XLV POLISH YEARBOOK OF INTERNATIONAL LAW
2025
DOI 10.24425/PYIL.2026.3115
PL ISSN 0554-498X
e-ISSN 2957-1510

*Izabela Trybus, Elena Wasylew**

HEALING AS JUSTICE FOR SURVIVORS OF TORTURE: IMPLEMENTING THE RIGHT TO REHABILITATION IN POLAND

Abstract: *Survivors of torture, conflict-related sexual violence and other violations of international law – many of whom are forcibly displaced – face significant barriers in accessing rehabilitation and psychosocial support in Poland. The current measures are incomplete and not integrated into a unified public policy framework. The analysis is based on Poland's obligations under the UN Convention against Torture and the practices of the UN Committee against Torture. It states that the right to rehabilitation applies to all survivors within Poland's jurisdiction, regardless of where the violations occurred or who committed them. The analysis finds that Poland lacks specialised, multidisciplinary services, effective identification, referral systems and adequately trained staff. It also describes how procedures that ignore trauma can increase the risk of retraumatisation. The article emphasises that survivor-centred and trauma-informed approaches are essential. Using case studies and practical experience from NGOs working with Ukrainian refugees and others, the article shows that civil society bears most of the responsibility for organising and providing rehabilitation. The authors highlight good practices developed by NGOs and other professionals. They propose recommendations for health services, justice institutions, public administration and NGOs which would focus on creating a coordinated, multidisciplinary system for early identification, safe referral and the comprehensive rehabilitation of survivors.*

* Izabela Trybus, a certified psychotherapist and psychotraumatologist experienced in working with survivors and refugees and President of the Polish Centre for Torture Survivors; e-mail: itrybus@yahoo.com; ORCID: 0009-0005-9443-2289. Elena Wasylew, a human rights researcher and co-author of the report by the Helsinki Foundation for Human Rights, *In Search of Justice: The Rights of Victims and Survivors of Serious Violations of International Law Committed during the Full-Scale Aggression of the Russian Federation against Ukraine*; e-mail: elenawasylew@gmail.com; ORCID: 0009-0004-5588-287X.

Keywords: trauma-informed care, referral system for survivors of torture, comprehensive approach to justice, accountability for international crimes, survivor-centred approach

INTRODUCTION

Poland is currently home to close to one million refugees from Ukraine.[1] Many arrived having endured torture and ill-treatment. People from Belarus, fleeing a regime whose systematic use of torture is well documented, are also present.[2] Some torture survivors[3] in Poland have experienced sexual violence, which in the context of armed conflict may also amount to torture and may violate international humanitarian law and international human rights law.[4] For all survivors of torture, justice often remains out of reach. Prosecutions are rare and slow. Reparations are a distant prospect. Even when accountability is eventually secured, no court ruling can undo the physical injuries, the psychological trauma or the daily challenge of building a new life in a foreign country: finding work, remaining self-reliant and reclaiming one's dignity. The article argues that achieving comprehensive justice for survivors of torture and other serious violations of international law requires looking beyond courtroom proceedings. It requires fulfilling the right to rehabilitation. Rehabilitation – encompassing medical, psychological, legal and social support – is not a supplement to justice; it is an integral part of it and is legally guaranteed under the international human rights treaties that Poland has ratified. It is also urgent: healing must begin now.

Poland has been at the forefront of accountability efforts since the earliest days of the war. Four days after Russia's full-scale invasion began, Polish prosecutors opened a criminal investigation into international crimes committed by Russia.[5]

---

[1] UNHCR, *Poland Fact Sheet* (September 2024), available at: https://www.unhcr.org/sites/default/files/2024-11/bi-annual-fact-sheet-2024-09-poland.pdf (accessed 31 March 2026).

[2] Office for Foreigners, *Raport na temat obywateli Białorusi* [Report on Belarusian nationals in Poland], April 2025, available at: https://www.gov.pl/attachment/ee780adf-52c0-4569-806e-9dd76fe26922 (accessed 31 March 2026).

[3] For ease of reference, "torture survivors" is used here to include survivors of torture and of other cruel, inhuman or degrading treatment or punishment, as defined in the Convention against Torture (UN CAT), unless the context indicates otherwise.

[4] International Committee of the Red Cross, *Q&A: Sexual Violence in Armed Conflict*, 24 August 2014, available at: https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers; OHCHR, *Conflict-Related Sexual Violence in Ukraine (and related reporting)*, available at: https://ukraine.ohchr.org/en/conflict-related-sexual-violence-ukraine-EN; ICC, *Elements of Crimes* (2011), available at: https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf (all accessed 31 March 2026).

[5] National Prosecutor's Office, *Komunikat o polskim i międzynarodowym śledztwie dotyczącym rosyjskiej inwazji na Ukrainę* [Statement on the Polish and international investigation into the Russian invasion of Ukraine], February 2025, available at: https://tinyurl.com/mr45nu9d (accessed 31 March 2026).

Poland was also a founding member of the Joint Investigation Team, along with Lithuania and Ukraine – and later joined by four other EU Member States, Eurojust, Europol and the ICC – to coordinate the collection and preservation of evidence and to facilitate prosecutions at national and international level.[6] This is a meaningful contribution to accountability. However, accountability is only one aspect of justice. Survivors in Poland – whether or not they have testified – are entitled to rehabilitation: access to medical care, psychological support, legal aid and social services that restore their health, autonomy and dignity and that facilitate their full reintegration into society. Poland is actively investigating Russia's international crimes in Ukraine, but has yet to establish a system to help survivors in their recovery. Both are obligations under international law, and neither can be delayed.

Most refugees who arrived in Poland sought work and tried to support themselves. The majority of working-age Ukrainian refugees were employed in 2024 – and their presence positively contributed to the Polish economy.[7] Many of those who arrived, however, carry injuries that are not always visible. Torture can leave lasting physical and psychological harm. Some survivors manage to work despite what they have endured. Others cannot, because their injuries make it impossible. All of them, regardless of their circumstances, may need support to heal and to rebuild their lives in a country that is not their own.

There is a clear legal framework underpinning the duty of states to provide such support to survivors of torture. Poland ratified the Convention against Torture (UN CAT) in 1989. Art. 14 obliges every State Party to ensure that survivors of torture can access rehabilitation.[8] In November 2024, Poland ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).[9] Art. 24(5) of that Convention recognises the right to reparation, including the means for as complete rehabilitation as possible for victims and their families.[10] The UN Committee against Torture (CAT) has repeatedly raised the

[6] Eurojust, *Joint Investigation Team into Alleged Crimes Committed in Ukraine*, available at: https://www.eurojust.europa.eu/joint-investigation-team-alleged-crimes-committed-ukraine (accessed 31 March 2026); *see also* H. Kuczyńska, M. Nasiłowski, *The Polish Investigation into Core Crimes Committed in Ukraine: Practical Aspects of the Functioning of the JIT*, 43 Polish Yearbook of International Law 323 (2023).

[7] Deloitte for UNHCR, *Analysis of the Impact of Refugees from Ukraine on the Economy of Poland*, 2nd ed., June 2025, available at: https://data.unhcr.org/en/documents/details/116621 (accessed 31 March 2026).

[8] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987), 1465 UNTS 85, Art. 14. Poland ratified the Convention on 26 July 1989 (Journal of Laws 1989, No. 63, item 378).

[9] Ministry of Justice of the Republic of Poland, *Poland Ratifies the UN Convention on Enforced Disappearances*, 5 November 2024, available at: https://www.gov.pl/web/justice/poland-ratifies-the-un-convention-on-enforced-disappearances (accessed 31 March 2026).

[10] International Convention for the Protection of All Persons from Enforced Disappearance (adopted 20 December 2006, entered into force 23 December 2010), 2716 UNTS 3, Art. 24(5).

concern that Poland lacks specialised rehabilitation services. Its 2019 Concluding Observations urged the government to bring national practice into compliance with Art. 14, specifically recommending the establishment of specialised rehabilitation services for torture survivors.[11] Six years on, the gap remains.

This article makes three arguments. First, rehabilitation is not a discretionary policy choice but a binding legal obligation under treaties which Poland has ratified. Second, the current Polish system is fragmented, underfunded and ill-equipped to address the needs of torture survivors – and fails to fulfil that obligation. Third, a survivor-centred, multidisciplinary rehabilitation approach is both legally required and practically achievable.

The article draws on two sources. The first is direct clinical work with survivors of torture and conflict-related sexual violence in Poland. The second is reports published by Polish NGOs documenting survivor testimonies, the challenges they face in accessing justice and rehabilitation services and policy gaps – including research conducted by the Helsinki Foundation for Human Rights (HFHR) and other publicly available reports and data.[12] Together, these sources inform the analysis of systemic failures, the recommendations for reform and the conclusions on what a survivor-centred framework should contain.

1. REHABILITATION AS A RIGHT

Understanding Poland's obligations starts with clarifying what the right to rehabilitation means in international law and why it is significant in Poland's current situation. Following Russia's full-scale invasion of Ukraine in February 2022, Poland became a host country for nearly one million Ukrainian refugees. Russia bears the primary obligation to provide full and effective reparation, including rehabilitation, to survivors of the grave violations of international law committed by its forces – and to the families of those killed, forcibly disappeared or otherwise harmed.[13] But

[11] UN Committee against Torture, *Concluding Observations on the Seventh Periodic Report of Poland*, UN Doc CAT/C/POL/CO/7, 29 August 2019, para. 39.

[12] Helsinki Foundation for Human Rights (HFHR), *In Search of Justice: The Rights of Victims and Survivors of Serious Violations of International Law Committed during the Full-Scale Aggression of the Russian Federation against Ukraine*, Warsaw: 2024, available at: https://hfhr.pl/en/publications/in-search-of-justice; HFHR, *Accountability for International Crimes as a Condition for Lasting Peace in Ukraine*, Warsaw: 2024, available at: https://hfhr.pl/en/publications/accountability-for-international-crimes-as-a-condition-for-lasting-peace-in-ukraine (both accessed 31 March 2026).

[13] UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, 16 December 2005, UN Doc A/RES/60/147.

Poland carries its own obligation to ensure that survivors of torture on its territory can access rehabilitation.

The scope of this obligation is broad. Under Art. 14 UN CAT, as clarified by CAT General Comment No. 3 (2012), states must ensure that all survivors of torture and ill-treatment have access to redress and full rehabilitation without discrimination, including refugees and asylum seekers.[14] This is a binding obligation that Poland must fulfil for survivors within its jurisdiction. It is not limited to violations committed on the State Party's territory or by the agents of that state, and it is equally important where a survivor cannot effectively obtain redress in the place where the violation occurred. This includes all survivors of torture and ill-treatment residing in the country, including people seeking international protection. As explained in sections 2 and 4, Poland has so far failed to meet this obligation for any of these groups.

Rehabilitation is more than medical treatment. It is the process of restoring health, autonomy and participation in community life. General Comment No. 3 (2012) defines it as comprehensive and multidisciplinary, combining medical, psychological, legal and social support.[15] The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005) identify rehabilitation as a core element of reparation – alongside restitution, compensation, satisfaction and guarantees of non-repetition.[16]

Poland's failure to implement Art. 14 UN CAT is part of a wider pattern. The CAT's Concluding Observations on Poland have raised concerns about the absence of a standalone criminal offence of torture and the lack of specialised rehabilitation services across successive review cycles – without an adequate response from the Polish authorities.[17] Polish criminal law contains structural gaps in its alignment with international treaty obligations. The absence of a standalone criminal offence

[14] UN CAT, *General Comment No. 3 (2012): Implementation of Article 14 by States Parties*, 13 December 2012, UN Doc CAT/C/GC/3, paras. 22–23. *See* N. Sveaass et al., *Rehabilitation in Article 14 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, 51(1) International Lawyer 1 (2018); N. Sveaass, *Gross Human Rights Violations and Reparation under International Law: Approaching Rehabilitation as a Form of Reparation*, 4(1) European Journal of Psychotraumatology 1 (2013); A. Shkembi, A. Dura, *Prohibition against Torture in International Law: United Nations Treaty Body*, 2(8) Academic Journal of Interdisciplinary Studies 61 (2013).

[15] UN CAT (*General Comment No. 3*), *supra* note 14, paras. 11–12.

[16] UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, 16 December 2005, UN Doc A/RES/60/147, Principle 21.

[17] UN CAT, *supra* note 11, paras. 9-10 and 39; UN CAT, *Concluding Observations on the Fifth and Sixth Periodic Reports of Poland*, 29 August 2013, UN Doc CAT/C/POL/CO/5-6, paras. 8–9. The CAT's concerns about the absence of a standalone torture offence and inadequate provision of rehabilitation have been raised across successive review cycles.

of torture, a requirement under UN CAT, has been identified by the CAT and other actors as a central legislative deficiency that Poland has yet to address.[18] Poland's failure to build a functioning rehabilitation system for torture survivors is not an isolated shortcoming. It reflects a broader difficulty in translating international human rights obligations into domestic practice.

2. SURVIVOR-CENTRED JUSTICE: WHAT IT REQUIRES

2.1. Recognising survivors' rights and needs when they share testimonies

Given the scale of violations documented as having been committed by the Russian Federation in Ukraine, it is reasonable to expect that among the one million refugees present in Poland, a significant number will have endured violence. Between August 2022 and December 2023, the HFHR spoke with more than 1,800 refugees from Ukraine and conducted over 100 in-depth interviews to document the testimonies of people who had survived or witnessed torture, arbitrary detention, sexual violence and other violations of international humanitarian and human rights law.[19] Most of the interviewees were employed, yet their physical injuries and trauma made daily life difficult.

> **Jurij's story of surviving torture:**[20] *Jurij is from a part of southern Ukraine now under Russian occupation. In 2023, he was arbitrarily detained for days by armed men linked to Russian security services. He was beaten repeatedly, subjected to electric shocks, threatened and deprived of access to food and water. After his release, he fled Ukraine through Russia and finally reached Poland, where his wife and children had already found safety. Jurij reached out to HFHR to give his testimony. He said, "I want my story to be known. I do not want my pain to be for nothing." During the interview, when asked about the after-effects of torture, he quietly mentioned that the beatings had shattered his teeth and jaw. In Poland, he waited months for a doctor's appointment*

[18] P. Grzebyk et al., *Efektywne ściganie zbrodni międzynarodowych w Polsce* [Effective prosecution of international crimes in Poland], HFHR, Warszawa: 2024, pp. 5–6 and 43–44; Polish Commissioner for Human Rights, *Wystąpienie generalne do Ministra Sprawiedliwości w sprawie penalizacji tortur jako odrębnego przestępstwa* [General Submission to the Minister of Justice on the Criminalisation of Torture as a Standalone Offence], 30 August 2024, available at: https://bip.brpo.gov.pl/pl/content/rpo-tortury-oddzielne-przestepstwo-ms-odpowiedz (accessed 31 March 2026).

[19] HFHR, *In Search of Justice: The Rights of Victims and Survivors of Serious Violations of International Law Committed during the Full-Scale Aggression of the Russian Federation against Ukraine*, Warsaw: 2024, available at: https://hfhr.pl/en/publications/in-search-of-justice (accessed 31 March 2026).

[20] This article draws on excerpts from testimony published in the media and by the Polish organisation Polska Pomoc Medyczna, *Pomoc dla ocalałego z rosyjskich tortur [Help for a survivor of Russian torture]*, available at: https://pmm.org.pl/pomoc-dla-ocalalego-z-rosyjskich-tortur/ (accessed 31 March 2026).

before learning that the Polish health care system could not help him. There is no mechanism for recognising torture survivors as being entitled to priority care – only persons with disabilities, war veterans and honorary blood donors hold such status. When he finally saw a doctor, he was told the state health care fund did not cover the treatment he needed. HFHR's caseworker spent nearly a year contacting NGOs and medical professionals. Eventually, a Polish NGO organised a crowdfunding campaign, which allowed Jurij to begin private dental treatment. He is now receiving care.

Jurij's case exposes the failure of the system. Access to rehabilitation should not depend on a caseworker's determination or a stranger's donation. It is a right. Survivors living in Poland – whether or not they engage with the justice system as victims and witnesses of international crimes – need access to medical care, psychological support and social assistance. These are not supplementary services; they are components of the legally guaranteed right to rehabilitation under Art. 14 UN CAT.

Section 1 established that Art. 14 UN CAT requires Poland to ensure access to full redress – including rehabilitation – for all survivors of torture and ill-treatment in the country, whether the abuse occurred abroad or in Poland. This section turns to implementation. Poland has not incorporated torture as a standalone offence in its Criminal Code.[21] That gap has direct consequences for obtaining redress. Without a specific offence of torture, Polish criminal law does not reflect the gravity of the harm that international law recognises, and fails to establish torture as a distinct type of criminal offence in domestic law.[22] The absence of a standalone criminal offence of torture is one of the central structural deficiencies requiring legislative correction.[23] As a result, survivors of torture – whether the violence occurred in Poland or abroad – face the same structural barriers to accountability and full redress that Art. 14 guarantees, including rehabilitation.

Legal reform is necessary to ensure that domestic law reflects the full gravity of torture, but it is not enough. Poland must also build a system of comprehensive, multidisciplinary support delivered by professionals who are trained to recognise and respond to its consequences. That system rests on two complementary frameworks: the survivor-centred approach and the trauma-informed approach.

[21] UN CAT, *supra* note 11, paras. 9–10

[22] *Ibidem*, para. 9. *See also* UN Subcommittee on Prevention of Torture, *Report on the Visit to Poland*, UN Doc CAT/OP/POL/1 (2018); Polish Commissioner for Human Rights, *Position on the Criminalisation of Torture as a Separate Offence in Polish Law*, available at: https://bip.brpo.gov.pl/en/content/torture-should-be-separate-crime-ministry-justice-shares-chrs-position-change-law-needed (accessed 31 March 2026).

[23] Grzebyk et al., *supra* note 18, pp. 5–6.

2.2. Protecting survivors during criminal proceedings

This article addresses the experiences of Ukrainian refugees who survived torture during armed conflict. Many are now participating in accountability processes, sharing testimonies and providing evidence in support of criminal investigations in Poland or elsewhere. This engagement requires that two points be clarified.

Firstly, the right to rehabilitation applies to all survivors regardless of whether they participate in those processes. It is unconditional – and must be provided without any requirement that survivors seek judicial remedies or testify.[24] Secondly, when survivors engage with the justice system, it must be designed to protect them. Survivors who give testimony face additional risks to their safety, their psychological well-being and their social stability. Participating in proceedings can help restore dignity and a sense of justice, but only where procedures are carefully designed to prevent retraumatisation.[25] A justice system that engages with survivors of torture must therefore treat them not only as witnesses, but also as people with ongoing medical, psychological and social needs.[26]

The survivor-centred approach[27] is a foundational framework for working with survivors of torture, sexual violence, human trafficking and other forms of violence associated with armed conflict and forced migration. It places the dignity, autonomy and agency of the survivor at the centre of every intervention – whether medical, psychological, legal or institutional. Its core principles are survivors' right to decide on the type and scope of support at their own pace; the use of language free from blame or moral judgment; strict confidentiality governed by a need-to-know principle; informed consent at every stage, with the right to withdraw at any time; and the active prevention of retraumatisation. Crucially, it means working with survivors, not for them – recognising their agency and restoring their sense of control. This is the foundation of psychological recovery. In legal procedures – interviews, forensic examinations and testimony – a survivor-centred approach requires informed consent at every stage, allowing the presence of a support person, ensuring

[24] IRCT, *Global Standards on Rehabilitation*, Copenhagen: 2020, available at: https://irct.org/gsr/ (accessed 31 March 2026). *See also* UN CAT (*General Comment No. 3*), *supra* note 14, para. 11.

[25] UN Special Rapporteur on Torture, *Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 2 January 2026, UN Doc A/HRC/61/42, Art. 4(a) (right to safe, confidential spaces to share testimonies) and Art. 5(b) (right to complain with guaranteed privacy, health, safety and dignity, and protection from revictimisation and retaliation).

[26] REDRESS, *A Survivor-Centred Approach to Seeking Reparation for Torture*, Practice Note 11, February 2024, available at: https://redress.org/wp-content/uploads/2024/02/Practice-Note-11-on-SCA_WEB.pdf (accessed 31 March 2026).

[27] UN, *United Nations Field Missions, Preventing and responding to Conflict-Related Sexual Violence* (2019), available at: https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/02/DPO-DPPA-SRSG-SVC-OHCHR-Policy-on-Field-Missions-Preventing-and-Responding-to-CRSV-2020.pdf (accessed 31 March 2026).

adequately trained personnel and avoiding confrontational, suggestive, judgmental or blaming questions.

The trauma-informed approach requires professionals to understand how trauma affects psychosocial functioning and to organise their practice accordingly. It draws on established clinical guidelines, including those developed by SAMHSA.[28] In practice, this means recognising responses to trauma – dissociation, shutdown, freezing or hypervigilance – and actively working to prevent retraumatisation. Retraumatisation occurs when a survivor encounters stimuli or circumstances that trigger reactions similar to the original trauma. It does not require a new act of violence. Common triggers include stigmatising or blaming language, repeated interviews, breaches of confidentiality and medical procedures that physically resemble torture or sexual violence – including dental and gynaecological examinations. The resulting symptoms can be severe: panic, anxiety, dissociation, flashbacks, shame, helplessness and physiological reactions such as tachycardia, muscle tension and nausea. Each episode deepens the traumatic imprint. Over time, retraumatisation can cause survivors to withdraw from legal proceedings entirely – and with them, their testimony.

Preventing retraumatisation requires a clear explanation of procedures in advance, minimisation of repeated interviews, consistent use of non-stigmatising language and conditions that allow the survivor to feel safe. These are not administrative details; they are internationally recognised professional standards – set out in the Istanbul Protocol and embedded in both the survivor-centred and trauma-informed approaches – that state institutions are expected to apply when working with survivors of torture.[29] If the standards are not followed, the institutions designed to deliver justice risk causing harm instead.

Psychosocial support for survivors of torture and sexual violence takes many forms: providing individual and group therapy, issuing expert opinions, preparing survivors for testimony, accompanying them during interviews and legal proceedings and providing emotional support throughout the process. Preparing a survivor to testify is among the most demanding of these. It is a clinical process in its own right. It helps the survivor learn stabilising techniques, identify personal resources and understand what to expect. When done well, giving testimony can be empowering: it is an act of agency, of having one's experience recognised and of

[28] Substance Abuse and Mental Health Services Administration, *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach* (2014), available at: https://tinyurl.com/3p8t28nk (accessed 31 March 2026).

[29] UN OHCHR, *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 2nd rev. ed., HR/P/PT/8/Rev.2, UN, New York-Geneva: 2022.

contributing to justice. But recounting traumatic events carries real risks. Anxiety can escalate quickly, impairing memory and the ability to communicate. Without the right conditions – including the survivor's control over the pace and breaks – survivors may be unable to give their full testimony, or they may withdraw from the legal proceedings altogether. Psychosocial support before, during and after testimony is not an addition to the justice process. It is what makes meaningful participation in it possible.

The professionals working with survivors also need support. Prosecutors repeatedly exposed to accounts of extreme violence are themselves at risk of vicarious trauma[30] or secondary traumatic stress,[31] which can reduce emotional capacity, heighten irritability and affect the tone and quality of questioning. Clinical experience also shows that survivors who appear stable during testimony may experience acute distress afterwards and seek emotional reassurance from the prosecutor, who then becomes the unintended recipient of activated trauma. Prosecutors must be able to refer survivors to trained professionals immediately. Access to psychotraumatological support is therefore necessary not only for survivors, but also for the legal professionals working with them.

In Poland today, both frameworks are largely absent from the institutions that survivors encounter. During professional training on war-related trauma, practitioners frequently report fear, anxiety and a sense of unpreparedness when engaging with survivors. Psychologists contracted through the public health care system and court-appointed expert psychologists often lack the relevant training. The burden then falls to NGO specialists – who provide services without sustainable funding and at significant personal cost.

The consequences of this gap are concrete. For example, survivors who were subjected to sexual violence do not receive immediate gynaecological care. Interviews conducted in so-called safe rooms become retraumatising when those rooms are located near courtrooms where survivors may encounter the perpetrators, or when interviewers ask questions such as "what were you wearing?" Asylum and legal procedures involve inappropriate questioning, untrained interpreters and long waiting periods. Torture survivors, persons who have experienced sexual violence and minors who have been incorrectly classified as adults are placed in detention centres. These are not isolated failures; they are systemic ones.

[30] L.A. Pearlman, K.W. Saakvitne, *Trauma and the Therapist: Countertransference and Vicarious Traumatization in Psychotherapy with Incest Survivors*, W.W. Norton, New York: 1995.

[31] C.R. Figley, *Compassion Fatigue: Coping with Secondary Traumatic Stress Disorder in Those Who Treat the Traumatized*, Brunner/Mazel, New York: 1995.

3. CIVIL-SOCIETY EFFORTS TO PROMOTE SURVIVORS' RIGHTS

The legal obligation to provide rehabilitation rests with the state. In Poland, in the absence of a state-led system, civil society organisations (CSOs) have taken on a dual function: supporting survivors in accessing basic psychosocial and medical services and documenting the violations they survived, thereby contributing to both rehabilitation and accountability. CSOs collect and preserve information about violations of international law, facilitate access to justice and ensure that survivors who would otherwise be invisible to state institutions can be heard.[32] The 2022 ICC–Eurojust Guidelines for Civil Society Organisations Documenting International Crimes and Human Rights Violations for Accountability Purposes formalised this role – and were themselves developed in the context of the Joint Investigation Team probing alleged crimes in Ukraine.[33]

In Poland, CSOs have performed precisely this dual function. Testimonies collected by CSOs support the investigations by Polish prosecutors. However, this work carries certain risks. Where digital tools are used without trauma-informed standards, CSO documentation can heighten the risk of retraumatisation. Mitigating this risk requires professional standards, institutional coordination and a clear allocation of responsibilities between civil society and the state.[34]

The obligation to ensure rehabilitation under Art. 14 UN CAT – and the obligation to investigate and prosecute international crimes – rests with Poland. CSO documentation supports accountability processes and ensures that survivors' voices reach prosecutors and courts. It cannot substitute for a functioning identification and referral system, adequate funding for rehabilitation services or trained state professionals. Where the state has not built that system, survivors bear the

[32] F. D'Alessandra, *The Ten-Year Revolution: Civil Society Documentation in International Criminal Justice*, 22(2) Journal of International Criminal Justice 311 (2024).

[33] ICC Office of the Prosecutor and Eurojust, *Guidelines for Civil Society Organisations Documenting International Crimes and Human Rights Violations for Accountability Purposes* (September 2022), available at: https://www.eurojust.europa.eu/joint-investigation-team-alleged-crimes-committed-ukraine (accessed 31 March 2026); K. Kowalczewska, *Demokratyzacja dokumentowania zbrodni międzynarodowych na potrzeby postępowań sądowych. Zasady minimalizacji ryzyk w kontekście Protokołu z Berkeley oraz Wytycznych Biura Prokuratora Międzynarodowego Trybunału Karnego, Eurojustu i Genocide Prosecution Network* [Democratization of documenting international crimes for the purposes of judicial proceedings. Risk minimization principles in the context of the Berkeley Protocol and the Guidelines of the Office of the Prosecutor of the International Criminal Court, Eurojust, and the Genocide Prosecution Network], in: K. Wiśniewska (ed.), *Prawo na straży pokoju. W poszukiwaniu efektywnych mechanizmów ochrony praw ofiar współczesnych konfliktów zbrojnych*, Krakowski Instytut Prawa Karnego, Kraków: 2025, pp. 69–104.

[34] K. Kowalczewska, *Heightened Risk of Revictimization as a Challenge Stemming from Digitalization and Democratization of International Criminal Justice Efforts: Case Study of the Polish Civil Society Organisations in the Aftermath of Russian Aggression on Ukraine*, in: M. Ochi, R. Barbosa & L. Bai (eds.), *Victim-Centered Criminal Justice*, Maklu Publishers, Antwerpen-Apeldoorn-Portland: 2024, pp. 99–128.

consequences; increasingly, NGO workers are also carrying that burden without sustainable support.[35]

The Coalition for Victims, Witnesses and Survivors (KOOS) brings together several organisations working across the full spectrum of survivors' needs.[36] OPORA in Poland, a Ukrainian diaspora group, provides legal and psychological support to refugee survivors and has experience screening refugees for legal violations at scale.[37] The Polish Centre for Torture Survivors trains professionals in trauma-informed practices and provides direct support to survivors of torture and conflict-related sexual violence.[38] The Foundation Sunflowers raises awareness among the legal community of victims' rights and international-law standards, and it assists Ukrainian survivors in securely registering their testimonies on a digital platform connected to the International Criminal Court.[39] The Lemkin Centre at the Pilecki Institute documents atrocities for the historical record, including the collection of testimonies of survivors of conflict-related sexual violence committed by Russian forces in Ukraine.[40] HFHR monitors individual survivor cases, provides legal aid, facilitates referrals to services and advocates for policy change.[41]

Together, the Coalition's member organisations have reached thousands of survivors seeking justice, many of whom require psychosocial, medical and legal assistance. Yet without governmental coordination or reliable funding, even this collective effort remains fragmented. Civil society cannot substitute for a functioning state system. It can only highlight how urgent the need for one has become.

4. WHAT EXISTS TODAY: A FRAGMENTED ARCHITECTURE NOT DESIGNED FOR SURVIVORS

Poland's rehabilitation-related services are dispersed across several unrelated systems, none of which were designed to support survivors of torture. More fundamentally, there is no institutional awareness of – let alone compliance with – the obligations

[35] CAT (*General Comment No. 3*), *supra* note 14, para. 26.

[36] HFHR, *Accountability for International Crimes as a Condition for Lasting Peace in Ukraine*, Warsaw: 2024, available at: https://hfhr.pl/en/publications/accountability-for-international-crimes-as-a-condition-for-lasting-peace-in-ukraine (accessed 31 March 2026).

[37] OPORA in Poland (War Crimes Documentation Centre), available at: https://warcrimescenter.org/en (accessed 31 March 2026).

[38] PCTS Foundation – Polish Centre for Torture Survivors, available at: https://pcts.org.pl (accessed 31 March 2026).

[39] Project Sunflowers (Foundation Sunflowers), available at: https://reportwarcrime.org (accessed 31 March 2026).

[40] M. Andruszewska et al., *"Like it or not, it's your duty, my beauty". Unpunished Crimes: Sexual Violence of the Russian Occupying Forces Against Ukrainian Women,* Instytut Pileckiego, Warszawa: 2025.

[41] Helsinki Foundation for Human Rights, available at: https://hfhr.pl/en (accessed 31 March 2026).

resulting from Art. 14 UN CAT and CAT General Comment No. 3 (2012). The absence is not merely practical. It is conceptual: state institutions do not recognise torture survivors as a distinct category of rightsholders and therefore do not treat rehabilitation as a legal obligation they are required to fulfil. Moreover, in Poland, there is a lack of experience and specialised courses in working with survivors, so practitioners do not have the knowledge of how to work effectively.

For asylum seekers, the Office for Foreigners is responsible for general medical care and limited psychological support, delivered through a contract with Petra Medica.[42] These services address basic health needs; they do not provide the specialist, trauma-focussed rehabilitation that torture survivors require. For individuals residing in Poland under other legal bases – including Ukrainians holding a PESEL UKR number[43] and other foreign nationals – the primary formal mechanism is the Justice Fund (*Fundusz Sprawiedliwości*), managed by the Minister of Justice.[44] Its Victim Support Centres can offer general legal and psychological assistance, but they were not created with torture survivors in mind. They lack specialist rehabilitation pathways, and their staff are not trained in trauma-informed approaches.

Since January 2023, the National Health Fund (*Narodowy Fundusz Zdrowia*, NFZ) has been running a pilot programme in 18 centres across Poland to provide therapeutic support for individuals affected by trauma, including war trauma and refugee experience.[45] However, the services are often linguistically inaccessible to survivors, outreach to locations where they live is limited and staff frequently lack training in trauma-informed approaches.

A recent legislative amendment introduced a partial but significant step forward. The March 2026 amendment to the Act on Granting Protection to Foreigners provided that beneficiaries of temporary protection who can demonstrate that they were subjected to torture or rape are entitled to a certificate issued by the Head of

[42] The Office for Foreigners (*Urząd do Spraw Cudzoziemców*) administers health care for asylum seekers through contracted providers; for the current contractual arrangements, *see* the Office for Foreigners website: https://udsc.gov.pl/en (accessed 31 March 2026).

[43] A national identification number issued to Ukrainian nationals granted temporary protection in Poland under the Act of 12 March 2022 on Assistance to Ukrainian Citizens in Connection with the Armed Conflict on the Territory of Ukraine (Journal of Laws 2022, item 583).

[44] Ministry of Justice of the Republic of Poland, *Fundusz Sprawiedliwości* [Justice Fund], available at: https://www.funduszsprawiedliwosci.gov.pl/en/about-jf/ (accessed 31 March 2026). The Fund was established pursuant to Art. 43 of the Executive Penal Code Act of 6 June 1997 and is governed by the Minister of Justice's Regulation of 13 September 2017 on the Victims and Post-release Assistance Fund (Journal of Laws 2017, item 1760).

[45] NFZ, *Program pilotażowy dla osób z doświadczeniem traumy i ich rodzin [A pilot program on therapeutic interventions for individuals with trauma experience] (programme running 1 January 2023 – 30 June 2026)*, available at: https://www.nfz.gov.pl/dla-pacjenta/programy-profilaktyczne/program-pilotazowy-trauma (accessed 31 March 2026).

the Office for Foreigners confirming their status as a survivor.[46] The certificate grants priority access to free medical care. It is the first formal recognition in Polish law of torture and rape survivors as a distinct group with specific legal entitlements – and, as such, a good starting point for broader policy development, which should be fully aligned with Poland's obligations under the UN CAT.

The amendment warrants monitoring. The certificate procedure requires supporting documentation, including medical records and information about any report made to law enforcement.[47] For survivors fleeing active conflict, such documentation will often be unavailable. Any procedure that treats it as a prerequisite risks excluding those most in need. The amendment also addresses only access to medical care; it does not create a referral pathway to the multidisciplinary rehabilitation services that Art. 14 UN CAT requires. How it functions in practice, and whether it can serve as a foundation for more comprehensive reform, requires continued attention.

In principle, these structures could function as access points. In practice, because none were designed for torture survivors, none identify or prioritise survivors or provide the multidisciplinary rehabilitation required under the UN CAT. The main gap is the absence of any national identification or referral mechanism. No institution – prosecutors, police, border guards, reception centres, health care professionals or Justice Fund centres – screens for torture victims or refers survivors to specialised services.[48] This gap impacts all survivors within Poland's jurisdiction: those escaping conflict zones and mass atrocities abroad, as well as those subjected to acts of torture and ill-treatment within Poland. Even where survivors interact with multiple institutions, they remain invisible to the system. The burden of navigating fragmented services falls entirely on the survivor – precisely those who are least equipped to bear it.

No official statistics exist on the number of torture survivors identified by Polish state institutions, because no functioning identification system exists. In 2023 and

[46] *Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej* [Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland], Journal of Laws 2025, item 223 as amended, Art. 112c(4) pt 2(a). Torture is defined by reference to Art. 1 of the Convention against Torture; rape is defined consistently with the amendment of 6 June 1997 to the Penal Code, Journal of Laws 1997, No. 88, item 553, as amended on 28 June 2024.

[47] The procedure requires submission of, inter alia, medical records, a psychologist's certificate and information about any report made to law enforcement; see the application form issued by Urząd do Spraw Cudzoziemców [Office for Foreigners], *Wniosek o wydanie zaświadczenia, że jestem ofiarą tortur lub gwałtu* [Application for a certificate confirming status as a survivor of torture or rape], 2026.

[48] European Council on Refugees and Exiles (ECRE), *Asylum Information Database (AIDA), Country Report: Poland – 2024 Update*, ECRE, Brussels: 2025, section on "Identification of Vulnerable Applicants", available at: https://asylumineurope.org/reports/country/poland/asylum-procedure/guarantees-vulnerable-groups-asylum-seekers/identification (accessed 31 March 2026).

2024, the Office for Foreigners confirmed that it had no data on torture survivors among asylum seekers. NGOs confirmed that the identification system established by law does not function in practice.[49] This gap is not incidental; it reflects a systemic failure to recognise torture survivors as a distinct category of rightsholders with specific, legally guaranteed entitlements. Addressing it requires not incremental adjustments to existing services, but the deliberate construction of a system that places survivors at its centre.

5. WHAT POLAND SHOULD DO

Meeting Poland's obligations requires action on two levels. The first is legislative. Poland has not incorporated torture as a standalone criminal offence, leaving a gap between its treaty obligations and domestic law. Establishing that offence – and the procedural rules governing the investigation of such crimes, including special interview procedures for survivors – is a prerequisite for a functioning accountability and rehabilitation system. The second level is institutional: the creation of a comprehensive, multidisciplinary rehabilitation framework.

Such a system is not only theoretically possible. During testimony facilitated by the National Prosecutor's Office, the Polish Centre for Torture Survivors and another NGO provided full psychotraumatological support throughout the process. The survivor was informed in advance of the date, location and procedure. He gave informed consent, was acquainted with available stabilisation strategies and had a foundation attorney as his legal representative. Representatives of the Prosecutor's Office were trained in and attentive to trauma-related issues. An interpreter was present throughout. During the interview, the survivor controlled the pace, the breaks and the language being used. The procedure took place in a safe, welcoming environment. The testimony was obtained safely, effectively and without retraumatisation. This is what survivor-centred justice looks like in practice. It is replicable. It requires training, coordination and political will.

Poland's multi-agency response to domestic violence – the nationwide *Niebieska Linia* [Blue Line] helpline and the Blue Card protocol – provides a useful, though incomplete structural model.[50] Despite persistent problems such as underfunding and gaps in specialised services, it shows that multi-agency referral systems are feasible in the Polish context. Extending and adapting these mechanisms to cover

[49] *Ibidem*. *See also* UN CAT, *supra* note 11, paras. 25(d) and 26(d).

[50] *Niebieska Linia* (Polish Nationwide Emergency Service for Victims of Domestic Violence Blue Line), available at: https://www.niebieskalinia.pl/en (accessed 31 March 2026).

survivors of torture crimes would require political will, stable resources and a clear recognition that specialist rehabilitation is not optional but legally required.

A survivor-centred and trauma-informed system should include the following elements:

- a network of vetted, trained specialists – coordinated by the relevant ministry – providing medical, psychological, legal and social services in an integrated setting;
- stable financing, including a dedicated funding line within the Justice Fund to support both public and NGO providers of rehabilitation-related services;
- a multidisciplinary referral mechanism connecting police, prosecutors, courts, health services and social services, so that survivors are directed to appropriate care without having to navigate the system alone;
- mandatory professional training in trauma-informed approaches, grounded in the Istanbul Protocol[51] and the Murad Code[52] for all professionals who may encounter survivors – including health care workers, legal professionals, police officers and social workers;
- psychotraumatological support for survivors as well as the prosecutors and legal professionals working with them, who are themselves at risk of vicarious trauma and secondary traumatic stress;
- monitoring through measurable indicators developed together with experienced NGOs.

None of these elements is novel. Comparable systems exist elsewhere in Europe, combining civil society expertise with public funding and institutional recognition – precisely the combination Poland currently lacks.[53]

CONCLUSION: HEALING AS JUSTICE

Poland has failed to fulfil a binding legal obligation. Art. 14 UN CAT requires every State Party to ensure that survivors of torture within its jurisdiction can access rehabilitation. The CAT has indicated this across successive review cycles. Poland has not built the system that the obligation requires. Survivors, many of whom came

[51] UN Office of the High Commissioner for Human Rights, *supra* note 29.

[52] Institute for International Criminal Investigations and Nadia's Initiative, G*lobal Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence (Murad Code)*, published 13 April 2022, available at: https://www.muradcode.com (accessed 31 March 2026).

[53] Comparable rehabilitation systems for torture survivors exist across Europe and globally. For an overview of national models, see the IRCT network of 173 member centres in 80 countries: https://irct.org/our-members/. For examples of state-integrated models, *see* DIGNITY (Denmark): https://dignity.dk/en/clinic/; and Freedom from Torture (United Kingdom): https://www.freedomfromtorture.org/about-us (all accessed 31 March 2026).

forward to give testimony and trusted Polish institutions with their most painful experiences, risk being left without the medical care, psychological support and legal assistance that international law guarantees them as a matter of right.

The 2026 amendment recognising torture and rape survivors as a distinct group entitled to medical care is a step in the right direction, though it is not enough. Poland still lacks a national identification and referral mechanism, trained specialists and stable funding for multidisciplinary services. Russia bears the primary obligation to provide full reparations for the crimes its forces have committed. Poland's obligation is separate: it does not depend on whether Russia pays, or on whether perpetrators are identified, prosecuted or convicted.[54] And it is urgent. Many survivors have no means to access care on their own. Without a functioning state system, the right to rehabilitation exists on paper but not in practice. For survivors of torture, rehabilitation is not a supplement to justice. It is what justice looks like in practice – and it cannot wait.

[54] CAT (*General Comment No. 3*), *supra* note 14, para. 3. The CAT has confirmed that the right to redress applies "regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted or convicted", and that the obligation to provide redress rests on the State Party rather than on the individual perpetrator or the state responsible for the violation.