

COVID 19

CRIMINAL

JUSTICE

CAMPAIGN

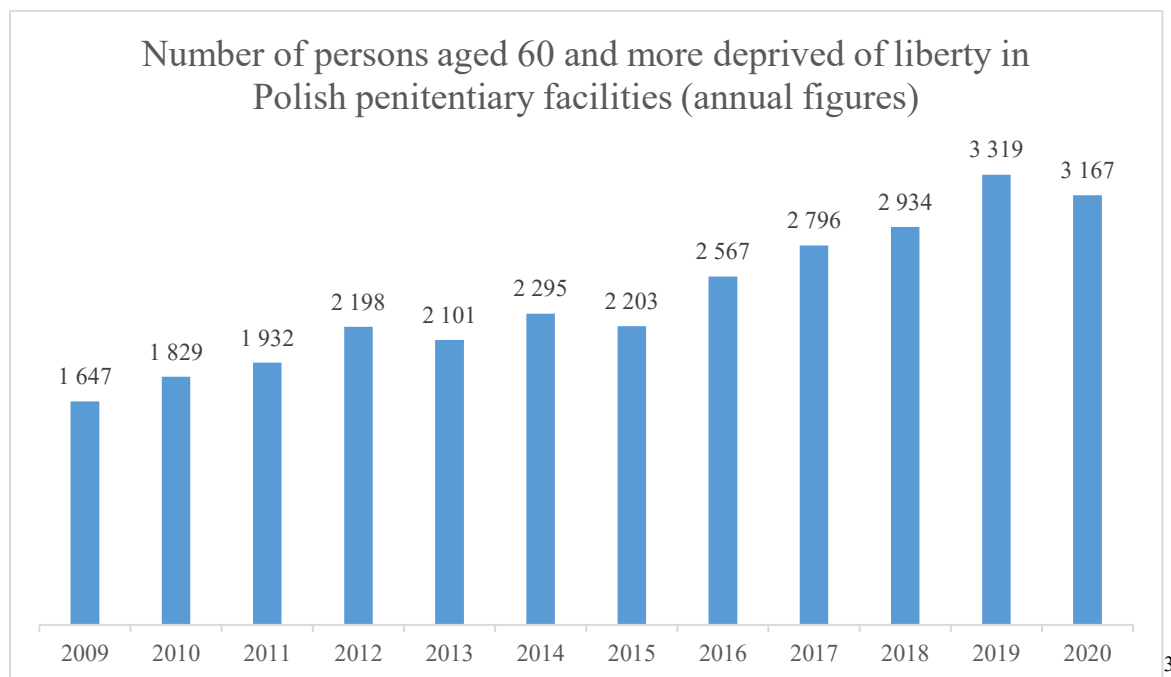
POLAND

**Impact of the coronavirus pandemic
on the criminal justice system**

Situation of inmates of Polish penitentiary facilities
during the pandemic - update

A total of 172 prisons, remand centres and external detention units operate in Poland. On the eve of the outbreak of the SARS-CoV-2 coronavirus pandemic, nearly 75,000 persons were deprived of liberty in Poland, and the occupancy rate at the facilities exceeded 91%.¹ As of September 2021, there were a total of 71,291 people in remand centres and prisons, and the occupancy rate at those facilities was 86.77%.²

Number of persons aged 60 and more deprived of liberty in Polish penitentiary facilities



The SARS-CoV-2 coronavirus mostly affects persons over the age of 60. As the above chart suggests, the number of inmates aged 60+ has been steadily increasing since 2015, from 2,203 (2015) to 3,319 (2019), which translates into an increase of over 50% (1,000 prisoners and persons held on remand). Notably, the number of inmates of penitentiary facilities aged 60+ increased also over an earlier period (since 2009).

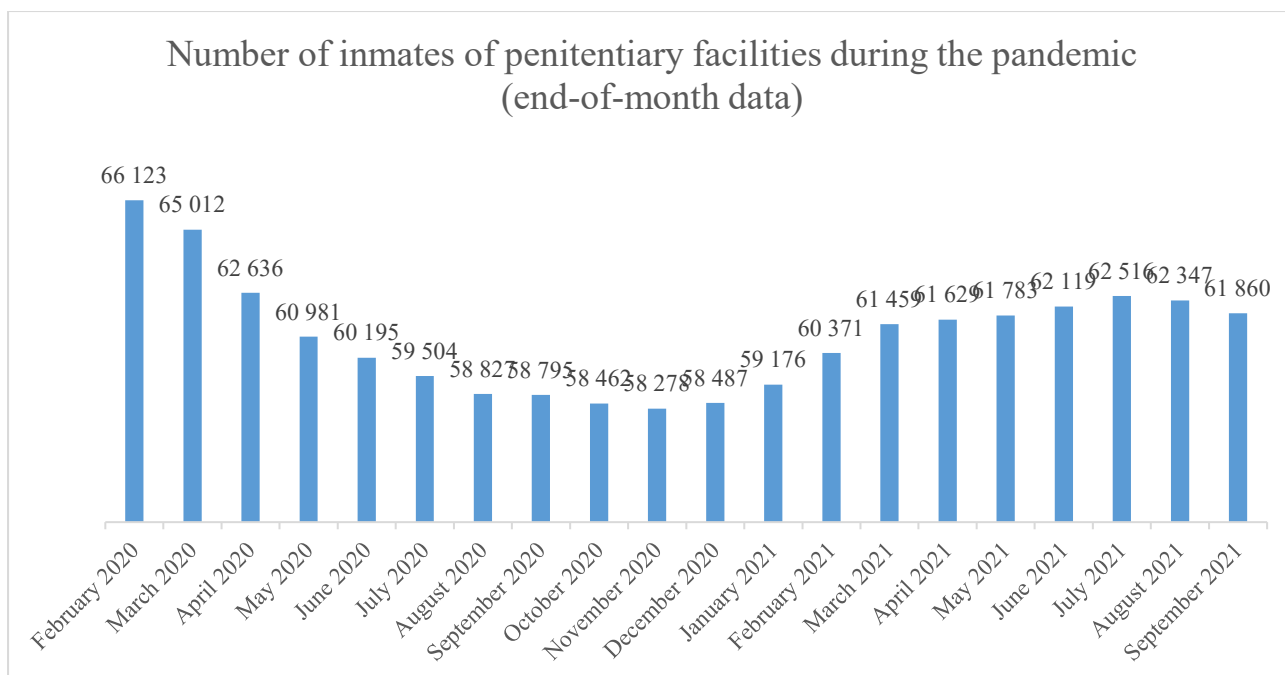
Number of inmates of penitentiary facilities during the pandemic (end-of-month data)⁴

¹ HFHR, *Prawa człowieka w dobie pandemii. 10 miesięcy, 10 praw, 10 ograniczeń, 10 rekomendacji na przyszłość...* (Human Rights in the times of a pandemic. 10 months, 10 rights, 10 restrictions, 10 recommendations for the future...), Warszawa 2021, p. 53, <https://www.hfhr.pl/wp-content/uploads/2021/01/Prawa-czlowieka-w-dobie-pandemii.pdf>.

² Statistics published by the Prison Service at <https://www.sw.gov.pl/dzial/statystyka>.

³ The chart is based on the statistics published by the Prison Service at <https://www.sw.gov.pl/dzial/statystyka>.

⁴ The chart is based on the statistics published by the Prison Service at <https://www.sw.gov.pl/dzial/statystyka>.



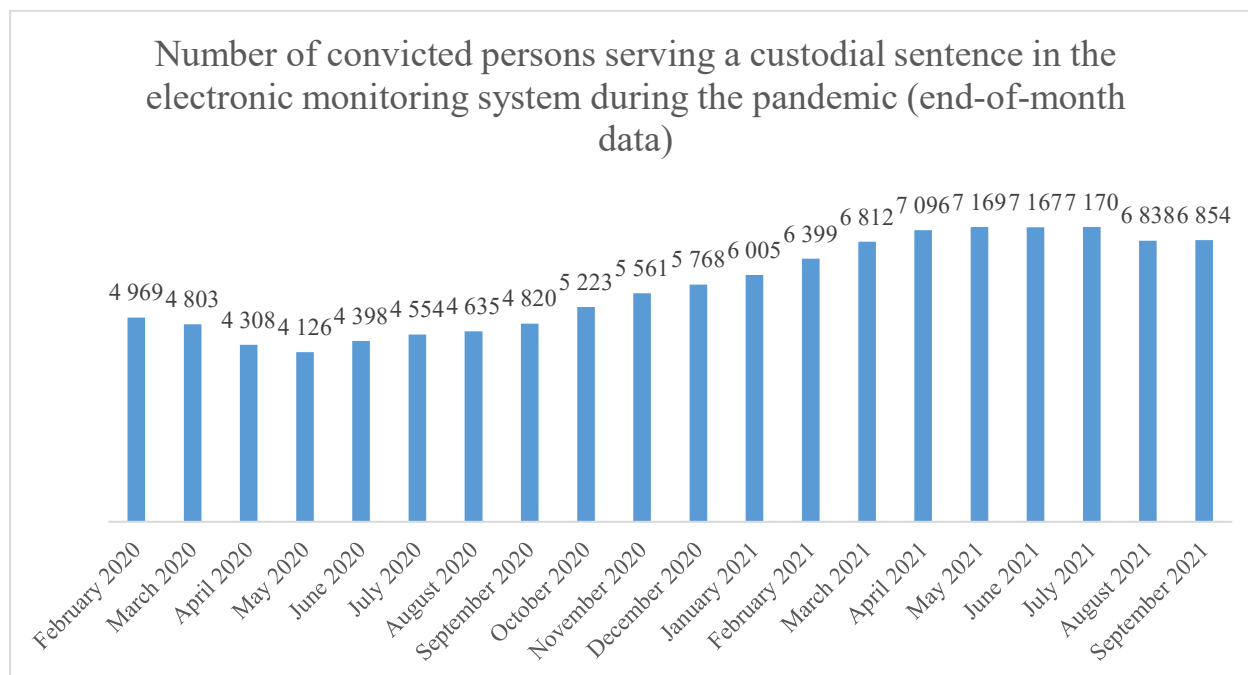
In the SARS-CoV-2 coronavirus pandemic-stricken Poland, we have observed a systematic decrease in the number of convicted persons serving custodial sentences. Between February and December 2020, the number of inmates in penitentiary facilities was steadily decreasing, from 66,123 to 58,278. This represents a decrease of almost 8,000, or 12%.⁵ However, since December 2020, the number of convicted persons in penitentiary facilities has been systematically increasing and in July 2021 it amounted to 62,516 people, which means an increase by over 4,000 inmates within the last 8 months. It is also worth noting that the largest increases of 1,000 people occurred between January and February 2021 and February and March 2021, when the third wave of SARS-CoV-2 coronavirus in Poland began.

Number of convicted persons serving a custodial sentence in the electronic monitoring system during the pandemic

The decrease in the population of penitentiary facilities was certainly an outcome of many factors, one of them being the wider availability of the electronic monitoring system. A law which entered into force on 31 March 2020 allows convicted persons to apply for the permission for serving their custodial sentences (up to 18 months) in the electronic monitoring system (under the “old” law, only convicted persons sentenced to a prison term of no more

⁵ *Prawa człowieka w dobie pandemii...*, p. 53.

than 12 months were able to apply for serving their sentences in the electronic monitoring scheme).⁶



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Notably, it was not until the period of June 2020 to July 2021 when the scheme became more frequently used. In May 2020, 4,126 persons were serving their sentences in the electronic monitoring system. In July 2021, the figure rose to 7,170.

Number of convicted persons released for the duration of prison leave (end-of-month data)⁸

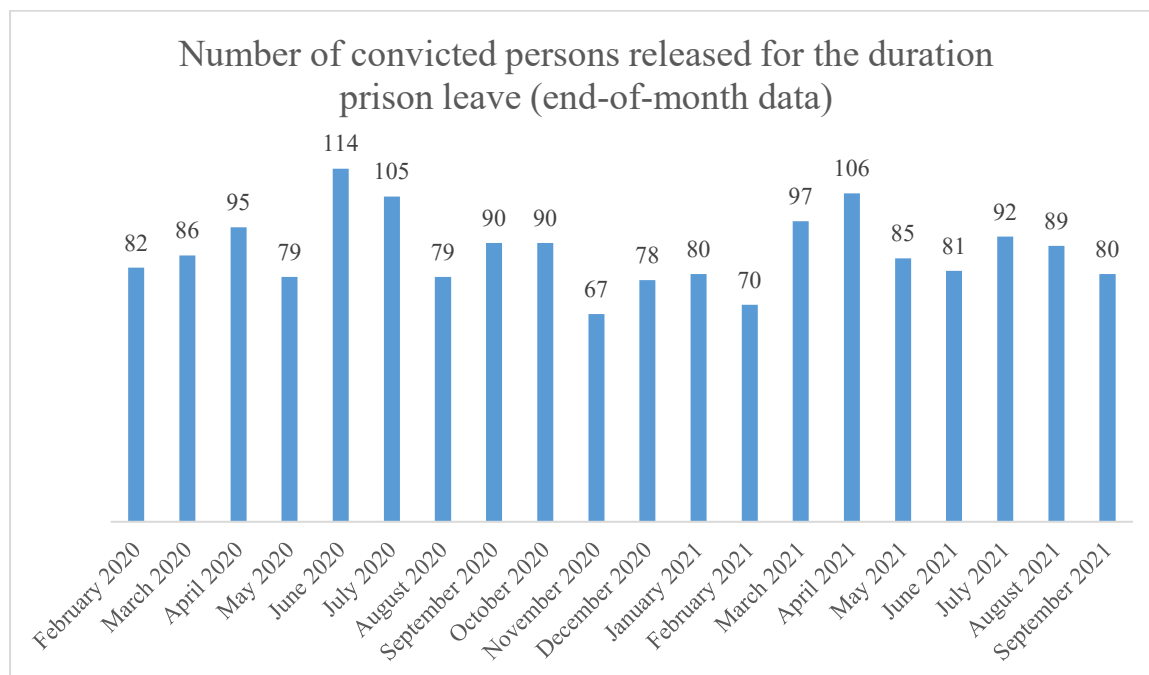
On 31 March 2020, heads of penitentiary facilities were granted additional option to apply for a break in the execution of imprisonment (prison leave) in a situation where such a break would

⁶ Art. 15 (1) of the Act of 31 March 2020 amending the Act on special measures related to preventing, counteracting and combating COVID-19, other infectious diseases and the ensuing emergencies and certain other acts (Journal of Laws of 2020, item 568, as amended) amending Art. 431a § 1 (1) of the Code of Execution of Criminal Sentences.

⁷ The chart is based on the statistics published by the Prison Service at <https://www.sw.gov.pl/dzial/statystyka>.

⁸ The chart is based on the statistics published by the Prison Service at <https://www.sw.gov.pl/dzial/statystyka>.

contribute, among other things, to a reduction or elimination of a risk associated with the pandemic, has so far not proven to be effective.⁹



The data presented in the above graph show only a slight increase in the number of prison leaves granted during the pandemic. From 31 March 2020, the monthly number of granted prison leaves only three times exceeded 100 (in June – 114, July 2020 – 105 and April 2021 – 106).

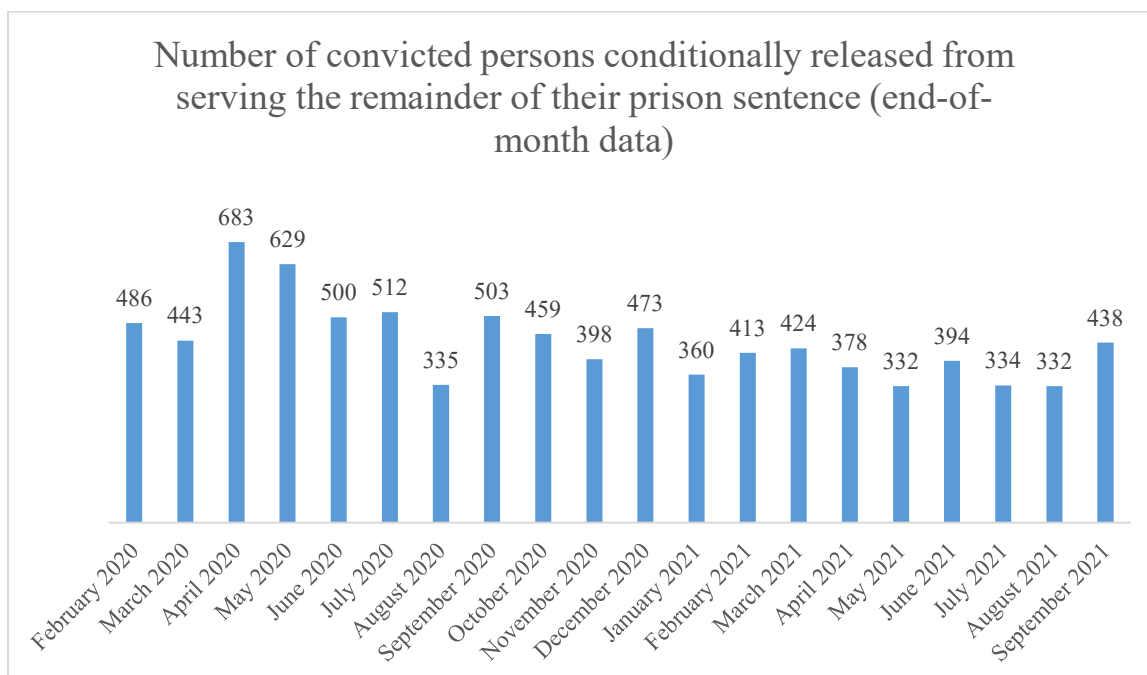
Number of convicted persons conditionally released from serving the remainder of their prison sentence (end-of-month data)¹⁰

The pandemic has not caused any legislative changes that would lead to the relaxation of conditions for the conditional early release (parole) or introduce additional procedures for the application of parole.¹¹

⁹ Art. 14c of the Act of 2 March 2020 on special measures related to preventing, counteracting and combating COVID-19, other infectious diseases and the ensuing emergencies (consolidated text: Journal of Laws of 2020, item 1842, as amended).

¹⁰ The chart is based on the statistics published by the Prison Service at <https://www.sw.gov.pl/dzial/statystyka>.

¹¹ *Prawa człowieka w dobie pandemii...*, p. 55.



Still, the statistics show that the number of prisoners released on parole increased from 443 to 683, already in April 2020. However, the practice of the following months did not confirm an upward trend.¹²

Conclusions

- Between February and December 2020, the number of inmates in penitentiary facilities was steadily decreasing, from 66,123 to 58,278.
- Currently, despite the renewed increase in the number of inmates in penitentiary institutions, their number from March 2021 is at a similar level, in number varying from 61,459 to 62,516.
- The execution of custodial sentences in the electronic monitoring system has become more and more popular. In May 2020, 4,126 persons were serving their sentences in the electronic monitoring system. In July 2021, the figure rose to 7,170.
- The SARS-CoV-2 coronavirus pandemic in Poland has not made the use of institutions such as the prison leave or the conditional early release more popular.

¹² *Prawa człowieka w dobie pandemii...*, p. 55.

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