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**Permanent Mission
of the Republic of Poland
to the Organization for Security
and Co-operation in Europe
in Vienna**

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The Permanent Mission of the Republic of Poland to the Organization for Security and Co-operation in Europe presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre, and has the honour to transmit herewith the response of the Republic of Poland to the Information Exchange on the Code of Conduct on Politico- Military Aspects of Security.

The Permanent Mission of the Republic of Poland to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE, and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 6 May 2024



To:
All Permanent Missions and Delegations to the OSCE
OSCE Conflict Prevention Centre
Vienna

**Exchange of Information on the
OSCE Code of Conduct on Politico-Military Aspects of Security
POLAND 2024**

SECTION I: External factors

1. Account of measures to prevent and combat terrorism

1.1. To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

The Republic of Poland is Party to the following international treaties related to preventing and combatting terrorism:

- European Convention on the suppression of terrorism, done in Strasbourg, 27 January 1977; the Convention entered into force in Poland on 1 May 1996;
- International Convention for the suppression of the financing of the terrorism, adopted by General Assembly of the United Nations on 9 December 1999; the Convention entered into force in Poland on 26 October 2003;
- International Convention for the suppression of Terrorist Bombings, adopted by General Assembly of the United Nations on 15 December 1997; the Convention entered into force in Poland on 4 March 2004;
- Council of Europe Convention on the prevention of terrorism, done at Warsaw, 16 May 2005; the Convention entered into force in Poland on 1 August 2008;
- International Convention for the suppression of Acts of Nuclear Terrorism, adopted by General Assembly of the United Nations on 13 April 2005; the Convention entered into force in Poland on 8 May 2010.

Moreover, the Republic of Poland is a party to a number of bilateral agreements related to preventing and combating terrorism. However this field is not subject to the competences of the Minister of National Defence, but of the Ministry of Interior and Administration.

1.2. What national legislation has been adopted in your State to implement the abovementioned agreements and arrangements?

Polish legislation has been repeatedly amended to comply with obligations under the signed and ratified conventions and protocols listed above, and other international agreements concerning identification, prevention and combating terrorism. The most important legal acts in that area are:

- the Act of 6 June 1997, Penal Code, penalizing acts of a terrorist nature (consolidated text - Journal of Laws of 2024, Item 17);
- the Act of 1 March 2018 on counteracting money laundering and terrorist financing (consolidated text - Journal of Laws of 2023, Item 1124 with further amendments);
- the Act of 26 April 2007 on crisis management (consolidated text - Journal of Laws of 2023, Item 122);
- the Act of 10 June 2016 on the Antiterrorist Activities (consolidated text - Journal of Laws of 2024, Item 2632 92) ;

- the Act of 12 October 1990 on the protection of the state border (consolidated text - Journal of Laws of 2022, Item 295 with further amendments);
- the Act of 4 September 2008 on the protection of shipping and sea ports (consolidated text - Journal of Laws of 2023, Item 1433 with further amendments);
- the Act of 29 August 1997 on the Banking Law (consolidated text - Journal of Laws of 2023, Item 2488);
- the Act of 3 July 2002 on the Aviation Law (consolidated text - Journal of Laws of 2023, Item 2110);
- the Act of 16 September 2011 on information exchange between law enforcement authorities of the Member States of the European Union (consolidated text - Journal of Laws of 2023, Item 783).

Furthermore, legal regulations governing the recognition, prevention and combating terrorism, and the division of powers in this area between the institutions of governmental and local authorities are included in acts or regulations (executive acts) issued by the Council of Ministers, in particular:

- the Act of 6 April 1990 on the Police (consolidated text - Journal of Laws of 2024, Item 145);
- the Act of 12 October 1990 on the Border Guard (consolidated text - Journal of Laws of 2023, Item 1080 with further amendments);
- the Act of 24 May 2002 on the Internal Security Agency and Foreign Intelligence Agency (consolidated text - Journal of Laws of 2023, Item 1136);
- the Act of 8 December 2017 on the State Protection Service (consolidated text - Journal of Laws of 2024, Item 325);
- the Act of 9 June 2006 on the Military Counterintelligence Service and the Military Intelligence Service (consolidated text - Journal of Laws of 2023, Item 2098);
- the Act of 17 December 1998 on the principles of use and stay of the Polish Armed Forces abroad (consolidated text - Journal of Laws of 2023, Item 755);
- the Act of 24 August 2001 on the Military Police and military law enforcement bodies (consolidated text - Journal of Laws of 2023, Item 1266 with further amendments);
- the Act of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance for national security and the maintenance of international peace and security (consolidated text - Journal of Laws of 2023, 1666 Item 1528);
- the Act of 12 December 2013 on Foreigners (consolidated text - Journal of Laws of 2023, Item 519 with further amendments);
- the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (consolidated text - Journal of Laws of 2023, Item 1504).
- the Act of 21 May 1999 on arms and munition (consolidated text - Journal of Laws of 2022, Item 2516 with further amendments);
- the Act of 13 April 2016 on the safety of trading in explosives precursors (consolidated text - Journal of Laws of 2019, Item 994);
- the Act of 9 May 2018 on the processing and transfer of passenger name records (consolidated text - Journal of Laws of 2022, Item 1441).
- the Act of 1 December 2022 on the System of Financial Information (Journal of Laws of 2023, Item 180).

Considering the existing geopolitical situation, in order to strengthen the security of the gas terminal in Świnoujście, as a critical object for state security, new regulations were introduced to the Act on the protection of inland and sea port , granting the voivode the right to prohibit staying in a specific area within a distance of up to 200 m from the border of the property on which the terminal is located. The voivode may introduce such a ban at the request or after consulting the Border Guard and the Internal Security Agency, if he considers it necessary to prevent, limit or remove a serious threat to this terminal or in the event of a terrorist threat.

There are exceptions to this ban, including: against people living, working, studying in the prohibited area.

In order to sanction the violation of this prohibition, appropriate penal provisions providing for a fine were also introduced.

The consequence of the amendments to the Act on the protection of inland and sea ports was the introduction of amendments to the Act on the Border Guard, thanks to which the Border Guard has become obliged to enforce this prohibition. These new regulations were introduced by the Act of January 13, 2023 amending the Act on the protection of inland and sea ports, which entered into force on February 23, 2023.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

In Poland main burden of identifying, preventing and combating terrorism is laid on **the Internal Security Agency and Police** (at the spot of terrorist event, pursuant to art. 2 sec. 2 pt. 3 of the Act on Police of 6 April 1990) supported by the intelligence, counterintelligence and security services.

Those provisions are supplemented by the Act of 10 June 2016 on the Antiterrorist Activities. Pursuant the art. 22 of the act abovementioned, in case of introducing third or fourth level of alert, in case Police does not have sufficient means to effectively counter those threat, Armed Forces of the Republic of Poland can be used for the assistance (such case is foreseen also in the art. 18 of the Act on Police). In course of amending the respective legislation, Military Police has been designated as a specialized part of Armed Forces, responsible for conducting counterterrorism actions at the premises of or supervised by the Minister of Defence. Military Police assign and ensure readiness of the means prescribed by the MoD Crisis Management Plan to act in the specific timeframes. Armed Forces can apply means of coercion or use firearms on the same rules as soldiers serving in Military Police. Wider competences are granted (on the basis of Act of 11 March 2022, on the defence of the Fatherland) to the units of the Special Forces.

The Head of the Internal Security Agency is responsible for preventing terrorist events, while the minister competent for internal affairs is responsible for preparation, response and reconstruction phase in the context of terrorist threats. The minister is a state authority appropriate for safeguarding security and public policy, state border surveillance, border traffic and foreigners' control, coordination of actions related to the country's migration policy, as well as crisis management, rescue and civil protection. In urgent cases, the minister competent for internal affairs is responsible for crisis management in the country, in substitution for the Council of Ministers. The minister performs his or her duties directly and through the actions of subordinate or supervised services: the Police, Border Guard, State Protection Service and National Fire Service, and in cooperation with other bodies, services and institutions. From the perspective of the coordination function of the minister competent

for internal affairs within the counter-terrorism system, it is also important that the minister chairs the Interministerial Team for Terrorist Threats.

The Interministerial Team for Terrorist Threats, a subsidiary body of the Council of Ministers operating under the Minister of the Interior and Administration, is responsible for the country's counter-terrorism policy-making. The Team was established pursuant to Ordinance of the Prime Minister No. 162 of 25 October 2006. The Team is composed of the Chairperson and Deputies: Minister of Foreign Affairs, Minister of Finance, Minister of National Defence, Minister of Justice and a minister-member of the Council of Ministers in charge of coordinating intelligence agencies, if appointed by the Prime Minister. Other members of the Team include: the Secretary or Undersecretary of State in the Ministry of the Interior and Administration, Secretary of the Committee for Intelligence Agencies, Head of the Internal Security Agency, Head of the Foreign Intelligence Agency, Commander-in-Chief of the Police, Commander-in-Chief of the Border Guard, Commander-in-Chief of the State Fire Service, Commander-in-Chief of the State Protection Service, Chief of the Military Intelligence Service, Chief of the Military Counterintelligence Service, Chief of the Military Police, Chief of the General Staff of the Polish Armed Forces, Operations Commander of Armed Forces, Head of the National Revenue Administration, General Inspector of Financial Information, and Director of the Government Centre for Security. The Head of the National Security Bureau and representative of the General Prosecutor's Office are also invited to the meetings. The tasks of the Team include, i.a., monitoring, analysing and assessing terrorist threats, as well as giving opinions and drawing conclusions for the Council of Ministers. An important task of the Team is also to initiate, coordinate and monitor the actions taken by competent government administration agencies in the area of preventing, preparing for and responding to terrorist threat. As part of its tasks, it also prepares proposals aimed at streamlining the methods and forms of preventing terrorist threats, and it is authorised to request competent authorities to take up legislative work.

The strategic level of the Polish counter-terrorism system includes also **the Government Crisis Management Team**, an opinion-giving and advisory body competent for initiating and coordinating activities related to crisis management. The Team is responsible, i.a., for: drawing proposals to use capabilities and resources necessary to restore control over crisis situations and offering advice on the coordination of activities by government administration agencies, state institutions and services in crises, and giving opinion on the needs related to reconstructing or restoring infrastructure. The Government Crisis Management Team is composed of: the Prime Minister as the chairperson, Minister of National Defence and the minister competent for internal affairs, the minister competent for public administration, the minister competent for foreign affairs, Minister Coordinator of Intelligence Agencies (if appointed) and other government administration agencies, as needed.

The Internal Security Agency (ABW) is statutorily obliged to identify terrorist threats and prevent terrorist acts. The Head of the Internal Security Agency was defined as a central government entity responsible for the overall process of preventing and combating terrorist incidents. In order to guarantee that the tasks within this sphere are being realized in a prompt and efficient manner the act introduced, inter alia, the following instruments:

- The Head of the ABW coordinates the analytical activities carried out by the intelligence services and the process of the exchange of information on terrorist threats and data on individuals who may be potentially associated with such threats, provided by the Police,

Border Guard, Marshal's Guard¹, State Protection Service, National Fire Service, National Treasury Administration, Military Police and the Government Centre for Security;

- The Head of the ABW shall maintain a list of individuals who may be engaged in the activities carried out on behalf of the terrorist organizations, organizations associated with terrorism or members thereof. Such a list shall comprise as well data on persons wanted for terrorist activities or suspected of having committed a terrorist crime with respect to whom the relevant authorities of the Republic of Poland have issued a detention or search order on other individuals who may be deemed to constitute a terrorist threat;
- The Head of the ABW coordinates the operational activities carried out by intelligence services, the Police, Border Guard, National Treasury Administration, and Military Police with respect to terrorist threats;
- The Head of the ABW may be granted, without any charge, access to information stored in public registers and databases held by intelligence agencies, public administration bodies and other entities (specified in the act) as well as access to the image of events registered by devices placed in public utility buildings, alongside public roads and in other public places;
- The Head of the ABW may request to the court (after obtaining the written consent of the First Deputy Prosecutor General - National Prosecutor), a decision ordering blocking in the ICT system IT data or ICT services related to a terrorist event. In urgent cases, the Head of the Internal Security Agency is entitled to block or request the administrator of the ICT system to block the IT data or ICT services directly.

Within the Agency's structures the Counter-Terrorism Centre (CAT ABW) has been established. The Centre carried out tasks in the scope of recognising terrorist threats at operational level in the framework of the Polish anti-terrorist system. It continuously monitors and verifies indications of possible terrorist threats and coordinates information flow in this scope. Moreover the duties of the CAT ABW include: assistance in decision making in case of real threat of a terrorist attack; carrying out and coordination of analytical-intelligence and operational-reconnaissance tasks as far as terrorist threats are concerned; participation in the process of creation and amending of reaction procedures; analytical and informative assistance for services and institutions carrying post attack tasks in Poland; international cooperation in the scope of countering and fighting terrorism.

Apart from that there is also the Centre for Preventing Terrorism (CPT ABW) dedicated to terrorism prevention. Its main aim is to disseminate knowledge on the means of preventing terrorist incidents. The Centre organizes training for the officers and employees of the intelligence agencies, public administration bodies, and other entities.

In turns, **the minister competent for internal affairs**, in order to perform tasks in the stages of preparation, response and resource recovery, is entitled to the following instruments:

- submit the request for the use of units the Armed Forces to provide support for Police, Border Guard or the State Protection Service,
- prohibit carrying any kind of weapon or some of its kind for a specified period of time,
- introduce 24/7 duty in designated offices or other units of public administration bodies (in the event of introducing the third alarm level).

¹ Marshal's Guard is responsible for protection of the Parliament

The Police is a uniformed and armed formation serving and protecting the society and maintaining public order. The Police comprises the following kinds of services: criminal, investigative, internal affairs, preventive, counterterrorist, combating cybercrime and supporting. The Police is responsible for carrying out counterterrorist operations. In order to ensure their effectiveness on 5 April 2019 the counterterrorist service was established within the Police. It consists of *Central Counterterrorist Unit "BOA"* and autonomous (regional) counterterrorist Police units. The counterterrorist service is responsible for carrying out counterterrorist actions and supporting other police units in situations when use of special weapons and tactics is required.

According to the Act on antiterrorist activities Police is the service responsible for managing counter-terrorist activities in the event of a terrorist incident. The Act provides for a number of competences for the Police officer managing activities. These are following:

- ordering the evacuation of persons or property from the place of a terrorist event and its surroundings,
- implement various restrictions in trafficking, including prohibiting any presence of third parties,
- suspension of public transport,
- requesting the suspension of air traffic (in situation the airport is being the place of a terrorist incident).

In addition, the officer is entitled to demand the free use of the property or the free use of movable property, including means of transport, objects and devices, necessary to conduct counter-terrorist activities. He may also demand assistance from institutions, organizations, entrepreneurs or give them orders.

If the Police does not have the capacity to effectively protect security of people and the public order, the assistance may be provided by the Polish Armed Forces (Art. 18, Act on the Police). The decision to use the armed forces is made by the President of the Republic of Poland at the request of the Prime Minister. In urgent cases, the decision to grant assistance is made by the Minister of National Defence at the request of the Minister of Internal Affairs, specifying its scope and form, immediately informing the Prime minister and the President of the Republic of Poland of the measures taken. The President authorizes the decision or revokes it.

Additionally, the 10 June 2016 Act on Antiterrorist Actions introduced a simplified procedure of granting support of the Armed Forces, the application of which is however limited to situations when third or fourth (highest) alert level has been announced. According to the Act, Armed Forces may be used to assist Police by virtue of a decision of the Minister for National Defence issued at request of the minister competent for internal affairs. As opposed to the abovementioned procedure, the authorization of the decision by the President is not required. Nevertheless the President may overrule the decision or amend it.

Border Guard and the Military Police can also be used to support the Police.

Act of 26 April 2007 on Crisis Management is constituting **Armed Forces tasks in terms of preventing and combating terrorism**. Pursuant to the art. 25 of the act abovementioned, in case application of other forces or means is not possible or they might prove to be insufficient, the Minister of National Defence (on the request of the voivode – provincial governor) might delegate specified units of Armed forces to fulfil the crisis management tasks under the governor's command.

Decision to use Armed Forces is made by the President of the Republic of Poland on the request of Prime Minister. In case of urgent matters, decision on providing the assistance is made by Minister of Defence, acting on request of the Minister of the Interior and Administration. Decision sets up scope and form of the assistance. President and Prime Minister should be promptly notified on the actions taken.

Minister of Defence plays a crucial role in the event of the appearance of the non-Polish civil flying object in the national airspace or a foreign vessel within Polish maritime areas in case of suspicion it can be potentially used for the terrorist attack. Decision is taken, on behalf of the Minister of National Defence, by the Operational Commander of Armed Forces (pursuant to the Act of 12 October 1990 on the protection of the state border and the Act of 4 September 2008 on the protection of inland and sea ports).

In case of extraordinary threat of a terrorist actions, which cannot be mitigated by the ordinary constitutional means, Council of Ministers request the President to introduce a state of emergency. Presidential regulation should prescribe a definite period, no longer than 90 days and should be presented to the Parliament within 48 hours. State of emergency is effective from the promulgation the Regulation in the Journal of Acts. President, on the request of Prime Minister, may decide to use Armed forces to restore state's order if applied forces and means proved to be insufficient.

In case of external threat to the country caused by the actions of terrorist character the President may, on request of the Council of Ministers, declare a state of martial law in a part of or upon the whole territory of the State. President's regulation should be presented to the Parliament within 48 hours. Armed Forces are authorized to apply coercive measures, use firearms and other weapons if required by the needs and aim of the tasks assigned, in a manner adequate to the threat and within the provision of the ratified treaties and international customary law binding for Poland. Depending on a qualification of a situation, provisions of International Humanitarian Law of Armed Conflicts may also apply.

The Foreign Intelligence Agency's (AW) tasks include: conducting inquiries into international terrorism and extremism and organised crime groups and transnational links, as well as protecting foreign representations of the Republic of Poland and its employees from activities that could harm Polish interests. The Foreign Intelligence Agency is also in charge of electronic intelligence activities and forwards the information collected and processed to the key recipients in the country. The Agency's operations in Poland may be carried out solely in relation to its activities outside the country, and the operational and inquiry activities may only be carried out through the Head of the ABW.

The security of the Polish Armed Forces within the country is provided by **the Military Counterintelligence Service (SKW)**, and abroad by **the Military Intelligence Service (SWW)**. Within their competences, both services are obliged to take up actions related to counteracting terrorism. The SKW's tasks include, e.g., the identification, prevention and detection of terrorist crimes committed by soldiers on active military duty, SKW and SWW officers and employees of the Polish Armed Forces as well as other organisational units of the Ministry of National Defence. The SWW's tasks include the identification of and prevention of international terrorist threats related to national defence and security and the military capabilities of the Polish Armed Forces. SWW focuses on acquiring anticipative information to identify threats at an early stage. SWW may take up activities within the country only if these activities are related to those carried out abroad.

The Military Police (ŻW), which functions as internal police within the army, also plays an important role in counter-terrorist and crisis management activities, and its mandate covers, i.a., ensuring public policy protection at premises and buildings of military facilities and in public places, as well as carrying out activities to protect the persons entitled to such protection as well as military property from attacks (including combating terrorism physically). The Military Police is also authorised to carry out investigation and prosecution as well as operation and inquiry activities which involve, i.a., identifying and combating terrorist threats. Moreover, at the request of the minister competent for internal affairs and as agreed with the Minister of National Defence, the Prime Minister is empowered to order the Military Police to assist the Police if security and public order are threatened.

Cooperation with other bodies and services on identifying and countering threats of terrorism is also the statutory responsibility of **the Border Guard**. These activities involve: state border surveillance (including sea border), border traffic organisation and control, and prevention of illegal crossing of the national border and prosecution of perpetrators in this scope. The Border Guard also carries out activities related to ensuring international communication security, including on board aircrafts providing passenger air service. With regard to terrorist threats, the monitoring of crimes involving foreigner groups and communities remains an important task. Apart from that the Border Guard is responsible for the processing of Passenger Name Records (PNR). Therefore, the National Passenger Information Unit (PIU) has been established at the Border Guard Headquarters.

The above-mentioned services – ABW, Police, AW, SWW, SKW, ŻW and the Border Guards – are authorised to perform operational, inquiry, analytical and informational functions within the scope of their counter-terrorism tasks. Furthermore, they also perform a number of other tasks, such as the identification of international trade in weapons, ammunition and explosives, or weapons of mass destruction, which are extremely important for national security.

Within the Polish counter-terrorism system, security and prevention tasks are also performed by **the State Protection Service (SOP)**, competent for the protection of persons and objects as defined by law that may become a potential target of terrorist attacks. At the request of the Prime Minister, SOP also provides protection for high-risk diplomatic institutions.

The **State Fire Service** plays an important role in the Polish counter-terrorism system, as the main service responsible for conducting life rescue operations and protecting people's health, property and the environment in the event of an emergency. The tasks of the State Fire Services include conducting activities in the field of risk identification, including the risk of contamination with chemical and radioactive substances, as well as initial operations related to biological identification. Entities undertaking rescue operations operate within the National Firefighting and Rescue System. All rescue operations in time of a terrorist threat are focused on maintaining the priority of saving lives and health and the technology actions aimed to minimise the consequences of a particular incident.

An important role in the context of measures taken in the framework of crisis management is played by **the Government Centre for Security**, legally obliged to execute preventive measures, to counteract and eliminate the effects of terrorist events as well as to cooperate with the Head of the Internal Security Agency in preventing, counteracting and eliminating the effects of terrorist incidents. It performs tasks related to, i.a., substantive and organisational support for the Government Crisis Management Team, draws up government documents, provides opinions on crisis management plans of ministers, voivodes and heads of central offices and coordinates the planning processes relating to the protection of national and European critical infrastructure. It is also competent in matters relating

to preparation for launching crisis management procedures – in the event of emergencies – and to ensure information policy coordination between public administration during a crisis situation. The Government Centre for Security is also responsible for cooperating with NATO and European Union structures and other international organisations in the field of crisis management and protection of critical infrastructure. Organising, conducting and coordinating crisis management training and drills, including international exercises, remains just as important.

The National Security Bureau (BBN) assists and supports the President of the Republic of Poland in carrying out and implementing his tasks in the field of security and protection. They result from the role of the President, stipulated in the Constitution of the Republic of Poland, as the supreme Representative of the Republic of Poland and a guarantor of the continuity of state authority, the supreme head of the Armed Forces and also as the person who watches over compliance with the Constitution, who uphold the sovereignty of the State's security as well as inviolability and indivisibility of its territory.

The BBN is not an entity towards which legal regulations concerning counteracting, identifying and combating terrorist threats directly refer. Activity in the above mentioned field results, however, indirectly from regulations included in the Act of 11 March 2022, on the defence of the Fatherland. Their consequence was the determination by the President of the Republic of Poland of the action scope of the National Security Bureau which, in turn, was a basis for internal division of task and for defining the problem of terrorism as one of the area of interest of the Bureau.

Furthermore, involvement of the BBN in initiatives concerning terrorist threats and at the same time regulating the functioning of special services results from the fact that the *Head of the National Security Bureau* on the basis of the Act on the Internal Security Agency and the Foreign Intelligence Agency is a member of the Security Services Board. This form of activity of the Bureau has a consultative and advisory character, inter alia in the field of directions of works of the security services or with reference to legal acts regulating their activities.

The General Inspector of Financial Information (GIFI) and the Department of Financial Information which supports the GIFI in its statutory activities together form a *Polish Financial Intelligence Unit (FIU)*. One of the GIFI major task is to prevent a potential crime of financing terrorism stipulated in Article 165a of the Penal Code. Under provision of the Act on countering money laundering and financing of terrorism (consolidated text: Journal of Laws of 2023item1124with further amendments), the GIFI obtains, gathers, processes and analyses information which can be connected e.g. with financing terrorism.

The GIFI exchanges information with its foreign counterparts on the basis of the said Act, and on the basis of the Act of 1 December 2022 on the System of Financial Information as well as on the basis of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention), and the bilateral agreements signed by the GIFI with its foreign counterparts.

The Tax and Custom Service is a homogeneous uniformed formation established for the purpose of ensuring protection and security of the customs area of the European Community. The Tax and Custom Service is in charge of performing customs policy with the regard to import and export of goods as well as performing other tasks resulting from separate provisions and in particular: identification, detection, prevention and combating crimes and offences connected with an infringement of provisions on importing to the territory of Poland and exporting from its territory goods covered by

restrictions or bans on marketing due to security and public order or international security, in particular such as chemical substances and preparations, nuclear and radioactive materials, narcotic drugs and psychotropic substances, arms, ammunition, explosives as well as strategic goods and technologies.

Within the Polish anti-terrorist system, **the Ministry of Foreign Affairs** actively participates in activities aimed at preventing and combating terrorist threats. The Ministry is in charge of providing comprehensive and efficient consular care. It supports actions of Polish military and police units which take part in operations outside country. The Ministry is responsible for coordinating actions relating to assuring security of Polish institutions and their personnel abroad. All actions within this scope are taken in cooperation with the interested national institutions. Within the competences of the Ministry is also conducting analysis of terrorist acts which have occurred worldwide and preparing political assessment of the effects of the foregoing incidents. The Ministry is in charge of cooperating with other countries and international organizations and also of presenting in international forums Polish positions in the field of counteracting and combating terrorism.

➤ The Minister of National Defence

The Minister of National Defence supports other services in counteracting and combating terrorist threats and removing their effects. The Polish Armed Forces (PAF) are directly responsible for protecting the national airspace, and also maintain readiness to support anti-terrorist activities of the Police and the Border Guard in combating terrorist threats in Polish maritime areas. The PAF participate in stabilization and peacekeeping missions and international antiterrorist coalitions.

➤ The Military Police

The Military Police is a law enforcement entity of the Polish Anti-Terrorist System that cooperates with services such as the Police, Border Guard, Military Counterintelligence Service, and the Military Intelligence Service. It carries out tasks of counteracting terrorist threats within the scope of its statutory competences. The indicated tasks of the formation include: preventing, preparing to take control, reacting to and recovering from a terrorist incidents. These tasks are carried out in accordance with the normative documents applicable in this area. Simultaneously, the applicable legal regulations enable the MP to assist the Police and Border Guard when there is a threat to public safety and order, if the available forces of the Police or Border Guard are or might be insufficient.

1.4 Provide additional information on national efforts to prevent and combat terrorism, e.g. pertaining, inter alia, to financing of terrorism, border controls, security of radioactive sources, use of the Internet and other information networks and legal cooperation.

The basic legal act regarding the Polish anti-terrorist system is the Act of 10 June 2016 on anti-terrorist activities, which comprehensively solves the issues of counteracting, combating and responding to threats. First of all, it should be noted that the Minister of National Defence serves as the key service provider in activities to counteract and combat dangerous threats and mitigate them. Consequently, the PAF are directly responsible for the protection of the state border in the airspace, and also support the anti-terrorist activities of the Police and the activities of the Border Guard in combating terrorist threats in the Polish maritime area. The PAF also participate in stabilization and peacekeeping missions and international anti-terrorist coalitions.

The increase in the number of attempts to illegally cross the border of the Republic of Poland with the Republic of Belarus, the increase in hybrid activities of the Russian Federation in the border area with the Republic of Belarus may have the potential for destabilization of the situation on the border of the Republic of Poland with the Republic of Belarus in the Podlasie and Lublin voivodeships in the near future. In particular, the possible involvement of subversive and terrorist groups may lead to armed escalation with low intensity of activities. In order to prevent this situation, it became necessary to demonstrate the ability to counteract such a threat, and should this occur, to achieve and maintain the ability to immediately neutralize destabilizing activities. The General Commander of the PAF, in order to ensure an appropriate level of training of the forces currently (February 2024) conducts training with the implementation of the policy of immediate readiness in a real battlefield environment as part of the temporary forward training presence during operation "SAFE PODLASIE".

The protection of radiation sources is exercised according to the Atomic Law, updated in 2021. In the PAF, nuclear law is implemented based on the Order of the Minister of National Defence. The implementation of international standards (including IAEA standards) in the field of radiological protection, including the safety of ionizing radiation sources and the protection of radioactive materials, is carried out in Poland by the National Atomic Energy Agency.

The tasks associated with the threats analysis, prevention and combating terrorism are in particular carried out by:

- the Ministry of the Interior and Administration, together with the Police, the Border Guard, the State Protection Service;
- the Ministry of National Defence, together with the Military Intelligence Service, the Military Counterintelligence Service, the Military Police, and the National Atomic Energy Agency;
- the Ministry of Foreign Affairs;
- the Ministry of Finance, together with the General Inspector of Financial Information, the National Revenue Administration;
- the Internal Security Agency;
- the Foreign Intelligence Agency;

Coordination and advisory functions in terms of terrorism prevention are rendered by the Interministerial Team for Terrorist Threats (reporting to Prime Minister). It is chaired by the Minister of the Interior and Administration, with ministers responsible for public finances and financial institutions, minister responsible for foreign affairs, Minister of Justice, Minister of Defence and Minister – Member of the Council of the Ministers, Coordinator of the Intelligence Agencies as a deputies. Among the members of the Task Force are: Commanders in Chiefs of the Police and Border Guard, Heads of the Internal Security Agency and the Foreign Intelligence Agency, Chief of General Staff and Commander of Military Police.

Creating a stable international security environment in the regional and global context and fortifying state's defence capabilities are main objectives of the National Security System Development Strategy. National Security Strategy is approved by the President on the request of Council of Ministers. 12 May 2020 President signed the approval of the Strategy. It comprises current assessment of the security measures, priorities and proposals of the long-term action in the sphere of security and defence.

Preventing the financing of terrorism

The main piece of legislation used to counter the financing of terrorism is the act of 1 March 2018 on counteracting money laundering and financing of terrorism (further referred to as the AML/CFT Act). The act implements i.a. the directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. On 15 May 2021 the Act of 30 March 2021 amending the AML/CFT Act and certain other laws entered into force and implemented to the Polish legal system the amendments to the directive 2015/849 (in line with the directive 2018/843).

It must also be highlighted, that in 2017 an amendment of Article 165a of the Criminal Code, concerning the terrorist financing offence, was introduced, in order to guarantee the full criminalization of terrorist activities conducted by persons referred to as “lone wolves” – in line with Financial Action Task Force (FATF) recommendations.

Poland has a mature and reliable AML/CFT system. As a member of the MONEYVAL Committee, Poland is subject to regular evaluation of its domestic system of combating money laundering and terrorism financing (AML/CFT system) conducted according to the framework of MONEYVAL mutual evaluations. In 2020/2021 Poland was evaluated within MONEYVAL 5. round of mutual evaluation process. The Polish AML/CFT system was evaluated in terms of its compliance with international standards (FATF Recommendations) as well as of its effectiveness. The compliance was evaluated according to FATF Methodology. The evaluation process checks the legal compliance and the effectiveness of the national AML/CFT systems and results in providing recommendations that shall be realized by the assessed country in order to provide the security of national financial system and to contribute to the security of the international financial system. The latest evaluation report was published at MONEYVAL's website in December 2021.²

The leading role in the Polish system of combating financial crime and terrorist financing is played by the General Inspector of Financial Information (GIFI). His tasks include carrying out the procedure of transaction suspension or account blocking; sharing and requesting information about transactions, transferring documents justifying the suspicion of committing a crime to the competent authorities; exercising control over the compliance with regulations on counteracting money laundering and terrorist financing; cooperation with foreign institutions and international organizations. In August 2018, the new Interdepartmental Committee for Financial Security (working under the new AML/CFT Act) became operational.

In the performance of his tasks, the GIFI is supported by the Department of Financial Information of the Ministry of Finance, which acts as the Polish Financial Intelligence Unit (PFIU). The PFIU verifies the reported suspected cases of money laundering and financing of terrorism on the grounds of information gathered from obligated institutions, cooperating units, as well as foreign financial intelligence units. In case of justified suspicion of money laundering or terrorism financing, it forwards it to the Prosecutor's Office, which in cooperation with the law enforcement authorities undertakes actions aiming at completing the indictment against the suspects.

In August 2018, the first session of the Financial Security Committee was convened. The Committee has a consultative and advisory function with regard to the use of specific restrictive measures against persons, groups and entities, such as freezing of assets in order to combat terrorism and prevent its financing. It is also responsible for providing opinions on the national assessment of the money

²<https://www.coe.int/en/web/moneyval/jurisdictions/poland>

laundering and terrorist financing risk along with the strategy to mitigate the identified risks. The Committee convenes regularly a few times a year.

In 2019, the first National Risk Assessment of Money Laundering and Financing of Terrorism was developed by the GIFI in cooperation with the Financial Security Committee, the cooperating units and the obligated institutions. Annex 3 to the National Risk Assessment covers terrorism financing risk scenarios. In response to the risks identified in the National Risk Assessment, in 2021, the "Strategy for counteracting money laundering and financing of terrorism" was adopted by resolution of the Council of Ministers. The Strategy contains action plan in which actions for years 2021-2023 are planned aimed at reducing the risk of money laundering and terrorist financing.

In December 2023, the GIFI published the new National Risk Assessment of Money Laundering and Terrorism Financing (NRA), replacing the previous assessment issued in 2019. The document indicates i.a. the level of risk of money laundering and terrorist financing, along with justifications and conclusions. The annexes to the document estimate, among others, the level of terrorism financing risk for specific risk scenarios divided into areas, such as physical transportation of values property by border, crowdfunding, banking, services payment (offered by other entities than banks) and other.

In line with both NRAs conducted so far the estimate of the overall financing risk is in Poland at an average level.

At the end of September 2023 GIFI issued decisions on designating two individuals to the national sanction list of persons suspected of being related to terrorism or terrorism financing. The legal possibility of including entities in the national sanctions list is the fulfilment of Poland's obligations arising from the UN Security Council Resolutions issued on the basis of Chapter VII of the United Nations Charter, regarding threats to international peace and security caused by terrorist acts. The decisions on listing were made on the basis of applications submitted by foreign authorities and were preceded by interinstitutional consultations with members of the Financial Security Committee. In line with AML/CFT Act obligated institutions apply specific restrictive measures (which consist of freezing assets and withholding from making them available to listed persons) to persons included in the list and provide information on their application to the GIFI. The above mentioned designations were made as first designations in Poland.

The PFIU participates in the work of MONEYVAL, the Egmont Group and some other international fora. Recognizing threats that affect the world today, the PFIU has committed itself to activities related to the prevention of terrorism, i.e. taking part in the Counter-ISIS Finance Group (CIFG), functioning within the framework of the Global Coalition against the Islamic State (Counter-ISIL Coalition). Poland hosted a CIFG meeting in Warsaw in September 2018, where delegations from over 30 countries along with representatives of international organizations discussed how to combat Daesh more efficiently.

➤ **Border Guard**

Border control in Poland is carried out in accordance with the provisions of the Schengen Borders Code and the Act of 12 October 1990 on the state border protection. It is carried out by the Border Guard cooperating with the Customs Service and special services. The Border Guard is also working with other national and international partners (including the European Border and Coast Guard Agency - FRONTEX).

➤ ***Protection of radioactive materials***

Poland is a member of the International Atomic Energy Agency (International Atomic Energy Agency - IAEA) and the European Atomic Energy Community (European Atomic Energy Community - EURATOM). It implements the documents and regulations of these organizations.

Poland has a well-developed legislation and a nuclear safety system, under which supervision operations are exercised involving the use of nuclear materials and sources of ionizing radiation. Technical solutions for nuclear safety involve mainly the monitoring and controlling radioactive contamination and keeping records of nuclear materials and radioactive sources.

The main body dealing with issues related to radioactivity in Poland is the National Atomic Energy Agency. This body reports directly to the Minister of Climate and Environment and is responsible for nuclear safety and radiological protection. The principal document in Polish legislation regulating nuclear safety is the Act of 29 November 2000, the Atomic Energy Law. The act regulates, among others:

- conduct of business rules in the field of peaceful use of atomic energy;
- actions taken in the event of radiological emergencies;
- specific rules for the protection of individuals against the dangers arising from the use of ionizing radiation for medical purposes.

On 20 July 2017, an Agreement was concluded between the President of the State Atomic Energy Agency and the Commander General of the Armed Forces on cooperation in the field of radiological protection and in the field of response in situations of radiation events on the territory of the country. The cooperation concerns:

- counselling connected with counteracting the effects of radioactive contamination in facilities subordinate to the Minister of National Defence,
- measuring equipment for detecting and identifying radioactive contamination,
- individual protection measures against contamination,
- a mobile radiometric laboratory and airborne contamination identification equipment with their services.

Moreover, current cooperation is realised through:

- participation in trainings and exercises,
- consultations and exchange of experience concerning preparation and action during elimination of effects of radiological incidents,
- consultations within the scope of functioning and modernisation of the military automated measurement network,
- consultations on developing projects of new or verifying existing methodologies and procedures concerning radiological protection.

➤ ***Use of the Internet and other computer networks for terrorist purposes***

The CSIRT GOV Computer Security Incident Response Team led by the Head of the Internal Security Agency acts as a National Level CSIRT Team responsible for coordinating the process of responding to computer incidents occurring in the area indicated in Article 26.7 of the Act of 5 July 2018 on the National Cyber Security System. One of its basic tasks is to identify, prevent and detect threats

compromising the security, relevant to the continuity of the state's functioning of the systems of governmental administration bodies or the system of ICT networks covered by the uniform list of objects, installations, devices and services constituting critical infrastructure. The CSIRT GOV team is a part of the IT Security Department at the Internal Security Agency that as the intelligence service also covers area of the internal security of Poland in the civil field. The Agency itself has dedicated powers to carry out tasks in the area of the cybersecurity that regards the same scope of entities that are within the CSIRT GOV constituency, namely public administration bodies and the systems of ICT networks enlisted as critical infrastructure.

The CSIRT GOV is one of three national Computer Security Incident Response Teams in Poland. The other two are: CSIRT MON responsible for the sphere of national defence, according to Article 26.5 of the Act of 5 July 2018 on the National Cyber Security System and the CSIRT NASK which handles incidents reported by other public entities (including local administration) and business entities as well as private citizens.

CSIRT MON, CSIRT NASK and CSIRT GOV cooperate, with cybersecurity competent authorities, providing a coherent and complete system of risk management at national level, carrying out tasks to counter cross-sectoral and cross-border cybersecurity threats, and ensuring coordination of handling reported incidents.

In the context of continuous challenges related to the construction of security systems in this sphere, special supervision is given to cybersecurity in its broadest sense (including legislative, strategic, organisational matters). POL Cyber Command comprising Cyber Defence Forces was established on 23 April 2022 under the Homeland Security Act.

The amendment to the Act of 24 May 2002 on the Internal Security Agency and Foreign Intelligence Agency introduced by the Act of 10 June 2016 on the Antiterrorist Activities granted the court, upon a written request of the Head of the Internal Security Agency, submitted after obtaining the written consent of the First Deputy Prosecutor General – National Prosecutor, the right to issue a decision ordering blocking - or demanding from the system administrator ICT blocking - availability in the ICT system of specific IT data or ICT services related to a terrorist event for a specified period of time, not longer than 30 days. In addition, in urgent cases, the Head of the Internal Security Agency is entitled to block or request the administrator of the ICT system to block the availability of specific IT data or ICT services related to a terrorist event in the ICT system, after obtaining the written consent of the First Deputy Prosecutor General – National Prosecutor. Simultaneously with the blocking of data or a request from the data controller to block them, the Head of the Internal Security Agency is obliged to submit a written request to the District Court in Warsaw for issuing a decision in this case. The court may, upon a written request of the Head of the Internal Security Agency, submitted after obtaining the written consent of the First Deputy Prosecutor General – National Prosecutor, for a period not longer than 3 months, issue a decision to extend the blocking of the availability of IT data or ICT services, if the reasons for ordering these activities have not ceased to exist. Blocking the availability of IT data is terminated if the court does not grant consent to blocking the availability of certain IT data within 5 days or the court does not consent to the extension of the blocking of data availability, or after the period for which it was introduced has expired.

On 22 October 2019, the Council of Ministers adopted a resolution on the Cybersecurity Strategy of the Republic of Poland for 2019-2024. The document has been in force since 31 October 2019 and replaces the National Framework for Cybersecurity Policy of the Republic of Poland for 2017-2022. The

adoption of the Strategy results from the Act on the national cybersecurity system. By 30 March each year, the minister responsible for digitalization, in cooperation with other Members of the Council of Ministers, is obliged to present information on the implementation of the Cybersecurity Strategy.

➤ **Prevention of violent extremism and radicalization that lead to terrorism**

The main acts related to extremism are penalised in the Act of 6 June 1997, the Penal Code, especially in the articles:

- Article 119, referring to using violence or unlawful threat because of the victim national, ethnic, racial, political or religious affiliation or because of a lack of any religious denomination of a victim;
- Article 256, referring to propagating fascism and totalitarianism, racism and intolerance;
- Article 257, referring to public insulting of a group of people of different worldview, national or racial affiliation.

2. Stationing of armed forces on foreign territory

2.1. Provide information on stationing of your State’s armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

The PAF have been participating in international missions since 1953, and in 2023, we delegated personnel to operations:

No.	International mission / operation	Troops number
1.	Standing NATO Mine Countermeasures Group 1 (SNMCMG1): Atlantic Ocean, North Sea, Norwegian Sea and Baltic Sea	up to 120 soldiers and a command ship
2.	Standing NATO Maritime Group 1: Atlantic Ocean, North Sea, Norwegian Sea and Baltic Sea	up to 230 soldiers
3.	NATO Baltic air-policing mission: Latvia, Lithuania and Estonia	up do 150 soldiers and four F-16 planes
4.	Air-policing mission in Slovakia	up to 10 soldiers
5.	Coalition operation INHERENT SUPPORT Iraq, Jordan, Qatar and Kuwait and NATO Mission in Iraq	up to 350 soldiers
6.	NATO tailored Forward Presence in Romania and Bulgaria	up to 300 soldiers
7.	NATO enhanced Forward Presence in Latvia	up to 260 soldiers
8.	NATO Tailored Assurance Measures for Turkey in Turkey	up to 80 soldiers
9.	Kosovo Force (KFOR) in Kosovo	up to 300 soldiers
10.	United Nations Interim Force in Lebanon	up to 250 soldiers
11.	EU Military Advisory Mission in Central African Republic (EUMAM RCA)	up to 2 soldiers

12.	European Union Force in Bosnia and Herzegovina (operation ALTHEA)	up to 50 soldiers
13.	The European Union Naval Force Mediterranean Operation IRINI (EUNAVFOR MED IRINI)	up to 80 soldiers
14.	Military Alliance support for Lithuania (in connection with the NATO Summit)	up to 75 soldiers

3. Implementation of other international commitments related to the Code of Conduct

3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

Poland is committed to the UN-developed concept of arms control, disarmament and non-proliferation of weapons of mass destruction, which is the basis for agreements reducing the peace threats, both in the global as in the regional dimension. We recognize that the compliance with the principle of transparency, reciprocity and equivalence of the fulfilment of obligations ensures international security at the lowest possible level of military arsenals. Poland adopts relevant provisions to provide proper implementation of arms control, disarmament and non-proliferation agreements, existing on both global and regional level. Poland is a party to the vast majority of multilateral treaties, conventions and agreements, including:

- The Treaty on Conventional Armed Forces in Europe (the CFE Treaty);
- The Treaty on Open Skies (TOS);
- The Vienna Document 2011 (VD'11);
- All agreements on confidence and security building measures agreed upon in the OSCE (CDBM);
- The Treaty on Non-Proliferation of Nuclear Weapons (NPT);
- The Comprehensive Nuclear Test - Ban Treaty (CTBT);
- The Arms Trade Treaty;
- The Convention on the Prohibition of the Development, Production, Storage and Use of Chemical Weapons and on their Destruction (CWC);
- The Convention on the Prohibition of the Development, Production, Storage and Use of Biological and Toxin Weapons and on their Destruction (BTWC);
- The Convention on the Prohibition or Restriction of the Use of Certain Conventional Weapons, which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW), and all its Protocols;
- The Convention on the Prohibition of the Use, Storage, Production and Transfer of Antipersonnel Mines and on Their Destruction;
- The Missile Technology Control Regime (MTCR).

In the area of disarmament and non-proliferation, Poland implements treaties and agreements, as well as other international instruments and initiatives, such as:

- UN Security Council Resolution No. 1540;
- The UN Plan of actions concerning Small Arms and Light Armament;
- The Global Initiative to Combat Nuclear Terrorism (GICNT);
- Initiative for the Non-proliferation of WMD (Proliferation Security Initiative – PSI).

Furthermore, Poland is an active member of the following export control regimes:

- The Nuclear Suppliers Group (NSG);
- The Zangger Committee (ZC);
- The Australia Group (AG);
- The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies(WA).

3.2 Provide information on how your State pursues arms control, disarmament and confidence and security-building measures with a view to enhancing security and stability in the OSCE area.

Polish arms control policy is focused on international cooperation for the prevention of proliferation of weapons of mass destruction and the means of their delivery. We are active participants of the control regimes. We follow the guidelines of the EU Strategy on the Weapons of Mass Destruction (The EU's WMD Strategy).

On December 14, 2012 Poland ratified the Convention on the Prohibition and the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the so-called the Ottawa Convention). The Convention went into effect as of 1 June 2013.

On 07 November 2023, Poland issued a statement concerning formal steps to suspend The Treaty on Conventional Armed Forces in Europe (the CFE Treaty) indefinitely and in its entirety, in respect to all of its provisions. This means that the Republic of Poland will not be legally or practically obliged to fulfil the provisions of the CFE Treaty, including those relating to limitations for the PAF. This decision is the implements the NATO member states statement from 07 November 2023 informing about their intent to suspend the CFE Treaty.

Section II: Intra-State factors

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

Expenditures on national defence are planned in accordance with the limit specified in Homeland Defence Act dated 11 March 2022. Expenditures from the state budget in the amount not lower than 3% of gross domestic product are allocated annually to finance the state's defence needs.

Expenditures include budget expenses in the "national defence" part of the budget and expenses in the "national defence" section in other parts of the state budget. In addition to determining the minimum level of defence expenditure, the Homeland Defence Act also establishes the minimum level of capital expenditure. They must constitute at least 20% of defence expenditure.

- Budget planning and execution.

The basic principles and procedures regarding the budget are regulated in the Constitution of the Republic of Poland. Legislative initiative regarding the budget act, including its amendments, is vested exclusively in the Council of Ministers. At the stage of government work, the Minister of National Defence prepares the draft budget of the Ministry of National Defence for the next year (based on the assumptions of the Council of Ministers) and submits it to the Minister of Finance, who prepares the draft budget act. The Council of Ministers is obliged to submit the draft budget act to the Parliament

no later than 3 months before the beginning of the budget year. The Parliament adopts the state budget for the financial year in the form of a budget act. If, within 4 months from the date of submission of the draft budget bill to the parliament, it is not presented to the President of the Republic of Poland for signature, the President of the Republic of Poland may order the shortening of the term of office of the Parliament within 14 days. The President signs the budget act or the act on the provisional budget presented by the Speaker of the Sejm within 7 days.

Defence expenditure constitutes an element of the state budget and is therefore subject, in principle, to the same planning, implementation and reporting principles as other funds in the state budget.

The Council of Ministers, within 5 months from the end of the budget year, submits to the Parliament a report on the implementation of the Budget Act together with information on the state's debt. The Sejm considers the submitted report and, after hearing the opinion of the Supreme Audit Office, adopts a resolution to grant or refuse to discharge the Council of Ministers within 90 days from the date of submission of the report.

The Minister of National Defence on the basis of "Specific guidelines for restructuring and modernization of Armed Forces" approved by Council of Ministers and in line with NATO Defence Planning Process introduces – "PAF Development Program" – a classified document intended for 15 – years planning period. The document is updated and re-issued every four years.

In accordance with the provisions of Article 39 of Homeland Defence Act, the PAF Development Program's funding sources include among others:

- State Budget – appropriations for Poland's defence requirements for 2023 and following years amount to 3% of GDP at least;
- Support Fund.

From these funding sources equipment acquisitions are financed.

The Homeland Defence Act, among other things, established the Armed Forces Support Fund (Fund), which is to enable accelerated and wider modernization of the PAF in a short period of time, via additional sources of revenue that are external to the defence budget. The role of the Fund is to complement basic budgetary process of contracting and financing procurement activities of military equipment. The requirement for additional financing solutions/mechanisms emerged to mitigate significant accumulation of payments in the same time period, resulting from urgent needs to backfill and enhance critical capability areas of the PAF. These revenues can be spent on goals that are approved in Medium Term PAF Development Plan (currently for the period 2021-2035) and to cover financial costs of the Fund.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The main task of the security and foreign policy of Poland is to ensure the independence, territorial integrity, as well as security and civil liberties of its citizens. For this purpose, in accordance with the strategic documents and decisions of the democratically elected government, Poland maintains and develops the Armed Forces and defence capabilities at such a level that is necessary for the defence and independence of its territory and to fulfil its allied and international commitments.

As a member of the European Union and NATO, Poland belongs to the group of countries that share common democratic values and a common goal of building a zone of stability and security. It is a part of these activities, and promotes them. This is accomplished through political dialogue, crisis response,

and close co-operation with neighbouring countries. Poland is developing strong cooperation and friendly relations with all its neighbours, as well as cooperation with other countries of Central and Eastern Europe, seeing it as a chance to strengthen the zone of stability and security in this part of the continent. Poland aims to strengthen the cooperation within the Weimar Triangle and the Visegrad Group, and supports the development of other sub-regional institutions, contributing to greater security and stability.

Poland is actively seeking opportunities to increase international cooperation and to strengthen cross-border dialogue to resolve the most pressing threats to international security. These activities are implemented mainly through international forums and organizations, including the UN, NATO, the EU and the OSCE. In the case of military involvement abroad the legal basis for the use of and stay of the Polish Armed Forces in other countries are the UN Security Council resolutions, decisions of international organizations engaged in international missions and/or relevant international agreements.

2. Existing structures and procedures

2.1 What are the constitutionally established procedures for ensuring democratic control over the military, paramilitary and internal security forces, and the police?

The Polish Armed forces remain neutral in political matters and are subject to civil and democratic control pursuant to Article 26(2) of the Constitution of the Republic of Poland. Democratic control is ensured by constitutional bodies of the legislative and executive powers - Parliament, President, Council of Ministers, Prime Minister and Minister of National Defence. Detailed competences of the executive and legislative authorities in terms of exercising democratic control over Armed Forces are as follows:

➤ The President of the Republic of Poland

The President is the highest representative of the Republic of Poland and the guarantor of the continuity of state power. The President, within the framework of the powers specified in the Constitution, ensures compliance with the Constitution and safeguards the sovereignty and security of the state as well as the inviolability and indivisibility of its territory. He is the principal superior of the PAF, and in peacetime he exercises this authority through the Minister of National Defence. The President appoints the Chief of the General Staff and commanders of the branches of the PAF for a specified period. For the duration of the war, at the request of the Prime Minister, he appoints the Supreme Commander of the PAF.

The competences of the President related to the authority and control over the PAF are regulated in the Homeland Defence Act. The President of the Republic of Poland, in particular:

- determines, at the request of the Minister of National Defence, the main directions of development of the PAF and their preparations for state defence;
- may participate in briefings of the Ministry of National Defence and the PAF;
- approves, at the request of the Prime Minister, the national security strategy;
- issues, at the request of the Prime Minister, the Political and Strategic Defence Directive of the Republic of Poland and other implementing documents for the national security strategy;
- approves, at the request of the Council of Ministers, plans for national defence system exercises and manages their course;

- decides, at the request of the Council of Ministers, to introduce or change a specific state of defence readiness of the state;
- when the Parliament (Sejm) cannot convene, he declares a state of war;
- has the competence to introduce martial law and a state of emergency;
- has the ability to enact generally applicable law during martial law if the conditions specified in the Constitution are met (if the Sejm cannot convene during martial law, the President, at the request of the Council of Ministers, may issue regulations with the force of law);
- decides on the use of the PAF outside the country's borders.

➤ **The Council of Ministers**

The Council of Ministers (The Council) conducts the internal and foreign policy of the Republic of Poland. To the extent and under the principles specified in the Constitution and laws, it ensures the internal security of the state and public order, ensures the external security of the state, exercises general management in the field of national defence and determines annually the number of citizens called up for active military service.

The Council requests the President to:

- introduce of martial law;
- introduce the state of emergency;
- issue a regulation with the force of law when the Sejm cannot meet during martial law.

The tasks of The Council in terms of control over the Armed Forces include:

- developing draft national security strategies;
- planning and implementation of state defence preparations ensuring its functioning in the event of an external security threat and during war;
- preparing the national security management system, including state defence, and public authorities to function in management positions;
- maintaining constant defence readiness of the state, requesting the President of the Republic of Poland to increase it in the event of an external security threat and during war, and to lower it according to the reduction of the level of threat;
- during martial law, it orders the activation of the state defence management system, orders the transition to martial principles of operation of public authorities, may suspend the functioning of public authorities in the zone of direct war operations, and may also delegate to military authorities certain competences of public authorities in the zone of direct war operations.

➤ **The Prime Minister**

Pursuant to the Act of Martial Law and on the competences of the Supreme Commander of the PAF and the principles of his subordination to the constitutional bodies of the Republic of Poland, if during martial law the Council of Ministers cannot meet, the constitutional competences of the Council of Ministers shall be exercised by the Prime Minister.

During a state of emergency, the Prime Minister may request the President to use military units of the PAF to restore the normal functioning of the state if the forces and means used so far have been exhausted. In the same procedure, in the event of a threat to public security or disruption of public order, pursuant to the Police Act, the Prime Minister submits to the President a request for a resolution on the use of military units of the PAF to assist armed units and subunits of the Police if their use proves to be insufficient.

➤ **The Minister of National Defence**

The competences of the Minister of National Defence in the field of democratic control over the PAF include:

- managing all activities of the PAF in peacetime;
- preparing state defence assumptions;
- forming, reforming and disbanding military units;
- implementing general assumptions, decisions and guidelines of the Council of Ministers in the field of state defence and coordinating the implementation of the resulting tasks;
- exercising general management in matters of performing the universal duty of defence;
- managing the administration of personnel reserves for the purposes of the general defence obligation;
- implementing the decisions of the Council of Ministers regarding the participation of the Republic of Poland in military undertakings of international organizations and the fulfillment of military obligations arising from international agreements;
- concluding international agreements resulting from decisions of the Council of Ministers regarding the participation of Polish Military Contingents in international peacekeeping missions and humanitarian actions, as well as military exercises conducted jointly with other countries or international organizations.

In times of peace the Minister of National Defence mediates in the President's exercise of authority over the PAF.

➤ **The Parliament**

The Sejm and the Senate, in exercising legislative power in terms of democratic control over the PAF:

- shape the amount of funds for the security and defence of the state, including the maintenance and development of the PAF;
- make decisions on behalf of the Republic of Poland about the state of war and the conclusion of peace;
- define the rules for the use of the PAF outside the borders of the Republic of Poland;
- define the rules for the stay of foreign troops on the territory of the Republic of Poland and the rules for their movement through this territory;
- determine the duration of the term of office of the Chief of the General Staff of the PAF and commanders of the PAF Branches, as well as the procedure and conditions for their dismissal before its expiry;
- define the competences of the Supreme Commander of the PAF and the principles of his subordination to the constitutional bodies of the Republic of Poland;
- define the competences of the President related to the authority over the PAF;
- define the principles of operation of public authorities and the scope to which human and citizen freedoms and rights may be limited during individual states of emergency.

➤ **The MP**

The MP, as a separate and specialized service part of the PAF, execute tasks specified in several national legal acts. The MP Commander, who reports directly to the Minister of National Defence, is responsible for commanding the organizational units of the MP and managing the overall activities of the MP HQ. The personnel of the MP, carrying out the activities of military law enforcement agencies, have statutory duties regarding, among others:

- ensuring compliance with military discipline;
- protecting public order on the premises and facilities of military units, and in public places;
- protect the life and health of people and military property against attacks violating these goods;
- detecting crimes and offenses, including fiscal ones, committed by persons;
- prosecuting perpetrators and securing evidence of identified crimes and offenses.

2.2 How is the fulfilment of these procedures ensured? Which constitutionally established body/institution bears responsibility for the implementation of these procedures?

In addition to its legislative, budgetary and appointments functions, Parliament also performs control functions in national defence matters. As part of the work of Parliament, these functions are performed by the national defence committees of the Sejm and the Senate, as well as directly by MPs and senators who submit interpellations, questions and interventions. The Sejm National Defence Committee and the Sejm Committee for Special Services are active in this field, as is the Senate National Defence Committee.

The scope of the Sejm Committee for National Defence includes matters relating to the activities of the PAF, the system and functioning of the country's territorial defence and civil defence, the strengthening of defence by state bodies, cooperative and social organisations and citizens, as well as defence industry plants.

The Chairman of the Council of Ministers and other members of the Council of Ministers, in accordance with art. 157 of the Constitution, are jointly and individually responsible before the Sejm for their activities, including the implementation of tasks concerning democratic control over the PAF.

2.3 What are the roles and missions of the military, paramilitary and security forces, and how does your State control such forces so they act solely within the constitutional framework?

The Armed Forces of the Republic of Poland are the bedrock of national security. The tasks of the PAF are directly related to the goal of guarding the independence and territorial integrity of of the state, and shall ensuring the security and inviolability of its borders.

The key role of paramilitary organizations is to bolster the country's defence by means of:

- activities for the defence of the country and countering aggression:
 - propagating skills and knowledge, important for the defence of the country, among society with the emphasis on school and academic youth;
 - increasing defensive capabilities of the Polish society.
- cooperation with military units of the PAF:
 - education in schools, conducting projects of the Ministry of National Defence which are the responsibility of commanders of military units assigned by the Minister of National Defence, on request of said commanders;
 - support for military units in their everyday activities in terms of equipment and instructors.

- supporting internal security and providing help to society:
 - conducting SAR operations.

Pursuant to the art. 1 of the Act on the Internal Security Agency and the Foreign Intelligence Agency the mission of the Internal Security Agency shall be the protection of the internal security of the state and its constitutional order, whereas according to the art. 2 of the abovementioned act the Foreign Intelligence Agency shall be competent in matters of the external security of the state.

The Heads of the both Agencies are directly subordinated to the President of the Council of Ministers (the Prime Minister), and the activities of both Agencies are also subject to parliamentary control.

The Prime Minister may appoint a minister to coordinate the activities of intelligence and security services and transfer some of his/her supervision powers to this person.

There is also an important advisory and opinion body of the Council of Ministers called “Security Services Board”, which has competences in the matters of programming, monitoring and coordination of activities of intelligence and security services, i.a. Internal Security Agency.

According to the Article 13.1 of the Act on the Internal Security Agency and the Foreign Intelligence Agency, to coordinate actions in the field of security and defence the Prime Minister shall issue binding guidelines and shall request information and opinions from the Heads of the Internal Security Agency and the Foreign Intelligence Agency. The guidelines of the Prime Minister are subject to an opinion of the President and the Security Services Board.

The parliamentary control over the activities of special services is exercised by the Sejm Committee for Special Services. This body is entitled to getting acquainted with the information of the security and intelligence services on particularly important events in their activities, including suspicions of irregularities in the activities of the services and suspicions of violations of the law by these services, through access and insight into information, documents and materials obtained as a result of the performance of statutory tasks, in accordance with the provisions of the Act on the Protection of Classified Information and the acts regulating the activities of secret services.

The judicial control over the activities of intelligence services includes issuing prior approvals of using special means of interception by those services, by the First Deputy Prosecutor General – National Prosecutor and the court, after verification of their legality.

3. Procedures related to the personnel of various forces

3.1 What kind of procedures does your State use for the recruitment and drafting of personnel for service in the armed forces?

➤ *Professional military service*

In order to optimize recruitment and calling-up personnel for service in the armed forces, the Central Military Recruitment Centre (CMRC) has been created. Military Recruitment Centres (MRCs), which are subordinate to CMRC, carry out recruitment activities with the active support of military units located within their administered terrain. The goal is to present candidates with the possibility to apply for military service in any MRC or garrison selected by them, including military units located near their place of residence.

The candidates can choose the type of military service they apply for: professional military service, voluntary basic military service (VBMS), territorial military service (TMS), active reserve (AR). The aforementioned forms of military service were introduced by the Homeland Defence Act.

VBMS is performed for 12 months. During the course of VBMS, candidates undergo basic training for 28 days, afterwards they take the military oath and proceed to specialized training connected with performing duties on an assigned post, specialized training lasts up to 11 months (cadets perform basic and specialized training during their first year of study at a military academy). While performing the specialized training portion of VBMS, soldiers can apply for professional service (personnel needs of the armed forces determine the outcome). TMS can be performed by people (on their own request) who are members of the reserve or have no military experience (provided they meet the necessary requirements). TMS lasts between 1 and 6 years, it can however be extended on request by the soldier. Service in AR is performed in military units for a minimum of 2 consecutive days quarterly (during weekends) and 14 consecutive days once every 3 years. An interesting phenomenon observed in the process of recruitment for the PAF is the increasing number of female candidates. There are no divisions in terms of positions that can be occupied based on sex and female soldiers can perform both combat and support roles.

Legal regulations on the whole range of issues related to professional military service, including appointment to professional military service (along with the definition of procedures), are contained in the Homeland Defence Act of 11 March 2022 (Journal of Laws of 2024, item 248) and in the Ordinance of the Minister of Defence of 27 June 2022 on appointment to professional military service (Journal of Laws of 2022, item 1384).

A professional soldier may be a person who meets the following conditions:

- is a Polish citizen;
- of good reputation;
- has appropriate qualifications with physical and mental capacity for professional military service;
- is at least 18 years old;
- with no criminal record;
- is not scheduled for the alternative civilian service;
- is not exempt for performing active military service in case of declaring the military mobilization and in the war time;
- hasn't received the duty assignment to the military unit
- has at least
 - a higher education – in case of military service in the officer corps
 - a high school education or secondary technical education – in case of military service in the non-commissioned officer corps
 - an elementary education – in case of military service in private corps – if there is need to replenish the PAF.

Additionally, the assignment to the military service can depend on:

- particular qualifications required to serve at this post
- medical certificate confirming no contradictions to perform military service at the post requiring specific physical and mental capacities
- submitting a questionnaire for personnel security clearance certificate
- is determined by a military medical commission. The professional personnel of the PAF are divided into the corps of professional officers, professional non-commissioned officers and professional privates.

3.2 What kind of exemptions or alternatives to military service does your State have?

The Homeland Defence Act provides a few exemptions / alternatives to compulsory military service in the PAF during times of crisis or war.

Such exemptions are granted *ex officio* to Members of Parliament, city council members or other state positions vital for national security. Exemptions from the compulsory military service can also be granted

on request made by institutions and companies essential for national security. This refers to people, working for institutions and companies, where enlistment could cause serious disruption or endanger their operation. For people whose religious beliefs or moral views prohibit them from becoming a member of the armed forces, an alternative in the form of “substitute service” is available. Substitute service can be conducted in agencies or institutions connected to environmental protection, fire protection, healthcare, social services, public administration. Additionally, people can perform substitute service in armed formations such as the police, border guards, etc.

3.3 What are the legal and administrative procedures to protect the rights of the entire armed forces personnel?

Professional soldiers of the PAF have all the constitutional rights vested in civilian citizens of the Republic of Poland, with the exception of the possibility of combining the service relationship of a professional soldier with the function of a deputy, including to the European Parliament, senator, elected state managerial post and authority or member of the executive body of a local government, as well as the right to associate in political parties and the right to associate in trade unions. In the event of violation of the rights granted by virtue of military service, a soldier has the right to appeal, provided for in the relevant regulations on the pragmatics of professional military service. This subject matter is also regulated by a number of other legal acts concerning, among others, soldiers' property liability, benefits due in case of accidents and illnesses in connection with military service, accommodation of the PAF, etc. The decisions concerning soldiers can appeal to the higher institution, following the regulations of the Administrative Procedure Code or make complaint to the appropriate administrative court, in accordance with Law on Proceedings Before Administrative Courts .

The above doesn't apply to cases concerning:

- appointment to the military rank;
- transfer to the other corps or unit;
- delegation to perform duties outside of the military unit;
- temporary transfer to another post.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available e.g. through military training programs and regulations?

At the Ministry of National Defence, the dissemination of knowledge in the area of the law of armed conflicts, including the protection of civilians and cultural property, is carried out by specialized institutions: five military universities and the Military Civic Education Centre located in Warsaw and the International Centre for Training and Research on Cultural Heritage in Danger located in Wrocław. According to Art. 82 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) , State Parties at all

times shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject

Based on applicable normative documents, the courses on International Humanitarian Law of Armed Conflicts and the protection of cultural property in armed conflicts and crisis situations were developed and introduced into the military professional education system. The courses were implemented in 2023 and are planned to be implemented in the following years.

In addition, the Guidelines of the Minister of National Defence are issued annually, detailing the tasks for educational activities that regulate: dissemination of international humanitarian law of armed conflicts, including the protection of cultural property and this translates into training plans and programs. Participation in national and international military exercises and joint ventures with public administration raise participants awareness of the protection of cultural property in the event of armed conflict or crisis situations. As part of military exercises, a database of cultural assets (No Strike List - NSL) is used, which should protect cultural assets from destruction and increase commanders' awareness of the decisions they make.

Officers of the PAF systematically participate in international seminars and courses devoted to this field of law, organized, among others, by the International Committee of the Red Cross, the International Institute of Humanitarian Law in San Remo or the International Association of Military and War Law. The topic of international humanitarian law of armed conflicts is included in the curricula for candidates for professional soldiers and courses conducted as part of the professional development system for professional soldiers of the PAF.

In addition, all soldiers going on peacekeeping and stabilization missions undergo mandatory training in LOAC and the cultural and legal conditions applicable in a given country. In terms of planning and organizing training, in the MP training curricula we have adopted training objectives and defined the scope of training effectiveness in accordance with the Guidelines of the Organizer of the Functional Training System of July 4, 2016 for the amendment and development of basic, specialized and professional subunit training curricula for all branches of armed and services.

Additionally, in accordance with the Training Doctrine of the Armed Forces of the Republic of Poland, educational activities include among others, civic education of soldiers, popularization of military traditions and ceremonies and international law of armed conflicts.

4.2. What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

As part of the education, legal cases in the field of IHLLW are used, thus ensuring the possibility of analysing actual events and determining the rules of conduct in the event of similar situations, and the forms and methods of training are improved using the Experience Utilization System in the Armed Forces.

Pursuant to the Polish Penal Code, personal liability for committed acts means full responsibility of military personnel for acts illegal under Polish law and consists in the substantive prosecution of the MP and the prosecutor's office responsible for military matters, as well as the jurisprudence of military courts. Moreover, providing legal services within the meaning of Art. 82 of the Protocol I, including the transfer of substantive knowledge regarding individual responsibility for one's activities in accordance with national and international law, should be in the competences of legal advisors.

The PAF ensure the dissemination of knowledge on international humanitarian law, by including these issues in study curricula, postgraduate studies and professional development courses conducted at 5 military universities. The issues are included in the form of separate, dedicated educational subjects for candidates for first officer positions, as well as courses for candidates for positions from captain to brigadier general. Legal issues in armed conflicts and crisis response are the subject of separate improvement courses intended for:

- professional soldiers holding positions in the legal service corps, planned to participate in missions abroad or for service positions in international structures;
- commanders of land forces battalions,
- officers and non-commissioned officers of the Navy.

In 2023 International Centre for Training and Research on Cultural Heritage in Danger located in Wrocław trained 872 soldiers and employees (210 in a stationary form, 230 as part of e-learning training, 180 soldiers sent to serve as part of the Polish Military Contingents and 252 people as part of supplementary staff training).

A particularly important element related to shaping awareness is education in military education units. Education of cadets (candidates for professional soldiers) and training of soldiers as part of the professional development system at home and abroad, meets the needs of the PAF in this area.

In order to familiarize soldiers and military employees with the principles and obligations contained in international humanitarian law and the issues of individual responsibility for actions taken, other events are organized, e.g. cyclical training of soldiers and army employees in the supplementary training system, conferences, meetings within the framework of cooperation with international organizations and the dissemination of training and information materials. The scope of knowledge provided during education is supplemented on an ongoing basis with information on international agreements to which the Republic of Poland is a party, as well as with the experience gained from conducted operations. Education at every level is supported by legal advisors. The education which is given to all soldiers and employees of the Ministry of Defence is conducted in 6 subsystems:

- training of legal advisers of the commanders, professors and instructors;
- education at the military higher education institutions;
- education at the training centres;
- training at the units and departments of the Ministry of Defence;
- training for subdivision of the military;
- training for the personnel reserve.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights and to deprive them of national, religious, cultural, linguistic or ethnic identity?

The PAF conduct activities contributing to the dissemination of the issues of international humanitarian law. The effect of these activities was to raise the importance of the law of war in the practical training of soldiers, to intensify training for commands and staffs of military units, as well as to prepare instructors for the law of war. Officers of the PAF routinely participate in international seminars and courses devoted to this field of law, organized, among others, by the International Committee of the Red Cross, the International Institute of Humanitarian Law and the International Association for the Law of Military and War. Part of the training in international

humanitarian law of armed conflicts is the issue of co-application of international humanitarian law and human rights during armed conflicts, detailing the issue of respect for freedoms and human rights, including respect for national, religious, cultural, linguistic or ethnic identity during armed conflicts.

Moreover, Art. 85 para. 3 of the Constitution of the Republic of Poland indicates that a citizen whose religious beliefs or moral principles do not allow him to perform military service may be obliged to perform alternative service on the terms specified in the act.

The regulations adopted in the PAF do not restrict peace and lawful observance of human and civil rights, and do not deprive persons of their national, religious, cultural, linguistic or ethnic identity. The scope of preparation of the personnel of the PAF for service in international military structures, and in particular in the Polish Military Contingents (PMC), includes training on increasing cultural, religious and historical awareness adapted to the tasks of a given PMC. Achieving the capabilities of the PAF as part of the implementation of the NATO goal S 1106 N "Training of own staff for stabilization and reconstruction activities" covers a number of issues, including in particular the issues of a comprehensive approach and cultural awareness and knowledge of the Geneva Conventions, Additional Protocols to Conventions or other documents relating to the protection of cultural property. Moreover, the International Centre for Training and Research on Cultural Heritage in Danger was the initiator of the creation of a NATO-certified improvement course in the protection of cultural property for NATO personnel. Preparations and work in this area will continue in 2024.

Additional commitment of the International Training Centre and Research on Cultural Heritage at Risk in building the international security of the European Union is achieving the ability to carry out tasks in the area of protection of cultural property within the framework of Permanent Structured Cooperation (PESCO). Research projects implemented using the scientific potential of military universities are aimed at increasing the effectiveness of cultural heritage protection and to implement the National Integrated ICT System for the Security of Monuments, covering the Ministry of Culture and National Heritage, voivodeship offices for the protection of monuments, rescue services, the PAF, the Police, and the all types of administration as well as owners and managers of monuments.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

The principle of neutrality of the PAF in political matters stems from the Art. 26 of the Constitution of the Republic of Poland. The requirement for the PAF to be "subject to civilian and democratic control" is closely linked to the requirement for neutrality in political matters. The Constitutional Tribunal pointed to this connection, deriving both principles from the principle of a democratic state of law referred to in Art. 2 of the Constitution. The Constitutional Tribunal also noted that "the political neutrality of the PAF has two aspects - firstly, it means that the Armed Forces of the Republic of Poland cannot constitute an autonomous entity in the political structure of the state, capable of influencing the political decisions of the constitutional bodies of the state. The guarantee of this aspect of the political neutrality of the PAF is civilian control, ensuring the subordination the constitutional bodies of the Republic of Poland. The second aspect of the political neutrality of the PAF is the exclusion of this state structure from the sphere of direct influence of political parties.

Restrictions on civil liberties and rights are specified in Homeland Defence Act which, among others: regulates restrictions on the public activities of professional soldiers. A professional soldier cannot,

for example, take part in political meetings or conduct political activities. However, a professional soldier has the right to participate in meetings related to the elections of state authorities and local government rallies, i.e. in election rallies, but provided that when participating in such rallies, a professional soldier will not be in uniform or be wearing military badges and insignia. Moreover, on the day of commencement of professional military service, membership in a political party, association, organization or civic movement, if they pursue political goals, ceases. A professional soldier can stand as a candidate in elections to the Sejm, Senate, and the European Parliament. This person may also apply for managerial positions in the state, filled on the basis of election, and for local government bodies. However, he is obliged to immediately inform the commander of the military unit about such actions. An additional entitlement of a professional soldier is an unpaid leave for the duration of the election campaign. At the same time, the applicable regulations introducing restrictions on professional soldiers in the scope of public activities do not violate the right of professional soldiers to belong to churches and other religious associations with legal personality. The rule is that a professional soldier is entitled to belong to any type of association or organization (which, however, involves the obligation of the professional soldier to inform the commander of the military unit about this fact in writing, in which he holds an official position in the case of a domestic association or organization or the consent of the Minister of National Defence at the request of a soldier - in the case of a foreign or international organization). Professional soldiers are not allowed to form trade unions or associate with trade unions. Nevertheless, there is a possibility for soldiers to create individual corps of professional staff by electing representative bodies.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Pursuant to Art. 9 of the Constitution, the Republic of Poland shall respect international law binding upon, and Art. 7 of the Constitution indicates that public authorities function on the basis and within the limits of the law. These principles oblige public authorities that are responsible for shaping defence policy and its doctrine to respect international law.

Compliance of defence policy and doctrine with international law is also one of the requirements for membership in the North Atlantic Treaty Organization. Shaping a stable international security environment may be achieved, among other things, by increasing the effectiveness of international law through: striving for the development legal norms at the international level, taking actions aimed at ensuring full universalization of adopted legal and treaty norms and agreements, implementing acts of international law into the internal legal order (creating appropriate enforcement mechanisms at the national level). In this Security Strategy, strengthening international law is treated as an opportunity for achieving regional and global security.

SECTION III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

This information is available at the internet website www.osce.org/forum-for-security-cooperation.

1.2 What additional information related to the Code of Conduct, e.g. replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

In addition to the Code of Conduct, there are no additional publications on the subject, apart from specialist or academic documents, publicly available, for example, via the Internet.

1.3 How does your State ensure public access to information related to your State's armed forces?

The Republic of Poland shall offer its citizens the right to obtain information about the activities of public authorities and public office holders, which is referred to in Art. 61 of the Constitution. These constitutional provisions were defined in the statutes. Among others in the Act of 6 September 2001 on the access to public information and the Act of 26 January 1984 - Press Law. Public access to information may be restricted only in cases of the necessity to protect national security or in the cases provided by law, for example, relating to classifying information and documents and dealing with them.

Public access to information concerning the PAF is ensured by the implementation of the information policy of the Government and the Ministry of Defence. Public information that has not been published on the website of the Public Information Bulletin is made available upon request. Requests for public information directed to the Ministry of Defence should be addressed to section of the Public Information and Data. A request for access to public information may be submitted to the Operations Centre of the Ministry of Defence: bip.wniosek@mon.gov.pl. In the case of submitting a request by phone, the information will be received immediately, or – if it is not possible, the applicant will be informed on the need to submit a request in other way. A written reply is given within 14 days from the date of receipt. If the information cannot be made available within this deadline, deadline may be prolonged up to 2 months from the date of receipt of the request and the applicant is informed about reasons of such delay.

The Ministry of Defence implements information policy with the application of a number of modern tools, social campaigns and organisation of the events accessible to public. Ongoing information of the public and the personnel of the PAF is provided by means of official websites. The main sources of information are: the official website of the Ministry of Defence at www.gov.pl/web/obrona-narodowa and at the portal www.wojsko-polskie.pl.

Accounts of the Ministry of Defence in social media are run on Facebook (official account + ones with ZOOM photos), X (former Twitter official accounts in both Polish and English languages + one for veterans), Flickr, Instagram, and YouTube. Every soldier has access to the application “Żołnierz RP” (*“Soldier of the Republic of Poland”*) and candidates for military service can consult the recruitment webpage “ZostańŻołnierzem” <https://www.wojsko-polskie.pl/zostanzolnierzem/> (*“BecomeSoldier”*).

2.Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct

The National Focal Point for the implementation of the Code of Conduct is the Security Policy Department at the Ministry of Foreign Affairs (Al. J. Ch. Szucha 23, 00-580 Warsaw, telephone no.: +48 22 523 9205; fax: +48 22 523 8749; e-mail: dpb.sekretariat@msz.gov.pl).

SECTION IV

Additional information on the implementation of Security Council resolution 1325 on women, peace and security, submitted in accordance with the provisions of the OSCE Action Plan for the Promotion of Gender Equality, in accordance with Ministerial Decision 14/04, as well as No. 14/5 on Women In Conflict Prevention, Crisis Management and Post Conflict Rehabilitation.

➤ *Women's professional military service*

The Ministry of Defence actively participates in the implementation of the so-called Women, Peace and Security Agenda (WPS Agenda), in particular implementation of the Polish National Action Plan on Women, Peace and Security 2018 – 2023 (NAP WPS). The Plan was prepared jointly by MoD, MFA, Ministry of Interior and Administration, Chancellery of the Prime Minister, Government Plenipotentiary for Equal Treatment, Police and Border Guard and has 4 main objectives:

- meaningful participation of women in conflict prevention and peacekeeping;
- implementation of the WPS Agenda through the Polish humanitarian and development aid;
- protection and support of the victims of conflict – related sexual violence;
- promotion and development of the WPS Agenda in Poland and in the framework of international cooperation.

In addition to the above, National Action Plan on Women, Peace and Security 2018-2023 foresees that Poland will strive to:

- strengthen women position in the uniformed services through increasing their representation at the management and command structures
- increase the number of women in the foreign service and in uniformed services and the number of women serving in foreign missions and operations;
- support women's participation in mediation and conflict prevention and resolution;
- implement the WPS Agenda as element of the security sector support through international missions and operation;
- implement the WPS Agenda as element of the peace processes support through international missions and operations.

Currently, there is ongoing process of creating a new Action Plan for the implementation of the UN Agenda on Women, Peace and Security.

➤ *Women's contribution in the PAF*

Women have been serving in the PAF for over 30 years. In 2023, 16 544 women served in the PAF, which accounted for 12,3 % of the personnel (versus 8,3% in 2021, 9,8% in 2022). Out of the total number of women-soldiers, 20 % serve in command and managerial positions at various levels of command. The largest number of women soldiers - around 13,000 - serve in the private corps, while over 3,173 women serve in officer corps. There have been further changes in the development of women's professional military service. There has been a noticeable increase in the number of women in military service and their appointment to positions in all branches and staff corps. The most numerous group (over 6,834) contributes to the Land Forces. About 1,994 women support the activities of the Air Force, over 728 women serve in the Navy. Female soldiers also fulfil

themselves in the Special Forces (137). Women also support the activities of the Armed Forces Support Inspectorate (1 373), the MP (271), the Warsaw Garrison Command (444), the Operational Command (154) and the Ministry of National Defence with subordinated organizational units (879). Women's interest in military service was the result of proper information about the possibilities of pursuing a professional career in the Polish Army. They occupy command positions from the squad to battalion level. In addition to positions in medical and other logistical services, women have also served as pilots, sappers, divers, etc. Military colleges and schools remain the main source of female recruitment. In military schools, about 1,802 female candidates are studying in the so-called candidate service.

As of 31 December 2023, 12,545 (in 2022: 8,7) women served in the structures of the General Command of the Armed Forces, which constitutes 12.3% of the registered number. Women serve within the corps:

- privates – 8,109 (in 2022: 5,293);
- non-commissioned officers – 2,810 (in 2022: 2,045);
- officers – 1,626 (in 2022: 1,517).

Managerial positions (battalion commander, company commander, platoon commander - equivalent (in 2022: 283)) were held by 330 women, which constitutes 2.6% (in 2022: 5.06%) total number of employed women.

Currently, 273 females serve in the structures of The MP. That is a significant increase (49%) when compared to 2022. Female MPs also serve in Polish Military Contingents and their contribution is significant (for example: PMC IRINI – 15%, PMC ŁOWA – 13%).

➤ *Participation of women in peace and stabilization missions*

There are many campaigns run aiming at enhancing women's participation in the stabilization and peace missions. Increasing its number is enlisted as one of the priorities of the Polish National Action Plan on WPS. The need to implement the 1325 resolution is also emphasized in the National Security Strategy of 2020, referring to women's participation in the international missions and operations. The majority of women in the missions are assigned to the medical, financial, logistical and general corps, but in Polish Military Contingents (PMC) KOSOVO, LATVIA and ROMANIA they have as well training and operational tasks. The following number of women soldiers have been deployed to missions within PMC in 2023:

- PMC KFOR, Kosovo – 31,
- PMC IRAQ – 30,
- PMC LATVIA: 26,
- PMC ROMANIA – 38,
- PMC EUFOR, BOSNIA AND HERCEGOVINA – 3–,
- PMC ORLIK, Baltic Air Policing – 12–,
- PMC TÜRKIYE– 11,
- PMC UNIFIL, Lebanon– 40,
- PMC IRINI –8,
- PMC KOŚCIUSZKO – 8,
- PKW CZERNICKI–6;
- PMC CENTRAL AFRICAN REPUBLIC–1.
- PKW WILNO – 2,

- PKW ISRAEL – 5,
- PKW EGYPT – 11.

In 2023 6 females participated in peacekeeping missions as military observers (1 civilian, 5 officers). Currently, women serve: in Kosovo, Iraq, Latvia, Romania, on the UN peacekeeping mission in Lebanon, in the Mediterranean Sea as part of the European Union operation EUNAFOR MED operation "Irinii" and the EUFOR ALTEA mission in Bosnia and Herzegovina and in the UNTSO Middle East observer mission. The participation of women soldiers in activities carried out within the Polish Military Contingents is increasing. Currently, women serve in all official positions, from professional private to contingent commander (e.g.: 12th rotation of the Polish Military Contingent in Romania).

Additionally, regular campaigns are carried out to encourage women to serve in peacekeeping and stabilization missions. Increasing the number of women participating in foreign missions was one of the priorities of the Polish National Action Plan.

➤ *Council for Women's Military Service*

The Ministry of National Defence has a Council for Women's Military Service - consultative and advisory body to the Minister of National Defence representing female-soldiers. The activity of the Council is supervised by the Minister of National Defence (Decision No. 120/MON of the Minister of National Defence of 31 October 2023 on the functioning of the Council for Women's Military Service).

The tasks of the Council shall include:

- 1) preparing analyzes on the performance of military service by female soldiers;
- 2) identifying factors affecting the performance of military service by female soldiers;
- 3) cooperating with the Coordinator for Equal Treatment in the Ministry of National Defence;
- 4) developing proposals for legal solutions related to the military service of female soldiers;
- 5) promoting the professional military service of female soldiers;

The Council is represented by the Chairwoman.

The Chairwoman of the Council is coordinator of the activities related to the implementation of the National Action Plan on Women, Peace and Security in the MOD.

In the Ministry of National Defence the post of Coordinator for Equal Treatment was established, whose area of activity covers both female and male soldiers and civilian employees of the Ministry of National Defence. The coordinator shall be responsible for counteracting discrimination, pathological actions, mobbing and promoting equality.

➤ *Implementation of the National Action Plan on WPS for the years 2018-2023 by the National Revenue Administration*

The National Revenue Administration (hereinafter: NRA) joined in the implementation of the NAP WPS in 2020. The realization of the Plan is ensured by the Plenipotentiary of the Head of the National Revenue Administration for equal treatment of women and men in NRA organizational units, in line with the internal action plan for 2022-2023 for the implementation of the NAP WPS.

In 2023, NRA deployed 4 women to serve in two EU's Common Security and Defence Policy (CSDP) missions – EU Monitoring Mission in Georgia and EU Mission in Armenia. At the EU Mission in Armenia, the NRA representative served as the deputy team leader, while at the EU Monitoring Mission in

Georgia, NRA representatives served as the liaison officer, the observer and the observer/deputy team leader and head of the Polish contingent.

NRA carries out awareness and outreach activities to promote participation of women in foreign missions, as well as provides training courses for its representatives, including a mandatory pre-departure training for CSDP missions on the UN Women, Peace and Security Agenda and a training on "Protecting and supporting victims of gender-based violence and victims of sexual violence in armed conflicts". Trainings on the UN Women, Peace and Security Agenda are also provided for all interested NRA officers and employees, including managerial staff.

➤ *Implementation of the National Action Plan on WPS for the years 2018-2023 by the Polish Police*

The Polish Police has demonstrated a strong commitment to implementing the WPS objectives in its legal framework. It is noteworthy that by the end of 2023, all vocational trainings for officers preparing for deployment to serve in UN and EU peacekeeping missions included the WPS agenda, anti-discrimination policies, and measures to combat gender-based violence.

Additionally, as of the end of 2023, 115 Polish Police officers were serving abroad in Kosovo, Georgia, Ukraine, and Armenia. Poland has a notable presence in CSDP missions, with 115 participants. Within that number three were women in executive positions.

It is worth noting that in 2023, the Polish Police released and approved the Gender Equality Plan for 2023-2026, which is a significant step towards promoting gender equality within the service. It presents current statistics on gender balance for both police officers and civilian staff, as well as current trends in gender balance in positions of power. It also outlines goals for the coming years and emphasizes the importance of anti-discrimination procedures within the organization. As of the end of 2023, it was noted that one in every five officers was a woman. It is hoped that achievement of goals set in said plan will improve gender equality within the police even further.

➤ *Women in Polish Border Guard activities*

The position of women in the Border Guard is increasing year by year, both in the total number of officers and in the share of women in management positions.

As of December 31, 2019, women constituted 27.44% of the total number of officers. Managerial positions were held by 421 women (18.81%).

At the end of 2023, women constituted 32.07% of the total number of officers. Over the last 5 years, a slight increase in the number of women officers in the total number of employees can be observed (an increase of 4.63%). In 2023 (as of December 31), managerial positions were held by 520 women (22.29%). Since 2019, the percentage increase of women officers holding managerial positions has been 3.48%.

With regard to information campaigns showing opportunities for career development and combining professional service and family life, since 2018, individual BG regional units have been conducting regular promotional activities in the media and on the occasion of various types of events.

It can be concluded that, based on the data presented above, the number and proportions of employment and promotion of women Border Guard officers have an increasing tendency, which is consistent with the implementation of one of the key objectives of the National Action Plan for the UN

Agenda on Women, Peace and Security for 2018-2023 (actions to strengthen the position of women in the uniformed services and foreign service).

The priority action under the National Action Plan for the UN Agenda on Women, Peace and Security for 2018-2023 was to increase women's participation in conflict prevention and peacekeeping activities. This priority is implemented by increasing the number of women in UN, EU, NATO and OSCE missions and operations. The implementation of this task in the Border Guard in 2023 was mainly reflected in the participation of the officers in joint foreign operations of the Frontex Agency.

Number of women delegated to foreign missions and operations in 2023:

-joint operations coordinated by the Frontex Agency - 54 women (16%), including long-term postings of 9 women (27%) and short-term postings - 45 women (15%);

-delegated national experts (SNE) in the Frontex Agency - 3 women;

-joint operation of the Border Guard and the Police of the Republic of Macedonia based on a bilateral agreement - 3 women (operation completed in April 2023);

-liaison officers at the Embassies of the Republic of Poland in Berlin (Germany) and Tbilisi (Georgia) – 2 women;

-European Return Liaison Officers in Hanoi (Vietnam) and Tashkent (Uzbekistan, accredited for Kyrgyzstan and Tajikistan) – 2 women;

-Permanent Representation of the Republic of Poland to the European Union in Brussels, Belgium – 1 woman.

It is worth noting that of all 8 Border Guard liaison officers, the majority are women (5).

Information on recruitment for positions in EU agencies, bodies and missions is available to every officer on the Border Guard intranet website. Along with the job specification and available application forms, there is also a note about the special need for women's involvement in the mentioned activities.

Looking more broadly at the issue of foreign postings, the effort put into postings under the Frontex operation should be emphasized. These are also civilian missions, organized in critical situations and resulting from the state's obligations towards the EU.

It should also be noted that the full-scale war taking place in Ukraine and the resulting influx of refugees as well as systematic hybrid attacks by the Belarusian side related to the instrumental use of illegal migrants on a common section of the state border result in the forces and resources of the Border Guard being used primarily to secure the borders of the Republic of Poland.

In the field of legal regulations and practice regarding the application of the principle of equal treatment (non-discrimination) in the Border Guard, Decision No. 121 of the Commander-in-Chief of the Border Guard of May 30, 2014 on the introduction of a procedure in the Border Guard in cases of violation of the principle of equal treatment has been in force since 2014 (Journal of Laws KGSG of 2014, item 86).

Another priority entitled "Protection and support for victims of gender-based violence and sexual violence in armed conflicts", in the area of activity "Training of people preparing to participate to foreign missions and operations, as well as people interested in participating in them in the field of protection and support for victims gender-based violence and sexual violence in armed conflicts" in the period from 2019 to 2023, a number of teaching activities were carried out in the Border Guard training centers detailed in the annual reports on the implementation of the National Action Plan.

Educational projects carried out in 2023 are presented below.

In 2023, the Border Guard Training Center in Kętrzyn carried out the following: courses

and training:

- course "Preparation of officers and employees of public order services and other external entities to participate in civilian missions abroad", 1st edition in 2023, 7-day course, 10 National Revenue Administration officers (3 women and 7 men) were trained,
- lecture as part of local training for CSSG staff "Trafficking in human beings", 1 hour, 9 women trained,
- central professional development: improvement course "English for officers of the European Border and Coast Guard Team, level B2", 1st edition, 9 people trained (1 woman and 8 men).

Border Guard Specialist Training Center in Lubań in 2023, using in e-learning, trained 335 Border Guard officers, including 102 women and 233 men. Moreover, this year a training course was conducted entitled: "Preparing officers to carry out official tasks within the framework of cross-border cooperation with European Union Member States and other countries under bilateral agreements", under which 33 officers were trained, including 3 women and 30 men.

Border Guard officers take part also in the annual online training organized by the Ministry of Foreign Affairs for candidates for CSDP missions.

In terms of exchange of experiences, it is worth mentioning the cyclical participation of a representative of the Border Guard Training Center in Kętrzyn in the International Scientific and Practical Conference "Implementation of the gender equality policy at the contemporary stage of development of the security and defense sector: status, problems, prospects" organized online by the Academy of the State Border Service Ukraine and related to the implementation of: UN resolution 1325 "Women, peace and security" and gender policy in the educational process in the security and defense sector of Ukraine. In 2023, a representative of the Border Guard Training Center in Kętrzyn prepared an article for post-conference materials on the experience of the Polish Border Guard in implementing resolution 1325.

ANNEX – List of international agreements and arrangements

Please indicate if your State is party to the following universal and regional legal instruments relevant to preventing and combating terrorism and related co-operation in criminal matters. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g. undergoing inter-ministerial coordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.).

	Name of the treaty	Party by: ratification (R), accession PL (a), succession PL (S), acceptance (A), approval (AA), or not party	Date of ratification by the President or approval	Data of the exchange of documents	Data of the entry in force for Poland	
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Legal instruments of universal character						
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1	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	PL (R)	09.01.1971	19.03.1971	17.06.1971-	
2	Nuclear Non-Proliferation Treaty (1968)	PL (R)	03.05.1969	12.06.1969	05.03.1970	
3	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	PL (R)	12.02.1972	21.03.1972	20.04.1972	
4	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	PL (R)	14.11.1974	28.01.1975-	27.02.1975	
5	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972)	PL (R)	11.12.1972	25.01.1973	26.03.1975	
6	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973)	PL (R)	12.10.1982	14.12.1982	13.01.1983	
7	International Convention against the Taking of Hostages (1979)	PL (R)	13.09.2000	25.05.2000	24.06.2000	
8	Convention on the Physical Protection of Nuclear Materials (1979)	PL (R)	08.09.1983	05.10.1983	08.02.1987	
9	Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects (1980)	PL (R)	24.02.1983	02.06.1983	02.12.1983	
10	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)	PL (R)	31.05.2004	12.08.2004	11.09.2004	
11	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	PL (R)	08.04.1991	25.06.1991	01.03.1992	
12	Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	PL (R)	08.04.1991	25.06.1991	01.03.1992	
13	Convention on the Marking of Plastic Explosives for the Purpose of Identification (1991)	PL (R)	07.07.2006	26.09.2006	25.11.2006	
14	Convention on the Prohibition of the Development	PL (R)	27.07.1995	23.08.1995	20.04.1997	

59	Agreement between the Government of the Republic of Poland and the Government of the United Mexican States on cooperation in combating organized crime and other types crimes (2002)	PL (R)	14.10.2003		27.11.2003	
60	Bilateral agreement on cooperation of police, border guard and custom forces	PL (R)	30.03.2015		09.07.2015	
61	Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on cooperation in combating organized crime and other types of crimes (2002)	PL (R)	24.04.2003		30.03.2005	
62	Agreement between the Government of the Republic of Poland and the Government of the Republic of Tajikistan on cooperation in combating crime (2003)	PL (R)	21.01.2004		02.04.2004	
63	Agreement between the Government of the Republic of Poland and the Government of the Republic of India on cooperation in combating organized crime and international terrorism (2003)	PL (R)	28.02.2004		09.12.2004	
64	Agreement between the Government of the Republic of Poland and the Government of the Republic of Turkey on cooperation in combating terrorism, organized crime and other types of crimes (2003)	PL (R)	08.12.2003		25.07.2004	
65	Agreement between the Government of the Republic of Poland and the Government of the Republic of Estonia on cooperation in combating organized crime and other types of crimes (2003)	PL (R)	08.12.2003		07.02.2004	
66	Agreement between the Government of the Republic of Poland and the Government of the Socialist Republic of Vietnam on cooperation in combating organized crime (2003)	PL (R)	31.12.2003		26.04.2004	
67	Agreement between the Government of the Republic of Poland and the Government of the Republic of Moldova on cooperation in combating organized crime and other types of crimes (2003)	PL (R)	09.06.2004		26.07.2004	
68	Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on cooperation in combating crime (2003)	PL (R)	20.09.2004		05.03.2005	
69	Agreement between the Government of the Republic of Poland and the Government of the Republic of Armenia on cooperation in combating crime (2004)	PL (R)	14.02.2005		07.04.2005	
70	Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on cooperation in combating crime and joint actions in border regions (2004)	PL (R)	26.06.2006	20.09.2006	18.12.2006	
71	Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Sweden on cooperation in combating serious crime (2005)	PL (R)	17.09.2005		04.11.2005	
72	Agreement between the Government of the Republic of Poland and the Government of the Republic of Chile on cooperation in combating organized crime (2006)	PL (R)	19.07.2007		12.09.2007	

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2023

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only

**UPDATE OF THE INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN,
PEACE AND SECURITY PROVIDED VOLUNTARILY IN THE QUESTIONNAIRE
ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF
SECURITY**

By the delegations of Belgium and the United Kingdom (also endorsed by: Andorra; Armenia; Austria; Bosnia and Herzegovina; Bulgaria; Canada; Croatia; Cyprus; the Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Iceland; Ireland; Italy; Kazakhstan; Latvia; Lichtenstein; Lithuania; Luxembourg; Malta; Moldova; Monaco; Montenegro; the Netherlands; North Macedonia; Norway; Poland; Portugal; Romania; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Ukraine; and the United States of America).

In 2011, 30 participating States agreed to expand the scope of the Questionnaire on the OSCE Code of Conduct, by introducing the Indicative List of Issues Pertaining to Women, Peace and Security (FSC.DEC/5/11).

Since 2011, the field of Women, Peace and Security has continued to evolve. We believe the issue of gender continues to constitute an integral part of the Code of Conduct on Politico-Military Aspects of Security. In order to ensure that our reporting remains in line with latest developments, we have updated the 2011 indicative list of issues.

We encourage all participating States to use this updated Indicative List of Questions for future responses to the Questionnaire.

UPDATED INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN, PEACE AND SECURITY TO BE PROVIDED IN THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT

This document provides an indicative list of issues, which aims at providing useful information on Women, Peace and Security aspects for participating States replying to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security.

It is structured around the four pillars of UNSCR 1325 (Prevention, Participation, Protection and Sustaining Peace) and is set out in two parts for each pillar:

- PART A Checklist of key commitments and measures taken by participating States;
- PART B More detailed information for sharing good practice between participating States.

3.1. PREVENTION

A. Checklist of key commitments taken by participating States

LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Please indicate if your State is party to the following universal and regional legal instruments relevant to protecting women, peace and security. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g., undergoing inter-ministerial co-ordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.)

Name of the treaty	Party by: ratification P(R) , accession P(a) , succession P(s) , acceptance P(A) , approval P(AA) , or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments		

1.	Protocol Supplementary to the United Nations Convention Against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	P(R)	26/09/2003
2.	United Nations Convention on All Forms of Discrimination Against Women (1979)	P (R)	30/07/1980
The Council of Europe legal instruments			
3.	European Convention Against Trafficking in Human Beings (2005) CETS No: 197	P (R)	17/11/2008
4.	European Convention on Preventing and Combatting Violence Against Women and Domestic Violence (2011) CETS No: 210	P (R)	27/04/2015

	Other arrangements	Yes	No
5.	National Action Plan on Women, Peace & Security	X	
6.	National legislation to implement the UN CEDAW convention (if a party), with particular reference to combating discrimination in employment, education, access to health services and participation in institutions ensuring democratic oversight and public scrutiny of the security sector.	X (i.a. National Action Program for Equal Treatment 2022-2030)	
7.	Other related information, clarification or details to share:		

B. Checklist of key measures taken by participating States

Please indicate if your State has the following preventative measures in place. More detailed information of the preventative measures can be included in Part B below.

	Type of Measure	Yes	No
1.	Mechanism to assess risk of abuse of small arms to commit or facilitate serious acts of gender-based violence and violence against women and children		x
2.	Inclusion of women's organisations and women in religious, ethnic minority or community groups in measures - to counter and prevent terrorism and violent extremism		x

	- to raise awareness of the potential risks of exploitation and radicalization ¹		
3.	Inclusion of gender perspective and special needs of women and girls in a national counter-terrorism strategy ²		x
4.	Inclusion of specific matters related to the protection of women's and girls' rights in the basic education of armed forces.	X	
5.	Availability of specialised in-service training for armed forces personnel on the protection of women's and girls' rights.	X	
6.	Inclusion of specific matters related to the protection of women's and girls' rights in the pre-deployment training for international peacekeeping missions.	X	
7.	Plans to address and gather information from local women's populations in areas at risk of conflicts.	X	
8.	Mechanisms to monitor and evaluate the implementation of gender mainstreaming into operations		x
9.	Feedback mechanisms: - from operations to chiefs of defence or military planners - between forces leading multi-national missions and forces providing personnel to such missions		X
10.	Membership of a regional network or leadership network such as the WPS Chiefs of Defence Network		X
11.	Other related information, clarification or details to share:		

C. More detailed information for sharing good practice between participating States

1 National Action Plan on Women, Peace & Security

1.1 In case you have a National Action Plan on WPS, how is your NAP developed, implemented and its impact assessed, including involvement of women's organisations and other civil society organisations and coordination across government?

Polish National Action Plan on Women, Peace and Security was adopted in 2018, initially for 3 years (2018-2021). On 26th of January 2022 Council of Ministers extended NAP WPS for additional 2 years, until the end of 2023. Polish NAP WPS was the result of cooperation between ministries and uniformed services responsible for internal and external security and institutions in charge of equal treatment policy, including: Ministry of Foreign Affairs, Ministry of Interior, Ministry of Defence, Office of the Government Plenipotentiary for Equal Treatment, Polish Police and Polish Border Guards. Non-governmental organisation (Women in International Security Poland – WIIS) and representatives of the academia (Warsaw University) were involved in the process of preparing NAP. The assumptions of the Plan were also consulted on the working bases with UN Women and EU. The project of the Plan was subject to public consultation before approval by the Council of Ministers. NAP WPS constituted a base on which the cooperation between implementing institutions

and ministries was established, with MFA as a coordinator of the implementation process. Coordination and monitoring of the Plan implementation is carried out as part of the work of inter-ministerial team consisting of the representatives of ministries and uniformed formations subordinate to them at expert level. In 2021, the National Revenue Administration and Prison Service joined the group of institutions implementing NAP WPS. In each implementing institution a focal point for WPS Agenda implementation was established in charge of planning the implementation process, monitoring progress, preparing annual reports. In some institutions, sectoral annual or multiannual plans for implementation of NAP commitments have been prepared.

Priorities of Polish NAP WPS:

- meaningful participation of women in conflict prevention and peacekeeping
- implementation of WPS Agenda through the Polish humanitarian and development aid
- protection and support of the victims of conflict-related sexual violence
- promotion and development of WPS Agenda in Poland and through international cooperation

The implementation of first edition of the NAP WPS focused on activities at national level:

- participation of women and empowerment of women in uniformed services, armed forces and foreign service,
- increasing the number of women in peacekeeping missions and operations led by international organisations,
- promotion and raising awareness related to WPS Agenda and gender equality
- training activities,
- promotional campaigns by publication of leaflets, articles in the trade press („Police newspaper”), workshops, conferences, information on websites of MFA and other ministries and uniformed formations, films.

Main achievements and good practices:

- enlarging the group of ministries and institutions participating in the implementation of NAP WPS, in 2021 National Revenue Administration, Customs Service, Penitentiary Service and Ministry of Finance have joined NAP WPS implementation;
- inclusion of WPS Agenda as obligatory component of training and educational activities for personnel (uniformed and civilian) preparing to join foreign missions;
- inclusion of WPS Agenda into training activities in all uniformed services; a unified e-learning training on WPS Agenda was elaborated as a result of cooperation of MFA, Border Guard and National Revenue Administration;
- inclusion of the obligations of WPS Agenda and NAP WPS in national and ministerial strategic documents, i.e. the Security Strategy adopted in 2020; annual and long-term strategies for the development of uniformed formations;
- increasing the number of women in peace-keeping missions, including UN missions and CSDP missions (100% increase between 2019 and 2021);
- launching a strategy encouraging women to participate in peacekeeping missions in National Revenue Administration;
- launching training program for decision-making and managerial level in National Revenue Administration on WPS Agenda and CSDP missions which positively influenced the number of candidates for foreign missions.

The new Action Plan on WPS Agenda for 2024-2029 is currently being drafted. Non-governmental organisations, think-tanks and representatives of academia are widely involved in the preparation of the draft.

1.2 In case you have a National Action Plan on WPS, who takes the lead and owns the budget? What contribution is made by your defence ministry and security forces?

The separate budget line in the state budget to finance NAP WPS implementation is not provided. Activities within implementation of NAP WPS are financed from the own resources of each implementing institutions.

¹ See also similar question 3a in form to input to UN SG UNSCR 1325 report.

² See also similar question 3a in form to input to UN SG UNSCR 1325 report.

1.3 In case you have a National Action Plan on WPS, how does the NAP support enhancement of institutional capacity in defence and security?

1.4 In case you have a National Action Plan on WPS, how do you publicise progress on implementation of your NAP?

Based on annual reports prepared by the implementing institutions the information on progress in the NAP WPS implementation is published on the MFA website. The information on the activities taken to implement NAP WPS is regularly presented and discussed by the ministries and uniformed services at the meeting of interministerial team for WPS Agenda. The representatives of the MFA as the coordinator of implementation process, present the results achieved during national and international conferences (with participation of NGOs and academia) as well as official meetings of international organisations (i.e. UN focal points network meetings, meetings of EU Task Force for WPS Agenda).

2 Measures to prevent sexual and gender-based harm

2.1 Horizon scanning, intelligence and risk?

- How do you include systematic gender analysis of areas at risk of conflict, including gender disaggregated socio-economic indicators, power over resources and decision-making, increases in sexual and gender-based violence, on-line and other threats of violence against women in public life, journalists and those providing humanitarian assistance?

The key personnel of Polish Military Contingents (PMCs) undergo pre-deployment training to consider Protection of Civilians (PoC) including gender perspective, protection of women and children in armed conflicts in the planning process. This training is conducted by experts and covers comprehensive picture of situation in the Area of Operation. Moreover, OPLANs of the PMCs address these issues and the commanding officers, the staff and the troops are well aware of this issue.

The PMCs usually have organic elements dedicated to civil-military cooperation (CIMIC) and other like Province Reconstruction Teams (PRTs) that proved to be very effective in Afghanistan. The CIMIC units collect data, assess risk for women and provide constant advise to PMC's commander in everyday activity in the Area of Operation. Furthermore, POL Armed Forces Operational Command (POL AFOC) constantly monitors this process and is in direct link with the PMC commanders to adjust operational planning process if necessary. This is also proper occasion to mention Lessons Learned process, which POL AFOC exercises and

updates for better preparation of next rotations of PMCs, and for other elements of the Polish Armed Forces.

- How do you incorporate a gender perspective into actions preventing and combatting the tensions, which lead to conflict, such as increases in sexual and gender-based violence, terrorism, violent extremism and human trafficking?

-

- The statutory tasks of the police include, among others, protecting human life and health, initiating, and organizing activities aimed at preventing crimes as well as detecting and prosecuting their perpetrators. This also includes protection of people, including women and children, exposed to violence during conflicts and humanitarian crises, including sexual violence. All persons in Poland, including minors, and especially those who are victims of sex crimes, are protected regardless of race, gender, nationality, religion or place of origin, and are equally entitled to seek support and protection from the state, including in particular from the Police, who provide comprehensive protection in this regard.
- The Polish Police is implementing the provisions of the National Action Plan against Human Trafficking for 2022-2024 (NAP), its main goal is to effectively counter human trafficking in Poland and support victims of this crime. Specific goals of the NAP include:
 - Raising public awareness of human trafficking.
 - Improving support for victims of human trafficking, including minors.
 - Improving legal tools and structures and implementing best practices to effectively prosecute human traffickers.
 - Improving the skills of staff involved in anti-trafficking and victim support.
 - To deepen knowledge of human trafficking and the effectiveness of measures taken, especially in the context of forced labor.
 - Strengthening international cooperation.
- The tasks envisaged in the NAP are nationwide and include the activities of central institutions and regional units, such as provincial anti-trafficking teams. The Polish Police, acting in the fight against human trafficking, performs its tasks on the basis of Article 14 of the Police Act of April 6, 1990. According to this article, the Police may carry out operational and exploratory and investigative activities in order to recognize, prevent and detect crimes and offenses. In order to combat human exploitation, the Police undertake activities such as monitoring websites with offers of foreign labor and sexual services. Information on the practice is provided by both witnesses and the victims themselves. Prosecuting the crime of human trafficking is a complicated process, as we are usually dealing with the activities of international organized crime groups, which use a variety of actions characteristic of this type of crime, such as physical and psychological violence, intimidation, blackmail, deprivation of liberty and threats. On the other hand, the victims are usually women and children. It is often difficult for law enforcement officials to identify potential victims, which makes it difficult to make correct decisions on how to proceed further.

- What is the role of your military, police and other security personnel in such activities?

One of the tasks of PMC is to deliver assistance to women and children in the regions of armed conflicts. For example, female officers have been serving in Province Reconstruction Teams (PRTs), CIMIC, Training and Advising Teams, Liaisoning and Observations Teams, etc. The presence of women during patrol activities or other operations conducted in the areas of operations softens the image of uniformed formations in the eyes of local populations. This allows for better contact with children and women, and better collection of information about local needs and problems. The police also benefits a lot from the presence of female

servicepersons – as of April 2024, approx. 20 000 of them. Female police officers serve in the prevention units, investigation cells, training departments, etc.

When carrying out activities in cases of sexual offenses Police officers use the "Procedures for Police Handling of a Person Who Has Experienced Sexual Violence" guidelines available, among others, on the previously mentioned Internet Police Service. The procedure was developed by the Office of the Government Plenipotentiary for Equal Treatment on the basis of material prepared by the Feminoteka Foundation as part of the "Stop Rape" project co-financed by the S. Batory Foundation. According to the aforementioned procedure, as well as Polish legislation, the standard in the performance of tasks by Polish police officers is to ensure conditions for the protection of the victim's privacy by, among other things, taking actions in a place inaccessible to outsiders and by an officer of the same sex. It should be mentioned that the procedures for crimes against sexual freedom and working with its victims are presented as part of professional training and in-service training in human rights and psychology classes to all new recruits.

Persons affected by sexual offenses in Poland are under a special procedure for dealing with them by police officers. At the same time, it should be underlined, that these actions are carried out with due care in respecting the personal rights of the a/m person, which is the same as the guidelines from the Police Procedure concerning with a person who became the victim of sexual violence. The officer conducting the activity should show empathy and be aware of the particular emotional condition of the victim. Whenever possible, the victim is interviewed by the trained police officer of the same sex, unless the victim requests otherwise.

If necessary, the victim is informed about the possibility of using of institutions for specialized counselling, including legal, psychological and family counselling from the governmental register for an assistance and a support. In addition, a police officer, if there is such need, is obliged to enable contact with the nearest unit implementing tasks from the Fund for Victims' Aid and Post-Penitentiary Assistance or another institution providing assistance in an analogous field for the purpose of obtaining the legal assistance. Contact with the victim is carried out at every stage in the conditions that ensure his/her privacy.

This includes, providing the person with a sense of security and what is highly important in the case of a minor, immediate notification of the prosecutor and the juvenile court. Implementation of the procedure leads to the improvement of the law and its use in the field of sexual violence prevention.

Polish Border Guard officers on civilian missions carry out tasks at the place of deployment involving, among other things, the promotion of gender balance, the empowerment of women in social and professional life and the prevention of gender-based violence. Knowledge in this area and the sharing of good practice is passed on to mission candidates during the in-service training course preparing officers for participation in civilian missions abroad during classes on the principles of the WPS

Agenda. In addition, participants receive knowledge of the international laws governing this area, reports of international organisations, including the Rome Statute of the International Criminal Court, in order to prevent the perpetrators of crimes against humanity, genocide, war crimes and crimes of aggression from going unpunished, in order to protect the peace, security and prosperity of the world. In addition, Polish Border Guard has a network of human rights and equal treatment advisers whose task is to promote equal treatment and counter undesirable behaviour and practices in this area.

2.2 Planning.

- How do you incorporate a gender perspective into operational planning?

Gender perspective is not a subject of separate planning process itself. All individuals/groups are addressed equally in national planning processes.

However, gender perspective is addressed in many aspects, like: the equal rights for the personnel, the obligation to protect everybody in the conflict areas. For example, during operations in Afghanistan, the Balkans, Africa, PMCs planned and conducted several operations/activities focused on delivering the aid for women and children (White Sundays – when Polish military paramedics provided assistance to local populations, especially in remoted areas).

- How do you plan to address and gather information from local women's populations in areas at risk of conflict?

This is conducted mainly by CIMIC units. These units are composed of male and female troops, and the CIMIC personnel contact women in areas at risk conflict during the presence in the Area of Operation. The Lessons Learned records indicate that when uniformed formations approach local population, children and women talk to female troops first. The reports from these contacts are analysed and disseminated among the PMC personnel to have better awareness of the situation in the Area of Operation. One of the most important issues is the personal security of women.

2.3 Awareness and understanding of WPS at all levels and types of security personnel.

- What training do you give on incorporating a gender perspective and protecting the rights of women and girls to security personnel at basic education, officer training and specialised in-service training?

The scope of activities of the Council for Women's Military Service in the Ministry of National Defense is based primarily on identifying factors affecting the performance of professional military service by women, and thus constantly improving the conditions favorable to women's service, eliminating behaviors of discrimination based on gender and conducting educational activities undertaken to equalize development opportunities for women in the military environment.

- How do you train security personnel to protect women and girls, men and boys from sexual

and gender-based violence?

2.4 Vetting of security personnel, especially pre-deployment

- What measures do you take to vet and prevent the recruitment, retention, promotion and deployment of security personnel with a record of sexual or gender-based violence or other violations of human rights?

2.5 Other preventative measures

- What other preventative measures do you have, for example to prevent sexual abuse or sexual exploitation on deployments and other forms of engagement of security forces abroad?⁵

3 Leadership, accountability and assurance

3.1 Integrating WPS into the command climate

- How do you integrate a gender perspective and WPS into your policy and operational framework, including military manuals, national security policy frameworks, codes of conduct, protocols, standard operating procedures and command directives?

3.2 Accountability and Performance assessment

- What measures, systems or procedures do you have on individual and collective accountability for acting in accordance with such policies or directives?

3.3 Assurance

- How do you provide specialist advice to operational commanders on WPS?

The operational commander needs to have knowledge and expertise about the situation in the Area of Operation, and the WPS is one of the most important aspects as the military operation is not military operation only, but also involves the activity and presence of several civilian Institutions (e.g. ICRC). An advice to operational commanders on WPS is provided by trained CIMIC personnel.

- What systems or measures do you use to co-ordinate specialist advice on WPS throughout your security forces and to provide democraticoversight?

4 Sharing of good practice

4.1 How do you share good practice and learn from others?

3.2 PARTICIPATION

A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to increase women's participation in security forces and decision making, including at all stages of any peace-making process. More detailed information of such measures can be included in Part B below.

	Type of Measure	Yes	No
1.	Collection and monitoring of sex disaggregated statistics on applicants to armed forces	X	
2.	Policies to attract female candidates (targeted campaigns, review of accession tests etc.)	X	
3.	Policies to promote equal opportunities for women and men across the security sector	X	
4.	Collection and monitoring of sex disaggregated statistics of armed forces personnel: <ul style="list-style-type: none"> - By rank - By promotion - By retention 	X	
5.	Collection and monitoring of sex disaggregated statistics of complaints by armed forces personnel of: <ul style="list-style-type: none"> - Discrimination - sexual harassment - gender based harassment - sexual violence - gender-based violence 		
6.	Collection and monitoring of sex disaggregated statistics of complaints by civilian personnel in the security sector of: <ul style="list-style-type: none"> - discrimination - sexual harassment - gender based harassment - sexual violence - gender-based violence 		
7.	Anonymous staff surveys/climate assessment surveys or similar (monitoring incidences of behaviour contrary to military standards of conduct)	X	
8.	Collection and monitoring of sex-disaggregated statistics of: <ul style="list-style-type: none"> - personnel deployed on operations and peace-keeping missions - and by rank 		X
9.	Collection and monitoring of sex-disaggregated statistics of decision makers in the security sector		X
10.	Other related information, clarification or details to share:		

B. More detailed information for sharing good practice on participative measures between participating States

1 Measures to increase the number of women in general and in decision- making positions in the armed forces and the ministry of defence (and other security forces- optional).

1.1 What are the numbers and percentages of women and men applying for and recruited to your military forces?

Type of Military Service	Rank	Men %	Women %
Soldiers (Professional Soldiers, Territorial Defense Soldiers, Active Reserve Soldiers)	Officers	86,3%	13,7%
	Non-commissioned Officers	92,2%	7,8%
	Privates	81,6%	18,4%
Cadets		77,3%	22,7%
Soldiers of the Voluntary Military Service		70,5%	29,5%
Total		84,3%	15,7%

1.2 What are the numbers and percentages of women and men in your military forces, disaggregated by rank?

Please find the aggregated numbers and the percentages:

In service	Females	Males
Officers	3 170 (16 %)	19 500
NCOs	3 800 (8 %)	48 420
Privates	9 560 (20%)	49 861

1.3 If you regularly analyse retention and promotion statistics disaggregated by gender and rank, what are the trends and what action, if any, are you taking as a result?

Today 13% of the Polish Armed Forces are females and the trend is that this number is rising. Women serve at all levels of command, in all branches, including the structures of NATO and the EU. It is expected that during the coming years more women will apply for service in the Polish Armed Forces, the Police, the Border Guard. This is mainly due to the fact that these formations promote equal rights and are attractive for personal development. Women can serve active duty or as passive or active reserve. In that case, they are to be ready for mandatory field training.

1.4 What are the numbers and percentages of complaints raised by women and men about discrimination, harassment, sexual or gender-based violence?

1.5 How do you monitor outcomes?

1.6 How is a gender-perspective integrated into a 'climate assessment' or similar anonymous staff survey, if used?

2 Measures to increase the numbers of women and specialist WPS advisers in peacekeeping forces.⁶

2.1 What are the numbers and percentages of women and men in peacekeeping forces, disaggregated by rank?

2.2 What are the numbers and percentages of international missions to which you appointed Gender Advisers, Gender Focal Points or Women Protection Advisers?

3 Democratic oversight of Security Forces and WPS

3.1 How do your security forces publicise, report on and account for their actions on policies and plans related to WPS?

3.2 What is the representation of women in decision-making positions in institutions ensuring democratic oversight and public scrutiny?

3.3 PROTECTION

A. Checklist of measures taken by participating States

Please indicate if your State has the following protective measures in place. More detailed information of the protective measures can be included in Part B below.

	Type of Measure	Yes	No
1.	Specialist Advisers on WPS: - Gender Advisers - Gender Focal Points - Women Protection Advisers		X
2.	Policies to protect women and others in conflict and post-conflict areas from sexual abuse and exploitation by your State's security personnel ⁷		X
3.	Policies, which set out the duties of commanders and other superiors to prevent abuse or exploitation by their subordinates.		X
4.	Collection and monitoring of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces: -referred -investigated - acted upon		X

5.	Measures to increase your State's capacity to investigate alleged violations of human rights and fundamental freedoms in areas of conflict or post-conflict including sexual and gender-based violence ⁸		x
6.	National legislation conferring powers to prosecute alleged extra-terrestrial violations of human rights		X
7.	Other related information, clarification or details to share:		

B. More detailed information for sharing good practice on protective measures between participating States

1 Measures to embed protection of women and girls in operations and international missions

1.1 How do you define conflict-related violence in your policies, manuals, standard operating procedures and training material?

- Does it include sexual and gender-based violence, forced sterilisations and abductions, also of men and boys, and forced pregnancy and forced abortions?
- Does it include victims of terrorism or other armed groups?

1.2 Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission reports.

1.3 How are military, para-military and security forces trained to respond to sexual violence and gender-based harm?

2 Investigating alleged violations

2.1 How do you identify, record, investigate and prosecute any alleged violations, cases of exploitation and abuse perpetrated by military, para-military and security forces? What experience do you have of such investigations and prosecutions?

2.2 What are the number and percentage of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces that are referred, investigated and acted upon?

2.3 How do you ensure access to justice for victims of conflict related violence including cases of exploitation and abuse by military, para-military and security forces?

3 Other measures to protect women and girls

3.1 What lessons could you share in relation to protective measures?

3.4 SUSTAINING PEACE

A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to sustain peace, especially with regard to relief and recovery and to post-conflict situations. More detailed information of such measures can be included in Part B below.

	Type of Measure	Yes	No
1.	Measures to ensure the involvement of women from the outset in seeking a peaceful settlement of potential or actual conflicts.		x
2.	Measures to support those who have experienced sexual or gender-based violence during or post-conflict to support their recovery from trauma		X
3.	Measures to support the role of women as agents of change and transformation in areas emerging from conflict		X
4.	Measures to support capacity building in the security and other sectors of fragile states or post-conflict situations to protect human rights and fundamental freedoms, especially relating to women and girls		X
5.	Other related information, clarification or details to share:		

B. More detailed information for sharing good practice between participating States

1.1 How do security personnel support and seek to embed the involvement of women in peacekeeping and throughout the peace building and post -conflict process?

1.2 What training are your security personnel given as regards survivor focus?

1.3 What roles do your security personnel or other personnel play in support of demobilisation, access to humanitarian assistance or to facilitate re-integration post-conflict?

1.4 What lessons could you share in relation to recovery and relief issues in the WPS agenda?

3.5 Final reflections

1. What do you consider biggest obstacles as well as what are the priorities for your country on WPS in the context of the Code of Conduct?

2. Would you like to share any additional information, clarification or details?

BACKGROUND TO THE 2023 UPDATE OF THE INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN, PEACE AND SECURITY TO BE PROVIDED IN THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT

1. Background on Women, Peace and Security

1.1. The importance of Women, Peace and Security in the Code of Conduct Context

In 2011, 30 OSCE participating States decided to advance their commitments on the Women, Peace and Security (WPS) Agenda in the context of the Code of Conduct, by adopting an annexe to the questionnaire specifically targeting WPS related activities. The link between the Code and WPS is undeniable for two reasons. Firstly, women take up a variety of functions in many armed and security forces, thus rendering them compliant to the same Code as their male peers. Secondly, the activities of armed and security forces have an impact on the civilian population, including on women and girls. It is therefore important to take into account the gendered impact of their efforts and integrate this throughout the Code.

While the initiative from 2011 was an excellent start, the WPS agenda continuously evolves and the OSCE documents need to follow this trend. Therefore, it was not only necessary to update the Indicative List of Questions with all the WPS resolutions and findings that have been adopted since 2011, but the Code itself also merits gender-mainstreaming in order to better reflect the link with the WPS agenda.

For policy leads reporting on WPS, there are plenty of questions and questionnaires from various (inter)national organisations with only limited guidance. Therefore, this background aims to clarify not only the developments since 2011 and to put into perspective the updated OSCE documents, but also to underline why reporting on WPS is crucial.

The reason why it is highly encouraged for OSCE participating States to report on WPS in the context of the Code of Conduct, is to map out the state of play for each participating State. In a next step, this allows States to benchmark their own efforts and to use the reports by others as both best practices and lessons learned.

This updated guidance has taken steps to streamline the existing questions (e.g. by introducing checklists where possible). It also recognises that different participating States are part of different organisations, with different reporting requirements on WPS (e.g. UN, NATO). In order to keep this inclusive, but also user-friendly, the guidance has used footnotes to flag where questions are similar to those in other questionnaires. The guidance remains a living document. It is the first update since the OSCE guidance was first drafted in 2011. The first update has been in 2023. The next update

should happen sooner, to account for feedback from capitals (e.g. on how easy it is to use in practice) as well as reflecting the latest developments on WPS.

1.2. Developments in Women, Peace and Security since 2011

The UNSCR 1325 of 2000 is the founding document internationally recognising the particular vulnerabilities of women and girls in situations of armed conflict and post-conflict and the threats conflict-related sexual violence and gender-based violence pose to peace and security. It sets out the important role of women in maintaining and promoting peace and the need to increase women's participation in decision-making roles in preventing and resolving conflicts. It has raised awareness of and confirmed a willingness to incorporate a gender-perspective into peace-keeping operations, including training and special measures to protect women and girls. States' National Action Plans on UNSCR 1325, which followed, have been the impetus for action internationally and nationally over the last 22 years.

Between 2000 and 2010 four UNSCR resolutions developed the general principles set out in UNSCR 1325 into progressively more specific actions required both at the UN level and by States.

Six further UNSCR resolutions specifically on WPS⁹ in the last 11 years are more specific and comprehensive, both in terms of scope and action required on implementation.

Scope

The development of scope in more recent UNSCRs is set explicitly in a changing global context of peace and security. These changes include rising violent extremism, increased numbers of refugees and internally displaced persons, climate change and global health pandemics. Sexual violence and gender-based violence is identified as a potential tactic of terrorism, not just as a tactic of war. Such violence can affect men and boys as well as women and girls, not only as direct victims but also as witnesses, causing wide scale terror, trauma and insecurity. Sexual violence and gender-based violence can also be used to finance terrorism, for example as part of human trafficking. The resolutions also note the links between sexual and gender-based violence and both the illicit trade in natural resources and the illicit transfer, accumulation and misuse of arms. Effective prevention requires action beyond the security sector, for example in national legal and judicial systems to tackle all forms of violence against women and girls and vulnerable groups.

Scope is also expanded in terms of protection: acknowledging the concept of 'intersectionality' i.e., multiple vulnerabilities some women face, for example women with disabilities, older or refugee women; identifying the needs and issues concerning children born of war and their mothers; and explicitly adding forced abduction, forced pregnancy and forced sterilisation to the definition of conflict-related violence.

⁹ UNSCR 1998 (2011- adopted one day before ILQs), UNSCR 2068 (2012), UNSCR 2106 (2013), UNSCR 2122 (2013), UNSCR 2467 (2019) and UNSCR 2493 (2019).

Greater emphasis is placed on a survivor focus, including access to health and humanitarian assistance, reparations and a range of actions to reduce stigma and facilitate re-integration. Health services explicitly include sexual and reproductive health services, psychological and trauma support. Survivors include victims of terrorist violence, men, boys, refugees, those forced to join armed groups and other demobilized combatants.

Implementation

In 2013, the Security Council recognised the need for a significant shift in implementation of commitments in 1325 and subsequent UNSCRs¹⁰. Key themes in UNSCRs since then include:

- more systematic data recording, gender disaggregated statistics, analysis, monitoring and recording
- more individual and collective accountability within security forces, including integration of WPS into planning, delivery and performance assessment of operations
- more focus on the roles and responsibilities of high-level commanders
- enhanced action on vetting to reduce the risk of violations by security personnel¹¹
- improved investigation and prosecution of alleged sexual and gender-based violence
- greater emphasis on women's participation and leadership, particularly in peace-building and post-conflict
- more victim and survivor focus to enhance the indivisibility of security
- WPS activities to be adequately resourced, given a higher priority and to be mainstreamed. These activities include pre-deployment and in-mission training, increased representation of women in security forces and WPS specialist roles.

Embedding WPS developments internationally

This wider understanding is being implemented at UN level as shown by the integration of WPS in the Arms Trade Treaty Article 7(4) in 2014, Security Council Resolutions on Trafficking (UNSCR 2331 in 2016 and UNSCR 2388 in 201), the International Law Commission's Draft Articles on Prevention and Punishment of Crimes against Humanity 2019 and the decision of the Committee on the Convention on All Forms of Discrimination against Women (CEDAW) in March 2022 in the case of Rosanna Flamer-Caldera v Sri Lanka¹².

At Council of Europe level, the Convention on Action Against Trafficking in Human Beings 2005 (CETS No. 197) explicitly incorporates a gender perspective, including committing parties to gender mainstreaming in the development, implementation and assessment of measures to protect and promote the rights of victims. The Convention on Preventing and Combatting Violence against Women and Domestic Violence 2011

¹⁰ UNSCR 2122.

¹¹ UNSCR 2467 refers to safeguards to prevent individuals credibly suspected of committing sexual violence related crimes from being recruited, retained or promoted

¹² CEDAW Communication No. 134/2018

(the Istanbul Convention CETS No. 210) applies in times of war as well as peace. It commits Parties to co-operating with each other to prevent, combat and prosecute all forms of violence covered by the scope of the Convention, to protect and provide assistance to victims, in investigations and proceedings and enforcing judicial decisions and orders.

The OSCE has a number of key resources on WPS including Ministerial Council Declarations, an Action Plan for the Promotion of Gender Equality and a range of reports and practical guides.

The provisions of the OSCE Code of Conduct appear sufficient to encompass key elements of the WPS agenda. Although there is no mention of women throughout the document, 21 of the 47 responses from participating States to the questionnaire on the Code did integrate information on initiatives and actions on WPS.

ANNEX III- VOLUNTARY INFORMATION ON CHILDREN AND ARMED CONFLICT

A. International legal framework and commitments

	Yes	No	Reservations/Statements
Convention on the rights of the child	x		1
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	x		
Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict	x		2
Optional Protocol to the Convention on the rights of the child on a communication procedure	x		
ILO Convention 182 on the worst forms of child labour	x		
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	x		
Safe Schools Declaration	x		
Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups	x		
Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers	x		
Political Declaration on EWIPA (Explosive Weapons in Populated Areas)	x		

1. Convention on the rights of the child:

2. Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflicts:

- Reservations:

- According to art. 3 section 4 of the Protocol, the Government of the Republic of Poland declares that in the case of compulsory conscription of Polish citizens for military service in the Armed Forces of the Republic of Poland, the minimal age limit is determined by law and is eighteen (18) years old;
- in the case of voluntary service into the Armed Forces of the Republic of Poland, the minimal age limit is determined by law and is eighteen (18) years old. The candidate is obliged to submit a document confirming his/her age.

B. National measures to end and prevent CAAC violation

1. What is the minimum legal age for recruitment (including voluntary recruitment) for service in military, paramilitary and security forces in your State?

Answer: In the Republic of Poland the minimal age for recruitment is 18 years old, without exceptions.

2. If the legal age for recruitment is set below 18 years, what measures are taken to ensure compliance with the provisions of the Optional Protocol on the involvement of children in armed conflict, with particular regard to the obligation that children do not directly participate in hostilities and are not subject to mandatory recruitment?

Answer: Not applicable, the legal age for recruitment is 18 years old.

3. Please indicate if your State has any national reference document (for example in the form of laws, regulations, policies or action plans) on issues related to the protection of children in armed conflicts.

4. Do the military doctrine and guidance of your State include issues related to children and armed conflict, with particular regard to the six grave violations identified by the UN Security Council: recruitment and use of children, killing and maiming, abduction, rape and other forms of sexual violence against children, attacks on schools and hospitals and military use of schools and hospitals, denial of humanitarian access to children?

5. How is the protection of children – especially with regard to the above-mentioned six grave violations - included in military planning and other operational considerations, including rules of engagement as relevant? Are there mechanisms to monitor and evaluate the implementation of such specific child protection procedures into operations?

<i>If relevant, please also indicate if your States has:</i>	YES	NO
reporting mechanisms specifically related to incidents involving children from operations to chiefs of defence or military planners and between forces leading multi-national missions and forces providing personnel to such missions		
mechanisms to collect and monitor reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces		
mechanism to assess risk of abuse of small arms to commit or facilitate serious acts against children		
mechanisms to collect within military operations, humanitarian activities or development cooperation projects disaggregated information per sex, age, religion, and ethnicity of children affected by armed conflicts		
mechanisms to protect the anonymity and personal data of children affected by armed conflicts collected during military operations, humanitarian activities or development cooperation projects		

If yes, please add any relevant information or comments with the view of sharing/identifying best practices.

6. How does the protection of schools in situations of armed conflicts feature in the military planning and other operational considerations of your State, including rules of engagement as relevant?

C. Education and training activities for troops on CAAC issues – not applicable, the details have been discussed in current edition of THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY.

D. International partnership

1. In case of collaboration and training programmes of your State with other States, to what extent are issues related to children and armed conflict addressed and included in such programmes, in particular for those countries that are mentioned in the UN Secretary General annual report on children and armed conflict?

Answer: The issue of children in armed conflicts is included in the training programs of subunits of the Polish Armed Forces and conducted as part of classes with the International Humanitarian Law of Armed Conflicts. At the same time, the professional development system includes regular training courses on this topic (12 editions of courses on this topic are planned in 2024).

2. Does your State support capacity-building initiatives in the security and other sectors of other States, in particular those in conflict or post-conflict situations, which include the protection of human rights and fundamental freedoms and respect of international humanitarian law? If yes, to what extent are issues related to children and armed conflict addressed in these initiatives?

Answer: Poland fully supports all international community's activities in order to global and European security improvement. Due to this Poland very actively engages into missions, operations and initiatives under the auspices of NATO, UE and UN, and the Global Coalition to fight the so-called Islamic State.