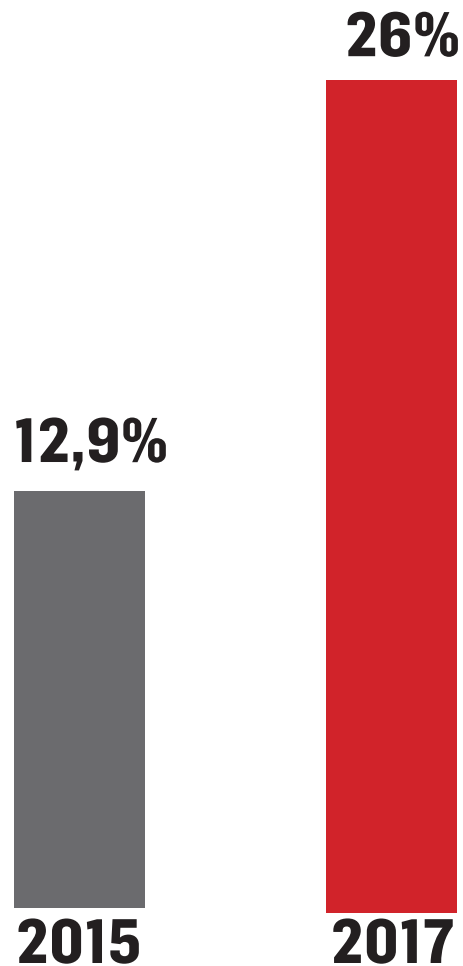
Michał Woś, Undersecretary of State in the Ministry of Justice

Legal state

- *The amendment to the Act - the Criminal Code and certain other statutes concerning the tightening of penalties for VAT crimes entered into force on 1 March 2017.*
- *The amendment to the Act - the Criminal Code and the Act about assistance to those entitled to maintenance entered into force on 30 April 2016.*

EFFICIENT COLLECTION OF MAINTENANCE

COLLECTABILITY OF MAINTENANCE TO THE MAINTENANCE FUND



An **INCREASE**
by **101,69%!**

EFFICIENT COLLECTION OF MAINTENANCE

DONE!

CHILDREN ARE OUR PRIORITY. We must protect them and care for them. Therefore, we stood up for those whose parents reject to fulfil their obligations. We stopped treating those avoiding to pay maintenance in a lenient way.

➔ **We introduced clear rules.** Who is in arrears in the payment of maintenance equal or exceeding the liabilities of three months, may face a penalty ranging from a fine to one year of imprisonment. The aim is not to punish maintenance debtors at once. Those who are in arrears in the payment of their liabilities are summoned to the Prosecutor's Office and instructed about the consequences. They avoid them provided that they pay their arrears.

➔ **We protect children, but we also protect the interest of all tax payers.** A total of approx. PLN 1.5 billion is paid out from the state Maintenance Fund for those children whose parents reject to pay maintenance. The recovery rate is equal to 13-14%. We cannot afford to repay the liabilities of those benefiting from a good standard of living without caring for their own offspring. Therefore, we intend to prosecute them and force them to fulfil their obligations under the pain of a penalty.

➔ **Our plan is to introduce basic maintenance.**

It will be calculated based on real costs of maintaining a child and increased in proportion with the increase in retail prices and other maintenance costs on an annual basis. The aim is to ensure that the parents applying for maintenance can receive it swiftly and without the court effort. That will not close the doors to those wishing to receive higher benefits. They will be able to claim it in court, but they must take into account that the procedure may take some time.

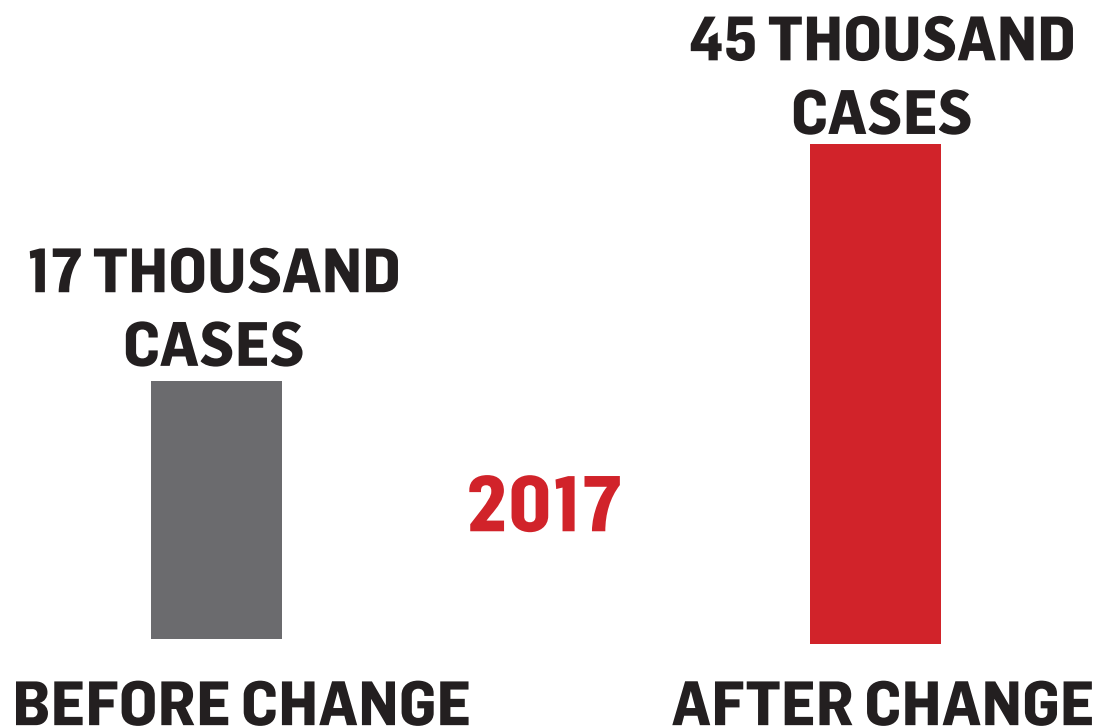


IMMEDIATE EFFECTS

➔ In September 2017, following the entry into force of new provisions, only 600 new "maintenance" debtors were registered in the National Register of Debtors, while there were as many as 2.5 thousand new debtors in March. The amount of maintenance arrears sharply decreased - from PLN 180 to 106 million. If compared with 2015, the collectability of maintenance to the Maintenance Fund increased by as much as 100%. The Prosecutor's Office receives nearly three times more cases regarding the avoidance to pay maintenance.

EFFICIENT COLLECTION OF MAINTENANCE

WHO DOES NOT PAY FOR A CHILD, WILL FACE THE PROSECUTOR!



FIGHTING AGAINST VAT SWINDLES



STOP TO THE PLUNDER. We care for the state which was stolen by huge VAT gangs and we protect entrepreneurs against unfair competition on behalf on VAT swindlers. Swindlers damage the free market and steal public money which may be allocated to important social objectives, including the “500+” Programme or social benefits. Therefore, we severely increased the penalties for VAT swindles - up to 25 years of imprisonment.

➔ **The penalties must be adequate to the crime.** The most severe penalties, up to 25 years of imprisonment, may be imposed on those who swindle VAT of more than PLN 10 million. Criminals must know that they may not be released from prison until the end of their lives and will not be able to use the stolen money.

➔ The guidelines issued by the Prosecutor General for prosecutors **also serve for fighting against VAT crimes.** Accordingly, the proceedings concerning VAT swindles should be conducted by higher-rank prosecutor’s offices - on the district and regional level, and not by the lowest-rank local prosecutor’s offices as formerly. The aim is to bring main organizers and not inferior perpetrators to justice.

➔ **The solidarity of crime gangs** will be broken up by lightening penalties against those persons who will disclose their accomplices and circumstances of the crime.

FORMERLY	CURRENTLY
It is estimated that in the years 2008-2015 the state lost over PLN 260 billion due to VAT swindles. This is an amount which would be sufficient to pay out benefits under the “500+” Programme during at least 10 years.	From January to December 2017, revenues from VAT to the state budget increased by nearly PLN 25 billion. The amount exceeds the yearly expenditure for the “500+” Programme. Since March 2016, all the regional prosecutor’s offices have completed over 630 proceedings concerning large-scale VAT frauds. Convictions were issued against over 500 of those accused.
For the crimes related to VAT swindles, fines were the most frequent penalty for criminals. In the years 2014-2016, there were only 18 judgments issued for a penalty of absolute imprisonment. Such practice made perpetrators even more impudent.	

FIGHTING AGAINST VAT SWINDLES



GIGANTIC INCREASE IN THE PROCEEDS FROM VAT

- ➔ The Minister of Justice being also the Prosecutor General
- ➔ 25 years of imprisonment for VAT crimes
- ➔ Taking away properties from criminals
- ➔ Guidelines of the Prosecutor General for prosecutors

RESULT

24,7 billion zł

**This is an increase in the VAT proceeds
to the state budget recorded in 2017.**

SECURITY FOR THE POLES

” *We stand up for honest citizens, for those attacked. Attackers, criminals and bandits must face serious consequences, including the loss of life, if they commit an act of crime.*

Zbigniew Ziobro, Minister of Justice and Prosecutor General

Legal state

- *The Act of 28 January 2016 – the Law about the Prosecutor’s Office entered into force on 4 March 2016.*
- *Draft amendments to the Criminal Code with regard to tightening penalties for rapists were adopted by the Government on 19 December 2017.*
- *The amendment to the Criminal Code with regard to extending rights to self-defence was passed by the Sejm on 8 December 2017.*
- *The amendments to the Criminal Code, the Code of Petty Offences, the Code of Criminal Procedure and the Road Traffic Law with regard to the more effective prosecution of road hogs entered into force on 1 June 2017.*

EFFECTIVE AND EFFICIENT PUBLIC PROSECUTOR'S OFFICE

DONE!

FIGHTING AGAINST CRIMES Performed during the first months of the term of office of the new Government, the reform ended in a disastrous experiment of the former government coalition of the Civic Platform and Polish Peasants Parties (PO-PSL), which deprived one of the most important state institutions to act efficiently. The reformed Prosecutor's Office reinitiated the neglected proceedings, made a vigorous start to fighting against economic crimes and prosecuting the crimes against the life, health and property which the Poles find the most troublesome.

➔ **Fighting against swindlers.** In the guidelines issued for prosecutors as soon as during the first months in office, the Prosecutor General placed emphasis on fighting against usury loans and financial crimes the victims of which are the most vulnerable citizens suffering from a difficult financial situation. Further recommendations concerned, inter alia, the fight against “cleaners of tenements” and dishonest compensation companies which are called the “hunters of misery”.

➔ **Harsh penalties for crimes.** By exercising the regained right to file cassation appeals, the Prosecutor General intervenes in the most outrageous cases, e.g. filed a cassation for convicting a young woman and her partner for life imprisonment for brutally murdering the man's parents in Rakowiska in the Lubelskie Voivodeship. He also caused a sadistic couple from Drawsko Pomorskie to be put forward new allegations concerning their attempt to murder the woman's son aged 6 years and the rapes of him and his older brother.

➔ **Justice after years.** The Prosecutor's Office took up discontinued proceedings, e.g. the death of Jolanta Brzeska, the founder of the Warsaw Association of Tenants, who used to fight against “wild reprivatisation”.

➔ **Penalties for prosecutors who disregard their duties.** The reform also resulted in disciplinary and criminal proceedings against those investigating officers who committed acts of negligence in the past, e.g. in case of foster parents from Puck who were responsible for the death of a boy aged 3 and his sister aged 5.



In March 2016, Bogdan Świączkowski became Head of the National Prosecutor's Office. Deputies of the Prosecutor General are: Beata Marczak, Robert Hernand, Marek Pasioneek, Waldemar Puławski, Andrzej Pozorski and Krzysztof Sierak. Agata Gałuszka-Górska is a Deputy of the National Prosecutor.

HARSH PENALTIES FOR RAPISTS



STOP TO INDULGENCE. Perpetrators of the rapes committed with particular cruelty, in particular of children and pregnant women, do not deserve to be treated in a lenient way. Therefore, the Ministry of Justice prepared a draft radical amendments to the criminal law. Penalties for the most bestial criminal will be tightened.

- ➔ **Up to 25 years of imprisonment for particularly cruel rapes and rapes of children** – the proposed provisions specify such a penalty. Currently, the upper limit is equal to 15 years of imprisonment.
- ➔ **From 3 to 15 years for the rape of a pregnant woman.** The same penalty will apply to the rape with the use of a firearm, knife or date-rape drug, as well as for recording an act of rape. Such crimes are currently punished with from 2 to 12 years of imprisonment.
- ➔ **No possibility to be released conditionally** for the rapists who were convicted for life imprisonment and caused the death of a child. Degenerate criminals will spend the rest of their lives in prison.
- ➔ **Higher penalties for tormenting others.** There are perpetrators who derive bestial satisfaction from tormenting their imprisoned victim. The court will have the right to convict them for from 5 to 15 years of imprisonment (currently from 3 to 15 years of imprisonment), or even for 25 years in the most severe cases.
- ➔ **Victims of rapes will not be afraid any longer** that the rapist will be in his or her proximity and will oppress him or her after being released from prison. The court – if requested so by the victim of rape – will be obliged to adjudicate against the convicted a ban to get closer to the victim.

Wyrok w zawieszaniu za gwałt zbiorowy budzi olbrzymie emocje

Łagodne kary dla sprawców gwałtu zbiorowego w Pietrzykowiach wzbudziły opinię publiczną i ministra Ziobro. Czy powinni być surowiej? pytam prof. dr. hab. Kazimierza Zgrzyka z Katedry Prawa Karnego Procesoego US

Kazimierz Zgrzyka
prof. dr. hab.
Kazimierz Zgrzyka, profesor prawa karnego, kierownik Katedry Prawa Karnego Procesoego Uniwersytetu Śląskiego w Katowicach.

Opinia publiczna
Opinia publiczna jest bardzo silna. Wskazywanie na łagodne kary dla sprawców gwałtu zbiorowego w Pietrzykowiach jest bardzo zrozumiałe. Wskazywanie na łagodne kary dla sprawców gwałtu zbiorowego w Pietrzykowiach jest bardzo zrozumiałe. Wskazywanie na łagodne kary dla sprawców gwałtu zbiorowego w Pietrzykowiach jest bardzo zrozumiałe.

Niskie wyroki za gwałt? To nie do przyjęcia!

Bielsko-Biała
Fundacja Prozywym Zmian protestowała przed bielskim Sądem Okręgowym. To efekt wyroku w sprawie gwałtu w Pietrzykowiach.

Kazimierz Kilianiec
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Wczoraj w samo południe przed budynkiem Sądu Okręgowego w Bielsku-Białej Fundacja Prozywym Zmian zorganizowała happening protestujący przeciwko niskim wyrokom i karom w zawieszaniu, jakie wymierzane są sprawcom przemyślej wobeco-biot.

– To zarówno wyroki w sprawach o gwałty, o przemoc seksualną, jak i o przemoc domową – wyjaśniła Anna Chęć.

Pikietujący zwracali uwagę, że tylko dwóch oskarżonych takiego czynu przypisał



Symboliczna kara za gwałt

● Zapadł wyrok w bulwersującej sprawie gwałtu zbiorowego w Pietrzykowiach ● Oskarżeni dostali kary w zawieszaniu. Minister Ziobro interweniuje w tej sprawie

Przebiegaczność
Kazimierz Kilianiec
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W bielskim sądzie Okręgowym zapadł w czwartek wyrok w sprawie zbiorowego gwałtu, do jakiego doszło w Pietrzykowiach w 2011 i oskarżeni, w tym syn znanego na żywiec zrynek polityka PiS, zostali uznani za winnych i otrzymali kary od roku i trzech miesięcy do dwóch lat w więzieniu w zawieszaniu na 3 lat.

Zgadli i odwieleli
Proces sędziacki między innymi oskarżonych gwałtu zbiorowego na 17-letnie, rozpoczął się w wczorajszym 2014 r. Zakładając w Zyrardzie prokuratury wojewódzkiej w Zyrardzie skierował do Sądu Okręgowego w Bielsku-Białej, A. Jakub N., Rafał S. i Łukasz K.

Wobec nich w zawieszaniu na 3 lat. Wszyscy mężczyźni zostali też ukarani grzywnami od 4,8 tys. zł do 54 tys. zł (raz z zastrzeżeniem aresztu). Każdy musi zapłacić też na rzecz poszkodowanej po 2 tys. zł i pokryć koszty procesowe (4,8-5,5 tys. zł). Wszyscy mają także dożyć kuratorki.

– W dużej mierze ten wyrok jest zbliżony do wyroków prokuratorskich, aczkolwiek nie w całej części. Sądziliśmy obojętne czynu częściowo na korzyść oskarżonych – mówi sędzią kantonu sędzią, rzecznik prasowy bielskiego Sądu Okręgowego.

Wyrok nie jest prawomocny. Oskarżeni mają 7 dni na złożenie odwołania. Wczoraj po południu pojawiła się informacja, że minister sprawiedliwości Zbigniew Ziobro interweniuje u prokuratora krajowego Bogdana Świączkowskiego w sprawie zbyt niskiego wyroku za ten gwałt, a potem też, że prokuratura odwołała się od wyroku Sądu Okręgowego, do Sądu Apelacyjnego.



MORE RIGHTS TO SELF-DEFENCE

**WE ARE
WORKING!**

THE ATTACKER IS THE ONE TO BE AFRAID. The Poles who defend themselves and their families against attack or theft must know that the state will stand up for them and not for the criminals. Therefore, we extend the rights to self-defence in the Criminal Code.

➔ If faced with danger, fear or stress, nobody does calculate objectively how to defend oneself in order not to cause any harm to the attacker. The attackers are those who must count with that they may be exposed to more serious consequences. They must take into account that their victim will not remain idle until the Police comes, if called on time.

➔ It may not be accepted that any person stopping the attacker and protecting his or her property, in particular his or her life or health, or the life or health of his or her relatives, becomes exposed to criminal liability. Therefore, the penalty will not be imposed on the person who defends against the attacker who broke into his or her home, even if the victim may exceed the limit of self-defence.

➔ The person who defends oneself against the criminal must be sure that the state will provide him or her with full support. That he or her will not be summoned to courts and the allegations and conviction will be put forward against the attacker and not the attacked.



Beata Szydło, Prime Minister, and Zbigniew Ziobro, Minister of Justice and Prosecutor General, during a press conference after the Government adopted a draft to extend the rights to self-defence.

STOP TO ROAD HOGS



NO TOLERANCE FOR MEDMEN DRIVERS. Each year, approx. three thousand persons are killed on Polish roads. Nevertheless, the drivers who regularly violated provisions on road traffic evade justice. In 2015, over 1000 perpetrators of serious offences did not face a penalty, because their cases lapsed. Therefore, the Ministry of Justice prepared new provisions which allow to prosecute road hogs more effectively. They have caused too many tragedies so far.

- ➔ **Courts must receive information** from the Police and the Central Register of Drivers on whether the person accused of a road crime has been punished for any road offences so far and has been taken away the driving licence. The obligation was not place in the past, which favoured the practice to issue light convictions against regular road hogs.
- ➔ **The Police, the Prosecutor's Office and courts were given sufficient tim** to effectively adjudicate justice to the perpetrators of road offences. They will lapse after 3 years, and not after 2 years from the date of the offence as currently. wykroczeń drogowych. Będą one przedawniać się po 3 latach, a nie – jak dotąd – po 2 latach od popełnienia wykroczenia.
- ➔ **The perpetrators driving under the influence of alcohol or drugs** who cause fatal accidents will be convicted for imprisonment of at least 2 years. The penalty must not be suspended. Formerly, the lower limit of the penalty was only 9 months for such crimes.
- ➔ **Who drives a care despite of being taken away the driving licence** by administrative decision will be exposed not only to the penalty of up to two years of imprisonment. They will be banned from driving vehicles for a period from 1 to 15 years. Should they violate the court ban, they will be convicted for up to 5 years of imprisonment (formerly for up to 3 years).



Michał Wójcik, Secretary of State in the Ministry of Justice, announces harsh penalties against road hogs. – The period of impunity and playing with the Police is over for bandits – he said.

A PENALTY EVEN AFTER YEARS

EXTENDED LIMITATION PERIODS. Perpetrators cannot feel unpunished any longer, as they manage to escape the prosecution bodies or courts were slow to proceed for too long. One of the first decisions we have taken was to extend additional limitation periods – upon initiating the proceeding – from 5 to 10 years.

➔ **This is to restore justice** after the disastrous decision by the government majority of the Civic Platform and Polish Peasants Parties (PO-PSL), which decided to shorten the additional limitation periods by a half before the end of the term of office of the former Sejm – to as much as 5 years. Therefore, regular criminals and serious schemers committing, e.g. VAT frauds, were able to evade penalties in great numbers.



DONE!

SHOCKING FACTS

➔ As a result of the shortened limitation periods by the former Sejm, as many as 668 crimes lapsed during the period from the beginning of July until the end of October 2015. The respective cases had to be discontinued.

PROTECTING THE MOST VULNARABLE AND FIGHTING AGAINST PATHOLOGIES

” *It is time to stop giving back tenements for guardians, reactivated companies, the deceased; it is time to stop trading in receivables and most importantly: it is time to stop giving back properties together with people.*

Patryk Jaki, Secretary of State in the Ministry of Justice

Legal state

- *The Act about specific rules for removing legal effects of reprivatisation decisions concerning the properties in Warszawa which were issued contrary to the law entered into force on 5 May 2017.*
- *The draft statute about compensating certain acts of harm caused to physical persons as a result of the take-over of properties or movable monuments by the Communist authorities after 1944 is under public consultations and evaluation.*
- *The draft amendment to the Act – the Criminal Code with regard to fighting against usury crimes is under public consultations and evaluation.*
- *The draft statutes about the court executive officers and about the costs of the proceeding of the court executive officers were adopted by the Government on 16 May 2017 and are after the first reading by the Sejm and under work in the Sejm Committees.*
- *The draft amendment to the Code of Petty Offences with regard to, inter alia, fighting against petty thefts is under interministerial consultations.*
- *The amendment to the Act about the responsibility of collective entities is analysed internally in the Ministry of Justice.*
- *The package of amendments to the Act about the protection of animals and to the Criminal Code was adopted by the Government on 11 April 2017 and is under the third reading by the Sejm.*
- *The draft amendment to the Act – the Bankruptcy Law was directed to interministerial consultations.*
- *The draft amendment to the Criminal Code and to the Road Traffic Law with regard to punishing for tampering with a car’s odometer is after internal consultations in the Ministry.*

CLEARING “WILD REPRIVATISATION”



RESTORING JUSTICE. Despite forged testaments, false documents and impersonating relatives of the rightful owners, Warsaw properties which are worth hundreds millions Polish zloty – by decisions of the authorities of the capital city – were transferred to swindlers and traders in receivables for many years. Tenements used to lose roof over their heads, with the prosecule. Therefore, the Ministry of Justice appointed a Verification Committee which is effective in clearing the “wild reprivatization”.

➔ **The Committee takes away the properties which were taken over unlawfully.**

It regains properties which are worth many millions and restores dignity to the victims. The Prosecutor’s Office is finally effective in its action. Nearly 200 proceedings are being conducted by the Prosecutor’s Office in cases related to the “wild reprivatization” in the capital city. Prosecutors also verify the abandoned proceedings on the unlawful take-over of the properties located in Kraków and Łódź.

➔ **The tenants who have been harmed for years are gaining ground.** The hearings before the Verification Committee are the first chance ever for them to speak publically about the injustice they have suffered.

➔ **The Committee operates based on the rules of transparency and pluralism.** Its sessions are transmitted by TV news channels. The Committee consists of the persons elected by the parliament, while the Social Council consists of representatives of tenants’ associations which have desperately continued their fight against the “wild reprivatization” for years..

➔ **Prosecutors became actively engaged in the fight against cleaners of tenements.**

The National Prosecutor’s Office obliged them to demand the most serious penalties for the criminals which force tenements to leave their flats in a deceitful way – by plagues, bullying, cutting off water or electricity. The prosecutors are also to help victims of the “cleaners of tenements” in civil-law-cases, in which the victims claim compensation for the harm they have suffered.



A session of the Verification Committee for Reprivatization in Warsaw.

HONEST REPRIVATISATION

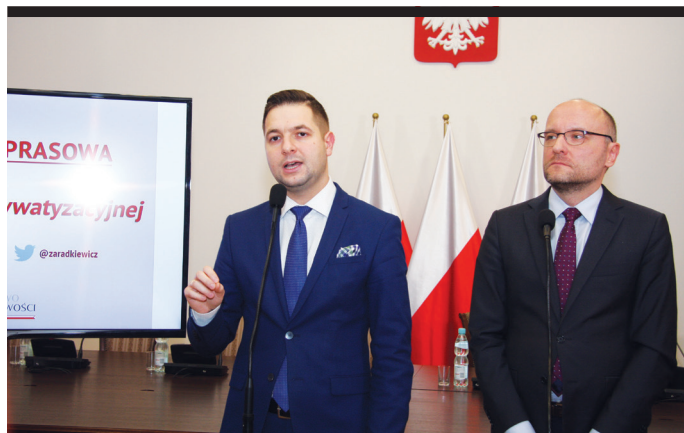
**WE ARE
WORKING!**

GROUND-BREAKING STATUTE. We correct the huge negligence which has continued in Poland for decades now. The Ministry of Justice has prepared the first complex reprivatization statute since 1989. Our intent is to stop the pathological practices for ever, which enabled swindlers to take over the properties under reprivatization in Warsaw and other cities, and made innocent people suffer from that.

➔ **No further returns of properties in kind.** Former owners, within the financial capacity of the state, will receive pecuniary compensation. The rule is to pay out 20% of the value of the property calculated as of the date of nationalisation. Those wishing to receive more, but during a longer period of time, may apply for 25% of the value in treasury bonds.

➔ **Stop to pathologies involving false guardians** of former owners and reactivated companies, on behalf of which properties are taken over by swindlers. Nobody but the former owners, their heirs in the first line and spouses will be entitled to compensation. It will be prohibited to trade in receivables.

➔ **The decree by Bierut will finally become null and void.** New solutions will allow to regulate the reprivatization of the properties taken over by the Communist authorities after 1944 in a definite way.



Patryk Jaki, Secretary of State in the Ministry of Justice and Chairman of the Verification Committee, announced the draft of the great reprivatization statute. Kamil Zaradkiewicz, Director of the Department of Administrative Law in the Ministry of Justice is on his right side.

FIGHTING AGAINST USURY

**WE ARE
WORKING!**

STOP TO HUMAN MISERY. The state is to protect the more vulnerable. It is to assure us that nobody – abusing our critical situation, lack of knowledge, naivety, elder age or disability – will cheat and rob us. Nobody will deprive us from everything. Therefore, the Ministry of Justice prepared changes to the Criminal Code which are to protect the Poles against the greed of con men offering usury loans.

- ➔ **The least vulnerable in a difficult life situation fall victim most frequently.** They are helpless in practice. They lose their flats and possessions of their life. People – often the elderly, poor and single – are not able to raise claims for their harm in the civil-law proceedings. Therefore, they require a specific protection.
- ➔ **The power and authority of the whole state must be for those harmed.** The proposed provisions clearly define which loans are of a usury nature and set a percentage limit for them. The ministerial project puts an end to the rule which made the prosecution of a usurer dependent on whether he or she was aware of the fact that the borrower was “enforced”. So far, the provision has contributed to the impunity of the majority of con men.
- ➔ **Those harmed are assisted by the Prosecutor’s Office.** It joins civil-law proceedings by standing up for the victims of usurers. These are often the elderly and impecunious. Therefore, they require support and specific protection.

FORMERLY

In the years 2008-2010 the proceedings were discontinued or rejected in nearly 90% of the cases related to usury loans. Only in 20 cases, indictments were sent to courts, while convictions against usurers were issued only in 4 cases.

(source: data of the Institute of the Judiciary)

FIGHTING AGAINST ABUSES BY COURT EXECUTIVE OFFICERS



CURBING THE PATHOLOGIES. Court executive officers must prove their diligence and the highest moral standards. The profession must not be pursued by anybody who is greedy and will take the last short off the debtor's back for his or her own profit. The new statute about the court executive officers is to guarantee that outsiders will not fall victim to the enforcement proceedings any longer. We put an end to the abuses by the court executive officers who were even able to deprive children from their toys and auction them.

- ➔ **Should anybody be exposed to injustice, that will be corrected.** The courts are now too quick – even if recognizing the mistakes by the court executive officers – to reject the complaints for formal reasons and are not obliged to obligate the court executive officers to repair the harm done.
- ➔ **The court executive officer will be allowed to take away the seized thing from the debtor only in exceptional situations and under the court's control.** Taking away the supervision over the seized thing is currently epidemic, although the practice should be an absolute exception.
- ➔ **It should be a rule to provide the debtors with a template complaint for the actions by the court executive officer.** It will be handed out to all those affected by the enforcement proceeding. They will be able to file an appeal if found that the court executive officer has violated their rights.
- ➔ **Those court executive officers who are not qualified will leave the profession.** Every tenth court executive officer does not have a university degree, with only approx. 70% of them being lawyers.



FIGHTING AGAINST A PLAGUE OF SMALL THEFTS



EFFECTIVE PUNISHING OF THIEVES. No adequate penalties are currently imposed on the perpetrators of “petty” thefts, misappropriation or damaging other people’s things. Such penalties which scares off reoffending. Therefore, we amend the provisions.

➔ We are changing the rule which is used to determine whether a theft is only a petty offence or a crime. This is a significant difference, because petty offences are mostly punishable by a mandatory fine, while the theft which is a crime is punishable by a penalty of up to 5 years of imprisonment. The dividing line is currently set by the value of the damage equal to PLN 500. After the amendment, the value will be equal to PLN 400.

➔ It will not be possible to increase the threshold separating petty offences from crimes every year, depending on the current minimum wage or other variable conditions. Thus, the courts will not be forced to review thousands of cases in the whole country every year to establish whether the theft for which the penalty has not been exercised yet is still a crime or only a petty offence.

➔ A revolutionary change will be to introduce an electronic register of perpetrator of petty offences against property. That will make it possible to effectively fight against, e.g. gangs which commit massive petty thefts in stores, but the amounts never allow to classify the acts as crimes. Thanks to the introduction of the register, the value of single thefts will be summed up; if the sum exceeds PLN 400, their perpetrators will be sued for a crime. They will not be able to weasel out by paying a mandatory fine for a petty offence, if they are regularly caught by stealing.



Zbigniew Ziobro, Minister of Justice and Prosecutor General, and Marcin Warchoń, Undersecretary of State, announce the draft amendment to the Code of Petty Offence. There is nothing which encourages criminals so much as the lack of reaction to petty thefts. By making the threshold value dependent on the minimum wage, it becomes possible in fact to steal more and more every year, which causes a damage not only to the harmed, but is also detrimental to the authority of the state – said Deputy Minister Warchoń.

PENALTIES FOR TAMPERING WITH A CAR'S ODOMETER

WE ARE WORKING!

FIGHTING AGAINST SWINDLERS. Car swindlers and their accomplices, who “tamper” with odometers in used cars, are currently unpunished in fact. Their victims are unaware purchasers who often spend their last savings to buy the wheels they have dreamt of so much. Therefore, the Ministry of Justice prepared changes to the law which are to curb the fraudulent procedure.

➔ **Con men should not be treated in a lenient way.** In accordance with the draft provisions, each act of “tampering” with a car’s odometer will be punishable with a penalty of from 3 months to 5 years of imprisonment – both for the con man and his or her accomplices. At the moment, it is possible to do that without exposing oneself to any penalty. Such “service” is even offered by some technical inspection centres. Penalties will be imposed if the con man will be caught by selling a car with a tampered odometer. However, that does not happen frequently.

➔ **The same penalty** – from 3 months to 5 years of imprisonment – will also be imposed in case the car’s owner does not report to the technical inspection centre that the whole odometer has been exchanged for a new one (e.g. due to a real or alleged breakdown). The technical inspection centre will be obliged to report the exchange, along with the valid reading, to the central register of vehicles.

➔ **A “data base of readings” will be created.** During all road inspections, the Police is obliged to write down the current balance of the car’s odometer. The data will be transferred to a central register of vehicles. In this way, it will become possible to compare following readings and identify swindlers faster.

Polacy nabici w cofnięte liczniki aut

Co roku kierowcy w Europie tracą nawet 9,6 mld euro, kupując używane auta, w których oszuści przekręcili w dół licznik przejechanych kilometrów.

Najgorzej jest w Polsce.

ANDRZEJ KUBLIK

Czy Komisja Europejska zdaje sobie sprawę z problemu fałszowania na masową skalę liczników przebiegu kilometrów w używanych samochodach? Na konferencji prasowej w Warszawie czeski europoseł Tomáš Zdechovský przyznał, że przez trzy lata namawiał przewodniczącą KE Jeanne-Claude J. Juncker. Bezskutecznie. – Jest na to jedyna szansa, i to już za kilka miesięcy, kiedy Parlament

Gdy się kupuje w Czechach używany samochód, można być niemal pewnym, że zostanie się oszukaniem. W wyniku swobody handlu wewnętrznego w obrębie Unii kraje wschodnie służą za złodowisko dla importowanych z Zachodu – stwierdził europoseł.

Wskazał przy tym, że w 2014 r. sprzedanych w Czechach około 57 proc. miało cofnięte liczniki. Jeszcze gorzej jest w Polsce, która od czasu przystąpienia do UE w 2004 r. stała się liderem w imporcie używanych pojazdów z Zachodu. W zeszłym roku do Polski sprowadzono ich ponad 1 mln, a przez 15 lat członkostwa w UE wwozono średnio ponad 800 tys. takich aut rocznie.

Belgijskie pancernie?

Obecny na konferencji Michel Peelman, dyrektor zarządzający belgijskim stowarzyszeniem Cee-Pass, ocenił

tem z ostrą bazą danych, do którego dilerzy, warsztaty i stacje serwisowe mają obowiązek przekazywać przy każdej usłudze czy naprawie dane o numerze identyfikacyjnym VIN i stanie licznika w dniu świadczenia usługi. Sprzedawca auta musi dać nabywcy certyfikat z historycznymi danymi o stanie licznika. Bez niego umowa kupna-sprzedaży auta jest nieważna.

Za otrzymanie certyfikatu od Carmila sprzedawca auta płaci 72 euro (ok. 30 zł), a nabywca na podstawie unikalnego numeru zawiadzenia może sprawdzić przez internet, czy dane nie zostały sfałszowane.

Właśnie belgijski system europejski Tomáš Zdechovský uznał za wzór, z którego mogłyby skorzystać

UE. Proskawanie licznika od 2006 r. jest w Belgii przestępstwem. Liczba przekrętwów spada z 60 tys. do 1800 i dotyczy 0,6 proc. używanych aut.

Polaki raj dla oszustów

A w Polsce? – Według różnych szacunków od 65 do 85 proc. używanych aut sprzedawanych do nas ma przekreślony licznik – powiedział Marek Konieczny, szef Związku Dealerów Samochodów.

Ten proceder ułatwia to, że w Polsce nie ma – tak jak w większości państw UE – przepisów uznających przekraczanie liczników za przestępstwo. Związek Dealerów Samochodów od lat bezskutecznie apeluje do rządu, aby wprowadził do kodeksu karnego przepis przewidujący karę od sześciu miesięcy do trzech lat więzienia dla osób, które zmieniają stan licznika przebiegu samochodu w celu osiągnięcia korzyści majątkowej.

Senator Grzegorz Pezdek (PSL) rejestracji samochodu zawiadzenia o przeprowadzonym badaniu technicznym. Zgodnie z analizami przepisami, które na początku dekady wprowadzono w Polsce, w dokumencie należy podać stan licznika przebiegu podczas ostatniego badania. Takiego dokumentu policyjne prowery mogą się też domagać od sprzedawcy używanego auta z Zachodu.

Z analizy Ministerstwa Cyfryzacji wynika, że pomiędzy poszczególnymi badaniami cofano liczniki w ponad 882 tys. aut. To już wyjątkowo bezczelnie oszustwa – powiedział senator Pezdek.

Obowiązek wyjątkiem nieprawidłowości przez administrację państwową postanowił wprowadzić już rząd PO-PSL w uchwalonej latem 2015 r. ustawie o zmodernizowanym systemie CEPiK 2.0. Do tej pory jego wdrożenie się opóźnia. Ale udało się nieco przyspieszyć – wprowadza-



FIGHTING AGAINST FRAUDULENT COMPANIES

WE ARE WORKING!

NOBODY OUTSIDE THE LAW. Dishonest companies are currently unpunished as a rule. They can cheat people by selling allegedly healing preparations or bribe state officers, and go unpunished. Therefore, the Ministry of Justice prepared draft amendments to the Criminal Code which will provide the state with arms for fighting against such companies. The draft refers to criminal liability of collective entities.

CURRENTLY	IN FUTURE
<p>The valid provisions do not allow to pursue a company to be found liable under the criminal law, if the court has not formally issued a legally binding sentence against, e.g. its presidents, members of the management board or other representatives. That is frequently impossible, because it is not possible, e.g. to identify the direct perpetrator or the perpetrator is hiding.</p>	<p>In order to institute a proceeding against a dishonest company, it is sufficient that the prosecutor establishes that a crime has been committed therein. The matter of personal criminal liability of a particular person will be decided on by the court, irrespective of the proceeding for imposing a financial penalty onto the company, however under one proceeding.</p>
<p>Even if the companies are brought before the court, the liability is illusory. In accordance with the currently valid provisions, a pecuniary penalty for legal persons may theoretically amount to from PLN 1000 to PLN 5 million, however not more than 3% of its revenues. As a result, a company which has low revenues or does not report revenues goes unpunished, even if it possesses a huge property. wykazuje, unika kary, choćby dysponowała ogromnym majątkiem.</p>	<p>The amount of the pecuniary penalty will be increased to a range from PLN 30 thousand to PLN 30 million. The penalty will not contain a reference to the revenues generated. Thus, it will become possible to impose penalties on the companies which have assets, but do not report any revenues.</p>

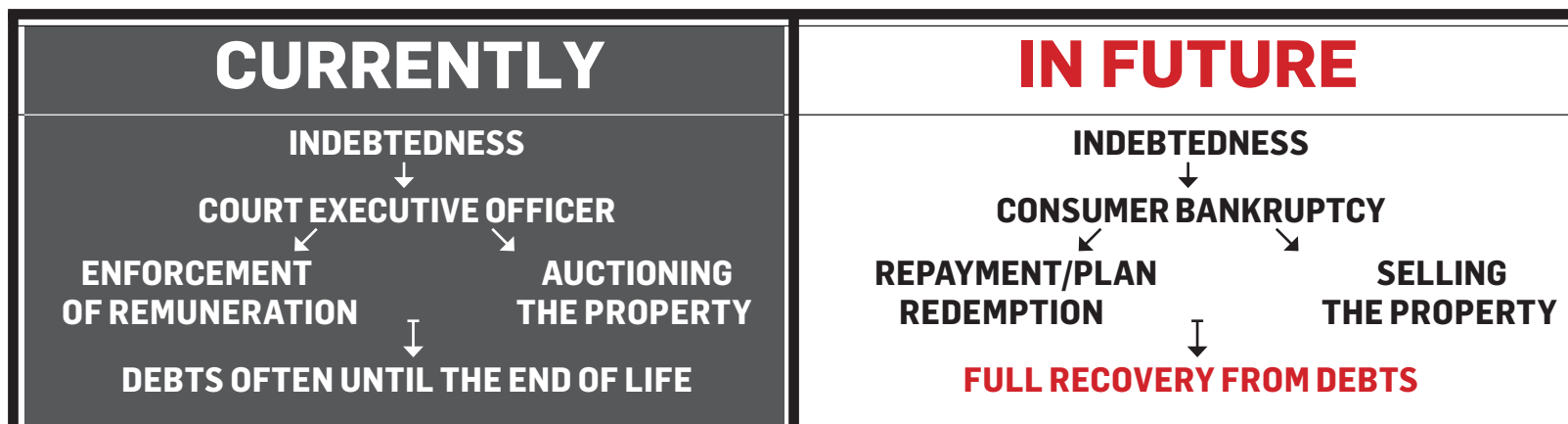
With regard to cases of large-scale corruption, the ineffectiveness of the former law provides a good illustration of the well-known info-scandal from the term of office of the coalition of the Civic Platform and Polish Peasants Parties (PO-PSL). The former director of the government Centre of IT Projects accepted huge bribes, inter alia from the American corporation HP. The Polish branch of the company paid a penalty of PLN 15.4 million for bribing an official, but not in Poland, but only in the USA. No single Polish zloty was transferred to the Polish state and Polish tax payers who fell victim to the crime.

EFFECTIVE ASSISTANCE FOR THOSE INDEBTED



BREAKTHROUGH IN RECOVERING FROM INSOLVENCY. Falling into debts which are not possible to repay should not push anybody to the margin of the society and deprive them from all their possessions from one day to the next. Therefore, we prepare provisions about consumer bankruptcy which protect those who are not able to repay debts due to, e.g. sickness or unemployment, or have found themselves in a dramatic situation. The new law will make it possible for them to recover from debts safely and rebuild their standard life without constantly fearing the court executive officer. Without fearing that the more they earn, the more the court executive officer will take away, and they will not be able to repay the accumulating debt until the end of their lives.

- ➔ **The plan to repay debts should be spread over years;** should it turn out to be impossible to repay all liabilities, the court will have the right to redeem them.
- ➔ **Protection against homelessness.** The debtors – ordinary Poles and entrepreneurs - in case their flat is auctioned, will receive an amount which will allow them to rent a flat for a period of two years.
- ➔ **Free legal assistance to all those** who consider filing a motion for declaring consumer bankruptcy.



STRICTER PENALTIES FOR BESTIALITY AGAINST ANIMALS

WE ARE WORKING!

DEFENDING "SMALLER BROTHERS". 1500 cases concerning the practice of abusing animals which are dealt with by the Police on average every year are 1500 cases too much. The most common practice is that courts sentence light penalties for that – a fine of PLN 500 or a suspended sentence. The measure of humanity is also our attitude to animals. Therefore, the Ministry of Justice prepared a project to tighten penalties for their bestial treatment.

- ➔ **Killing and maltreating animals** will be punishable with a penalty of up to 3 years of imprisonment instead of the current 2 years. In case of particular cruelty, the maximum penalty will be increased to 5 years.
- ➔ **Courts will be obliged to adjudicate** against the sentenced a payment from 1000 to 100 thousand zloty for a purpose related to the protection of animals.
- ➔ **The ban on working with animals** is to be adjudicated against anybody who will be proven cruelly against animals.

Wyprał kota w pralce, sąd złagodził wyrok. "Kara roku więzienia jest adekwatna"

04 maja 2016, 16:12

Bestialstwo 58-latka. Okaleczył psa, przywiązał do haka i ciągnął za samochodem!

Zarzuty znęcania się nad zwierzęciem usłyszał od policjantów 58-letni mieszkaniec powiatu wieluńskiego, któremu grozi za ten czyn kara do 3 lat pozbawienia wolności.

Brutalnie zabił kota, bo ten ugryzł go w palec

2013-09-12 16:39:46 (OST, AKT: [2013-09-12 13:27:02](#))

FIGHTING AGAINST SWINDLERS



We put an end to the theoretical state. We put an end to the situation in which criminals laugh in our face.

Marcin Warchol, Undersecretary of State in the Ministry of Justice

Legal state

- *The statute introducing extended confiscation entered into force on 27 April 2017.*



TAKING AWAY PROPERTIES FROM CRIMINALS



CUTTING OFF ILLEGAL MONEY. Stop to hiding properties acquired by a crime. We introduced new provisions concerning extended confiscation which also allow to take away possessions from thieves and swindlers in case they transfer them onto other persons, relatives or acquaintances. The most severe penalties will not be effective if the perpetrators remain unpunished in financial terms.

- ➔ **The new provisions provide for the forfeiture of property** accumulated by the perpetrators of the most serious crimes if they do not prove their lawfulness.
- ➔ **Criminals must know that they will not hide their properties** against investigating officers. If they are caught, they will be cut off their money. They will not be able to afford expensive advocates or carefree life after being released from prison.
- ➔ **Cutting off illegal profits** is a guarantee of effective fighting against swindlers. Criminals are not afraid of imprisonment. They include that in the risk of their “activities”. Their greatest fear is that they may lose profits, i.e. possessions acquired by a crime.

SPECTACULAR SUCCESSES

- ➔ Extended confiscation has already been used in approx. 400 cases, with the total amount of approx. PLN 400 million. Luxury cars, a sailing boat and houses were seized. The stolen property returns to the State Treasury.

CARING FOR CHILDREN

” *We are improving the security of children. Everybody will be able to check whether the neighbourhood they live in is safe, or there a person in the vicinity who has been punished for a cruel sexual crime.*

Michał Woś, Undersecretary of State in the Ministry of Justice

” *Exceptional passivity has ruled many years. Therefore, we are improving the system. Nowadays, Polish courts are to care for the welfare of children more effectively.*

Michał Wójcik, Secretary of State in the Ministry of Justice

Legal state

- *The Act about the prevention of the threats of sexual crimes entered into force on 1 October 2017.*
- *The draft amendment to the Act – the Code of Civil Procedure with regard to increasing the protection of children against violence is analysed internally in the Ministry.*
- *The amendment to the Criminal Code and to the Act about the assistance for those entitled to maintenance entered into force on 31 May 2017.*
- *The amendment to the Family and Guardianship Code which prohibits to take away children from their parents only due to poverty entered into force on 30 April 2016.*
- *The draft statute which limits the transfer of Polish children abroad was adopted by the Government on 29 August 2017 and is after the first reading by the Sejm.*

FIGHTING AGAINST PAEDOPHILES



REGISTER OF CRIMINALS. We launched a register of perpetrators of sexual crimes. Our main objective was to protect the youngest. To enable their parents to think about the security of their children more quietly. It is not sufficient to fight against abhorrent sexual crimes, but it is also necessary to prevent them. There are too many perpetrators of such crimes who reoffend after being released from prison.

➔ **In prisons, there are** approx. 1.5 thousand persons convicted for paedophilia. However, Poland has not had any methods so far – as the United States, Great Britain, Canada or France – to effectively control sexual criminals after they are released from prison. Despite the fact that many of them commit similar crimes again.

➔ **We find the protection of our children against harm** more important than the right to anonymity for paedophiles. The register consists of two parts:

- One part will be accessible for law enforcement authorities and the judiciary, as well as the institutions providing care for children. School directors or organizers of holidays for children (e.g. winter camps, summer camps, farm tourism, camps) must check whether their new joiners are listed in the register.
- The other part of the register is publically available on the Internet website of the Public Information Bulletin of the Ministry of Justice. It contains the data about the most dangerous criminals. Those who have committed sexual crimes with particular cruelty or have reoffended. Everybody can check if the released prisoner is where we live or, e.g. spend our holidays with children.

PROTECTING CHILDREN AGAINST VIOLENCE



SWIFT REACTION. The Prosecutor's Office must be able to react immediately and decisively, if children are exposed to harm. It happens often that it is not informed about situations will lead to a tragedy afterwards. Therefore, our intent is to amend the Code of Civil Procedure.

➔ **Family court will be obliged to** notify the Prosecutor's Office about any cases in which the welfare of a child may be threatened. That refers to instituting ex officio proceedings related to limiting or depriving of parental custody. That will enable cooperation between courts and the prosecutor's office for protecting children and to react correctly in order to prevent pathological behaviour towards children.

➔ **This is to address the increasing number of drastic crimes** against children, e.g. beating to death a 1.5-year old Maksymilian from Rzeszów and beating his 2-year old sister; maltreating a 2-month old Igor from Łódź who suffered from skull fracture; a suicide attempt by a 10-year old girl from Zamość after being maltreated by her mother.

➔ **Worrying events** often happen in families which are supervised by the court guardian or during the ex officio proceedings related to limiting or depriving of parental rights. By involving the Prosecutor's Office on time, it will be possible to ensure the welfare of the child and allow to take necessary actions to prevent tragedies. The legislative initiative is a common venture of the Ministry of Justice and of the National Prosecutor's Office.



Przestępczość Bił malutkiego Igorka. Matka nie reagowała

► Prokuratura: 27-letni zwyrodnialec bił pięścią niemowlę, bo przeszkadzał mu jego plac ► Matka dziecka (21 lat) nie reagowała ► Obojgu grozi nawet dożywocie.



STOP TO TAKING AWAY CHILDREN DUE TO POVERTY

DONE!

FAMILY IS OUR PRIORITY. The state is to support and not to break up families. We have fulfilled our election promises. The Ministry of Justice introduced amendments to the Family and Guardianship Code which hinder taking away children from parents exclusively due to poverty.

➔ **Assistance is the most important.** If there is love in the family and children are cared for well, poverty cannot be the reason to take them away from their parents. A poor financial situation of the family must oblige the state to provide assistance in the first place, and not to take drastic action.

➔ **Courts cannot interfere in the life of families** by rashly separating children from their parents. The new provisions determine an obligation to use other methods of working with the family and to provide other forms of assistance in the first place. All available measures having been exhausted and ineffective, with the health or life of the child being threatened, the court will be able to decide on taking away the child.



Beata Szydło, Prime Minister, and Zbigniew Ziobro, Minister of Justice and Prosecutor General, present the draft statute which prohibits to take away children exclusively due to poverty. – We are making the next step so that Polish families can feel safer, happier, so that parents do not have to worry that their children will be taken away if they are not able to earn their living – said the Prime Minister.

STOP TO TRANSFERRING POLISH CHILDREN ABROAD

WE ARE WORKING!

WELFARE OF THE YOUNGEST. Children should be brought up with love and not in fear of state officers. Our obligation is to protect them. Irrespective of their place of birth and family history. The Ministry of Justice prepared provisions to hinder harsh transfers of Polish children abroad, if their parents divorced.

- ➔ **Our aim is to put an end to transferring a child abroad** as early as after the first ruling of the court which is enforceable as of the date of its publication. In practice, that is done without examining the appeals. In case the court of the next instance changes the ruling, it is often impossible to bring the child back to Poland.
- ➔ **The child will be allowed to leave Poland** not earlier than the ruling has become final. Courts of the higher instances must gain time to analyse arguments of both parents more in detail, in particular to examine the situation of the child thoroughly. Then, they will be able to decide on what is good for him or her.
- ➔ **Specific courts will be established** to examine cases related to the transfer of children abroad. Cases will be decided on by professional judges who are sensitive to the welfare of children.
- ➔ **We simultaneously take up numerous interventions** to protect Polish children abroad. We prevent the practice of the foreign social services to rashly take them away from their parents, in particular the German Jugendamts.

SHOCKING FACTS

- ➔ Every year, Polish courts receive over 200 motions with the request to transfer children abroad. Many motions are considered favourably.

EFFICIENT AND EFFECTIVE COURTS

” *The Poles must believe that courts are to adjudicate justice and it is not to be awaited for years.*

Zbigniew Ziobro, Minister of Justice and Prosecutor General

” *My expectation is that courts will proceed faster, cases will be allocated to judges in a fairer way, and courts will be managed by presidents who are also smart managers.*

Łukasz Piebiak, Undersecretary of State in the Ministry of Justice

Legal state

- *The Act about amending the Act – the Code of Criminal Procedure entered into force on 15 April 2016.*
- *The amendment to the Act about the National School of the Judiciary and the Prosecutor’s Office and to the Act – the Common Courts Organisation Law entered into force on 21 June 2017.*
- *The amendment to the Common Courts Organisation Law, which was put forward by the Sejm Deputies, entered into force on 12 August 2017.*
- *The Act about the National Council of the Judiciary and the Act about the Supreme Court (proposed by the President) were adopted by the Sejm on 8 December 2017.*
- *The Regulation of the Minister of Justice of 3 October 2016 amending the Regulation about fees for activities of advocates and legal advisers entered into force on 27 October 2016.*
- *The draft amendment to the Act – the Code of Civil Procedure was directed to interministerial consultations.*
- *The draft amendment to the Act about the National Court Register was adopted by the Government on 14 November 2017 and submitted to the Sejm.*

REFORMING THE CIVIL-LAW PROCESS

FASTER AND MORE EFFECTIVE COURTS. Improving, facilitating and speeding up court proceedings – this is the main objective of the thorough reform of the Code of Civil Procedure prepared by the Ministry of Justice.

- ➔ **Courts will become closer to people.** Those filing suits against companies will not have to travel to the courts competent for the place the companies are registered in. This is a facilitation for ordinary Poles who are often forced to incur travel costs if they have to travel to hearings to a court which is far away from their place of residence.
- ➔ **The rule of one hearing.** In less complex civil-law cases, the rule is to hold only one hearing to announce the sentence.
- ➔ **Short deadlines.** Should it be impossible to announce the judgment during the first hearing, the judge will be obliged to set several immediately following terms of hearings at a time. In order to avoid breaks of many months between them.

**WE ARE
WORKING!**



Zbigniew Ziobro, Minister of Justice, and Łukasz Piebiak, Deputy Minister, present the reform of the civil-law process. - This is an element of changes which are to provide the Poles with a possibility to pursue their rights before the court in a fast and effective way - said Minister Zbigniew Ziobro.

FACILITATIONS FOR ENTREPRENEURS

**WE ARE
WORKING!**

COMFORTABLE AND FAST E-KRS. We have found the National Court Register in paper form and we intend to leave it fully digitised. The Ministry of Justice prepared ground-breaking facilitations for entrepreneurs. Entrepreneurs will be able to settle nearly all the matters related to the National Court Register online in a fast and comfortable way.

- ➔ **Putting an end to paper bureaucracy.** Since 1 March 2020, it will become obligatory to submit any applications to the commercial register of the National Court Register in electronic form. It will be easier to submit an application than to fill in paper forms.
- ➔ **Contacting the court through the Internet.** Entrepreneurs will not have to travel to or contact the court by telephone. In the ongoing proceedings, entrepreneurs will be able to exchange correspondence with the court by means of an IT system.
- ➔ **Online files reading room.** An Internet portal will be created and publicly accessible to make available registry files of entrepreneurs. At the moment, it is necessary to go to a court in order to review the files, while the request must be reported several days earlier.



Zbigniew Ziobro, Ministry of Justice, Michał Woś, Undersecretary of State, and Jan Kanthak, Press Officer, announce the digital revolution in the operation of the National Court Register. - The procedures create now a bottleneck in the economic life in Poland. Our intent is to put an end to that, cause a real revolution and introduce factual facilitations for entrepreneurs - emphasized Michał Woś, Deputy Minister.

HONEST AND EFFICIENT PROCESSES



RESTORING FAITH IN JUSTICE. The most important challenge is to reform the judiciary. The Poles must regain faith in honest and fair courts. We have done a lot to achieve that, but changes are still needed.

- ➔ **The random allocation system of cases to judges** was launched as a pilot project on 16 October 2017. It is to operate on a national basis starting from the next year. It will protect against abuses and provide assurance that no case will be allocated to a particular judge on purpose.
- ➔ **Assigning workload to judges evenly** will speed up the proceedings. The new allocation system allows to “weigh” them, i.e. to determine the degree of complexity and to allocate them between different judges so that the workload is spread evenly.
- ➔ **A method to solve the problem of lengthy proceedings** is also to be the consistent adjudicating bench rule. Having been drawn, the adjudicating bench will not be changed until the end of the proceeding.
- ➔ **We put an end to the excess of functional positions** in the judiciary. Nowadays, they are held by approx. 4000 of 10000 judges in Poland. They mainly perform administrative obligations, and do not adjudicate.

We are restoring the feeling of justice, while abolishing the rule of “fruits of the poisoned tree” which was beneficial for criminals. They used to be found not guilty exclusively due to procedural mistakes in the collection of evidence. An example is the case of Beata Sawicka, the Sejm Deputy on behalf of the Civic Platform (PO), charged with corruption.



Inauguration of the random allocation system of cases to judges in the District Court for Warszawa-Praga. The ceremony was attended (from the left side on the photograph): Judge Paweł Iwaniuk, President of the Court, Zbigniew Ziobro, Minister of Justice, Dariusz Pawtyszcze, Director of the Department of Human Resources and Common and Military Courts Organisation of the Ministry of Justice, Michał Woś and Łukasz Piebiak, Deputy Ministers.

HONEST AND PROFESSIONAL JUDGES

**WE ARE
WORKING!**

RESTORING CONFIDENCE. If judges' remunerations and sources of incomes do not become fully transparent, the Poles will not regain faith in their reliability and honesty. A guarantee to improving the prestige of the profession is also to introduce new, well-qualified staff to the judiciary.

- ➔ **Disclosure of property statements by judges** marks one of the first changes introduced by the Ministry of Justice, irrespective of the reluctance of the community of judges. Since 1 July 2017, they have been published in the Internet.
- ➔ **Judges are to declare not only their properties, but also current incomes** – along with precise information about their sources and amounts. The aim is to avoid a situation in which they declare that their property has not changed, although they have simultaneously received high incomes which they spend on an ongoing basis.
- ➔ **We restored the institution of the assistant judge**, i.e. “the judge for probation”. That will allow to recruit well-qualified graduates of the National School of the Judiciary and the Prosecutor’s Office.



The ceremony of awarding appointment documents to 265 assistant judges. – Stay independent from the political power, irrespective of the governing party – Minister Zbigniew Ziobro appealed to the assistant judges.

ADVOCATES' ASSISTANCE MORE AFFORDABLE



COURTS FOR EVERYBODY. They should serve all the Poles, including the more vulnerable, impecunious, and deprived of assistance of well-established legal firms. Everybody has the right to pursue his or her rights before court without fearing that filing a suit will ruin him or her. Therefore, the Minister of Justice decreased the amount of fees for activities by advocates and legal advisers.

➔ The fees must correspond to the real financial situation of the Poles, and not only of the rich elites. Seeking justice before court is the constitutional right of all the Poles and must not be dependent on their property. Therefore, Zbigniew Ziobro, Minister of Justice, changed the regulation of his predecessor Borys Budka, who increased the fees for advocates' and legal advisers' services by even 1000% shortly before leaving the office.

Activities by advocates or legal advisers in the cases:	FORMERLY	CURRENTLY
vacating the flat,	480 zł	240 zł
based on the complaint about the activities by court executive officers with regard to concluding an employment contract, deeming the termination of the employment contract null and void, reinstating or establishing the way in which the employment relationship expires	240 zł	80 zł
pecuniary benefits from the social and pension insurance	360 zł	180 zł
before the Constitutional Tribunal for drawing up and filing a constitutional complaint.	2400 zł	960 zł

REFORMING THE PRISON SYSTEM



Working is the best form of resocialization for prisoners. It allows to think about the future after leaving the prison.

Patryk Jaki, Secretary of State in the Ministry of Justice

Legal state

- *The Act about amending the Act - the Executive Criminal Code with regard to the electronic surveillance over those sentenced entered into force on 15 April 2016.*
- *The Act about amending the Act - the Criminal Code entered into force on 1 April 2017, while the related amendment to the Act about the employment of those deprived of liberty entered into force on 1 June 2017.*
- *The draft amendment to the Act about the Prison Service was adopted by the Government on 19 December 2017.*
- *The Act about founding the “Modernization Programme for the Prison Service for the years 2017-2020” entered into force on 1 January 2017.*

FAST AND CHEAP PANALTIES FOR THOSE CONVICTED



SYSTEM OF ELECTONIC SURVEILLANCE. The monthly stay of the sentenced person in prison costs approx. PLN 3100 a month, while his or her maintenance under electronic surveillance – even 10 times less. Therefore, the Ministry of Justice went back to the proven principles which state that those convicted for less dangerous crimes may serve their penalties outside of prisons.

➔ **Such form of penalty** allows those sentenced to work or continue education, as well as to maintain their family bonds. It improves resocialization.

FORMERLY	CURRENTLY
<p>Prisons were full, with the convicted waiting even five years for the enforcement of the sentence. Nonetheless, the former government of the Civic Platform and Polish Peasants Parties (PO-PSL) narrowed the electronic surveillance nearly exclusively to adjudicating the penalties of limiting and not depriving of liberty. As a result, only 28 penalties of deprivation of liberty with electronic surveillance were adjudicated during the second half of 2015, while the first half marked several thousands of them.</p>	<p>Restoring electronic surveillance over those convicted to imprisonment brings fast effects. Following the changes introduced by the Minister of Justice, the number of persons covered by the system of electronic surveillance increased by 2650 persons. There are currently 4650 persons who serve their penalties under this system.</p>

PRISONERS TO WORK



RESOCIALIZATION AND EARNING ONE'S LEAVING. The project implemented by the Ministry of Justice has already brought spectacular effects. Since January 2016, the percentage of prisoners in employment increased from 36% to 54%. Further manufacturing halls of the 40 planned are being constructed next to prisons.

➔ **Prisoners work to earn their living** They are not a burden for tax payers. The construction of the manufacturing halls is financed from the Fund for Professional Activation of Prisoners and Development of Working Establishments by Prisons which the very convicted contribute to. Part of their remunerations are transferred to the Fund. That made it possible to construct manufacturing halls in Krzywaniac, Gębarzew, Potulice, Poznań, Sieraków Śląski, Dobrów, Warszawa and Kraków. The construction of further 20 halls has already started. They are planned to be put into use in the years 2018-2019.2018-2019.

➔ **Assisting the self-government.** Not only do prisoners perform cleaning tasks in prisons without remuneration, but they also work for local communities and charitable organizations, e.g. by the construction of municipal flats or roads.

➔ **A higher number of prisoners in employment** implies a lower risk of reoffending in future.

➔ **Higher allowances for employing a prisoner.** They are aimed at encouraging entrepreneurs to use the services of prisoners and give the latter a chance to rehabilitate themselves by working. The number of interested prisoners exceeds the number of vacancies at the moment.



Patryk Jaki, Deputy Minister, during the opening of the manufacturing hall in Krzywaniac.

REFORMING THE PRISON SERVICE



RESPECTED GROUP. The Prison Service will finally become a modern, thriving and respected group which guards the rule of law in Poland and the security of its citizens. This is the objective of the thorough changes, as prepared by the Ministry of Justice.

➔ **A college of the Prison Service will be created** which will be an academic centre to educate professional officers of the Prison Service. The recruitment process will be transparent and will ensure that officers will be well-qualified.

➔ **Scientific studies will be conducted by the Institute of Criminology and Penitentiary Studies**, a specialist centre which will draw best practices from other countries thanks to its broad international cooperation. The results of the studies will be used to implement good changes in the Polish prison system.

➔ **We will focus on improving the skills of officers.** They will improve their physical fitness and shooting skills. The plan is to construct new shooting ranges, appoint a team of sharpshooters, as well as a Sport Club of the Prison Service with shooting groups.

➔ **The Prison Service will receive modern equipment.** Detectors of mobile telephones, devices to screen packages and luggage and to detect drugs will commonly be installed in prisons.

A PIONEERING IDEA

➔ A “Temporary House” marks another pioneering solution which is to be implemented in practice and serve to resocialise prisoners. Prisoners will be transferred to the “Temporary Houses” several months before the end of their sentence. Such institutions in which prisoners go to work and are gradually learning how to function after being released from prison do successfully operate, inter alia, in Norway.

RESTORING DIGNITY AND NATIONAL REMEMBRANCE

” *We cannot accept that the Poles and the Republic of Poland are charged, with impunity, with the crimes we fell victim to.*

Zbigniew Ziobro, Minister of Justice and Prosecutor General

Legal state

- *The draft statute concerning penalties for charging the Poles with the liability for German crimes during the Second World War is after the second reading by the Sejm.*

PENALTIES FOR THE “POLISH DEATH CAMPS”



STOP TO DISTORTING HISTORY. The draft prepared by the Ministry of Justice will allow to fight against the practice of offending the Poles and of tarnishing the remembrance of those who suffered and were killed by German occupying forces during the last war.

➔ **It happens decisively too frequently** that the expression of “Polish death camps” is used in foreign publications. They were not Polish. They were for the Poles. But they were created by the Germans. The new law is to put an end to disseminating lies about the most terrible crimes of the Third German Reich.

➔ **Charging the Polish Nation with the involvement in the crimes** committed by the Nazi Germany, as well as with the liability or joint liability for them is to be punishable with the penalty of a fine or imprisonment of up to 5 years. In case of involuntary intent - the penalty of a fine or limitation of liberty. Judgements are to be announced publically.

➔ **In case of slanders damaging the reputation of Poland and of the Poles,** there was no other way but to pursue ones' claims individually. They were rejected by the courts which did not find the claimants to be harmed. The new provisions will give the right to the Institute of National Remembrance and non-governmental organizations to institute proceedings.

IN HONOUR AND GLORY OF HEROES

**WE ARE
WORKING!**

IT IS OUR DUTY TO DISCLOSE THE TRUTH. We should pay tribute to the treacherously murdered soldiers of the pro-independence uprising. Therefore, in February 2016 Zbigniew Ziobro, Minister of Justice and Prosecutor General, inaugurated with Jarosław Kaczyński, President of the Law and Justice Party, the foundation of the Museum of Cursed Soldiers and Political Prisoners of the People's Republic of Poland.

➔ **The Museum is to be opened in 2019**, in the former Detention Unit Warszawa-Mokotów, at the Rakowiecka Street. In the place where traitors used to murder heroes by cowardly shooting to the back of their heads in the 1940 and 1950.

➔ **Within the confines permeated with the blood of the most courage of the courage** –as Cavalry Captain Witold Pilecki, or Major Zygmunt Szendzielarz, nicknamed “Łupaszka” – an institution is founded to disclose the real history. It is to become so important for all generations of the Poles as the Warsaw Rising Museum, founded by the late President Lech Kaczyński who established the National Day of Remembrance of Cursed Soldiers to be celebrated on 1 March in 2010.

➔ **There is no dishonour and hatred any more** which the Communist authorities intended to fire against the Cursed Soldiers. We are grateful and respect the greatest sacrifice in fighting for the freedom of Poland. On 1 March 2017, the National Day of Remembrance of Cursed Soldiers, Minister Zbigniew Ziobro and Deputy Minister Patryk Jaki symbolically opened the gate to the Detention Unit in Mokotów.

➔ **Research works are being conducted on the premises of the former prison.** The Wall of Death has already been discovered, which contains many tracks of bullets fired to kill a large number of the Cursed Soldiers. The research covers places where there may still be remains of those murdered.



Jarosław Kaczyński, President of the Law and Justice Party, Zbigniew Ziobro, Minister of Justice and Prosecutor General, and Patryk Jaki, Deputy Minister, during the inauguration of the Museum of Cursed Soldiers and Political Prisoners of the People's Republic of Poland.



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