

UPR Working Group Checklist POLAND

Reviewed on 14 April 2008

Main issues raised by NGOs in their submissions but not raised during the Working Group¹

- Asylum seekers, migrants, refugees
- Independence of the judiciary

Main issues/questions raised by States during the Working Group on which Poland did not provide a specific answer²

Womens' rights

- The Republic of Korea enquired about specific measures taken to eliminate entry barriers for women in employment.
- Malaysia expressed its willingness to learn about the successes and challenges encountered so far in the implementation of the National Programme against Domestic Violence.
- Cuba asked what measures have been taken by Poland to promote the participation of women in the public and political life of the country.
- Austria further noted that in the Concluding Observations made by CEDAW last year, the Committee voiced concern at the promotion of gender equality in Poland, in particular at the abolition of the Government Plenipotentiary for Equal Gender Status in 2007. In this regard, Austria asked Poland to elaborate on the reasoning behind this abolishment and what measures the Government has taken to promote gender equality in all spheres of life and not only in the labour market.

Freedom of opinion and expression

- Slovenia also noted that Poland came 56th in the 2007 Reporters Without Borders worldwide press freedom index, mainly due to its refusal to amend laws about press offences. Noting that since freedom of expression is one of the most important principles of democracy, Slovenia enquired about the concrete steps undertaken by the Government of Poland to harmonize this part of its legislation with international norms.

Pre-trial detention

- Denmark put forward a question on whether measures are being undertaken to reduce the application of pre-trial detentions.

Sexual orientation

- Sweden referred to the national report's mention of anti-discrimination legislation the Government is preparing to present to Parliament, including with regard to sexual

¹ The analysis is based on issues contained in the official documents (the additional information is not taken into account) NGOs submitted to the OHCHR and posted on the OHCHR website compared to ones contained in the Report of the Working Group document A/HRC/8/30. Please note that, although great care was taken to cover everything, the list may not be exhaustive.

² The analysis is based on the Report of the Working Group document A/HRC/8/30. Some issues might have been raised by Poland in its national report or during its presentation, but Poland did not answer/comment specific questions on the issues listed during the interactive dialogue. Please note that, although great care was taken to cover everything, the list may not be exhaustive.

orientation, as well as to training programmes for judicial staff. Sweden asked whether Poland could elaborate on these and other measures it is taking to ensure full equality before the law of individuals regardless of sexual orientation.

Recommendations made to Poland during the Working Group

The response of Poland to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eighth session.

1. Recommended to Poland to endorse the recommendations made by the Committee on the Rights of the Child and the Human Rights Committee on the adoption of legislative measures to ensure compliance of national legislation with the principles and provisions of the Convention on the Rights of the Child (Angola);
2. While noting the measures taken by Poland to address the continuing occurrence of violence against children, recommended that measures be taken by the Government to ensure the sufficient legal protection of the freedom of children from physical or mental violence (Sweden);
3. Encouraged Poland to continue its efforts to ensure compliance of its domestic legislation with the Convention on the Rights of the Child, specifically with regard to juvenile justice (Mexico);
4. Recommended that Poland set a date for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (France);
5. Recommended to Poland to consider forming twinning relationships or partnerships with countries that have been through a process of legal reforms on minority issues to work closely with them on the legal, technical and institutional challenges involved in introducing change (United Kingdom);
6. Recommended to Poland to adopt an anti-discrimination law that would ensure equal treatment and non-discrimination on any grounds, including sexual orientation and gender identity (Slovenia, United Kingdom and Sweden);
7. Encouraged Poland to continue its efforts to address the issues of overcrowding of prisons and delays in court proceedings (Republic of Korea);
8. Urged Poland to give priority to the implementation of outstanding necessary improvements of prisons conditions (Denmark);
9. Having studied all the background information, recommended that a national programme to combat overcrowding in prisons be developed in order to bring Polish places of detention into line with international standards (Russian Federation);
10. Called upon Poland to alleviate the overcrowding of detention centres and to review the conditions of detention centres so that they are in conformity with minimum international standards. Also, recommended that limits be set for pre-trial detention, according to minimum international standards (Algeria);
11. Recommended to systematically and continuously integrate a gender perspective in the follow-up process to the review (Slovenia);
12. Urged Poland to implement the recommendations made by the Human Rights Committee and the Committee against Torture to put in place legislative measures to sanction manifestations of repeated hate speech and intolerance (Slovenia);
13. While enquiring about the status of the legislative proposal aimed at “punishing anyone who promotes homosexuality or any other deviance of a sexual nature in education establishment”, recommended to withdraw it if it has not yet been done (Slovenia);
14. Recommended reinstating the Office of the Government Plenipotentiary for the Equality of Men and Women or a similar governmental structure to serve as an effective mechanism at the highest possible political level for the promotion of gender equality and to coordinate the integration of gender perspective across all sectors (Slovenia);
15. Recommended to Poland that laws on press offences be liberalized (Slovenia);
16. While commending the Government on the measures already taken, in particular the draft act on equal treatment, the system of human rights advisers, and related research and

training, recommended that steps continue to be taken by Poland to follow up on the recommendations of the Human Rights Committee (Canada);

17. Recommended to Poland to ensure that human rights defenders, in particular groups campaigning for equality and against discrimination based on perceived sexual orientation, are allowed to carry out their work in a secure environment, and that the rights to freedom of expression and association are respected (Canada);

18. While commending the Government for the measures already taken in combating violence against women, recommended that steps continue to be taken to follow up on the recommendations of the Human Rights Committee and CEDAW (Canada);

19. Encouraged Poland to use a comprehensive approach to the promotion of gender equality, in particular by adopting a comprehensive law on gender equality as recommended by the CEDAW (Austria);

20. Recommended that Poland publish the results of the study carried out by the Government in order to detect on Polish territory any secret detention centres for foreign citizens accused of terrorist activities (Russian Federation);

21. Recommended that Poland ensure that adequate measures provided for in the law on lustration comply with Polish obligations under fundamental international human rights instruments (Russian Federation);

22. Recommended to Poland to continue to promote the participation of women in the public and political life of the country until they have gradually achieved a level of gender equality (Cuba);

23. Encouraged Poland to intensify its efforts to fight against all forms of discrimination, be it racial, national or social, and to promote and protect dignity and equality which are the guiding principles of concrete and effective implementation of human rights (Cameroon);

24. Invited Poland, to the extent possible, to ensure that practical policies in the area of immigration be geared to the standards set forth by the principles enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and recommended Poland to ratify the Convention (Mexico);

25. While noting the efforts to strengthen the judiciary, encouraged Poland to make legal amendments that will make it possible to effectively prosecute offences related to torture and other cruel, inhuman or degrading treatments (Mexico);

26. Invited Poland to consider the ratification of the Convention on the Rights of Persons with Disabilities as well as its Optional Protocol (Mexico);

27. Recommended that Poland fulfil the recommendation, elaborated on in paragraph 2 of the OHCHR summary, made by the Council of Europe Commissioner for Human Rights, who in 2007 called upon Poland to enact a comprehensive body of anti-discrimination legislation and to set up a body to combat discrimination (Algeria);

28. Recommended that Poland give adequate training and instruction to law enforcing bodies and to the judiciary on how to address complaints stemming from racially motivated crimes (Algeria);

29. Recommended that Poland continue to use “Human Rights Advisers” to the police in the future and share experiences on this measure with other interested States (Austria).