

Poland's review in the Working Group,
Monday 14 April 2008, 14.30 pm – 17.30 pm
Analytical summary

The Troika

The troika is composed of Brazil, Japan and Angola. All the three States took the floor and asked questions to the delegation. Brazil and Japan mentioned the fact that they were members of the troika.

Presentation by Poland

Composition of the delegation: Mr. Witold Waszczykowski, Under-Secretary of State at the Ministry of Foreign Affairs, Mr. Kukasz Gabler, Ms. Monika Kieniewicz, Ms. Marzena Gorzynska, Mr. Witold Waszczykowski, Ms. Danuta Glowacka-Mazur, Ms. Aleksandra Mwzykowska, Mr. Marcin Wydra, Mr. Marian Szamatowicz
Presentation made by: H.E. Mr. Witold Waszczykowski.

Mr. Waszczykowski insists on the efforts made by Poland to reinforce the rule-of-law and the democracy in the country. Indeed, the conception of good governance is seen as a priority by the State in order to promote and protect Human Rights (HR). As an example, the delegation mentions an UN Conference on corruption in HR activities, organized in Warsaw in 2006, in order to tackle this issue. The engagement of Poland is also showed by the fact that the State has been three times member of the Commission.

The delegation puts forward the several achievements made, but also the difficulties that it has to face. In this regard, even if the government has presented a draft report to different institutions and NGO's, this process of elaboration of the national report contains failures: for a reason of time, many comments from several institutions haven't been taken into account. The delegation argues that it is aware of the need to improve the situation of communication. Poland is also ready to face the different challenges that it has to, mentioning the necessary understanding for different cultures in order to develop an adequate education for minority groups. The delegation points out another difficulty expressed in the reported: the situation of persons with disabilities, which must be improved.

Poland presents the following achievements:

- National Program Against Domestic Violence, adopted in 2006.
- National Program Against Racial Discrimination, Xenophobia and related Intolerance.
- Draft Act on Equal Treatment, the government is currently working on this act which stresses the Ombudsman competence in this domain.
- The post for countering racism and xenophobia, established in 2003 in order to realize the task of disseminating statistical data concerning results of proceeding and courts judgments.
- Creation of the Team for Monitoring racism and Xenophobia in 2004.
- Establishment of Human Rights Advisors in 2005, which operate within the police. Their responsibilities have been increased in 2007.
- Organization of training courses on fighting discrimination, addressed to the police officers, judges and prison personals.
- Adoption of a program for the Roma minority, in order to reduce unemployment and improve its conditions of living and health.
- Several initiatives on equal treatment of women and men, for fighting discrimination including in the labor market.
- Amendments of the act on the vocational and social rehabilitation and employment for persons with disabilities.

Interactive Dialogue

Number of countries that took the floor:

26 States took the floor, 17 Member States (Angola, Ukraine, France, Brazil, UK, Azerbaijan, Republic of Korea, Japan, Pakistan, Slovenia, Canada, Malaysia, Russia, Cuba, Cameroon, Mexico, China) and 9 Observer States (Turkey, Australia, Denmark, Sweden, Algeria, Austria, Norway, Israel, Slovakia).

We can observe that one State took the floor but didn't ask questions: Cameroon.

Main Questions and issues raised by the States and answered by Poland

Detention conditions

Japan wants more information on the conditions of detentions in prisons.

Russia recommends a national program for the prison's overcrowding.

Cuba asks clarifications on the potential secret prisons and flights between prisons in Poland.

Denmark asks elaborations on the overcrowding prisons without judges. It urges Poland to give priority to this issue.

Algeria recommends the State to review the conditions of detention in order to be in accordance with international standards, observing the lack of specific law for the overcrowding of prisons.

The delegation insists on the fact that the reports on which is based the Cuba's statement are confirmed. Poland denies the existence of these prisons. The polish Parliament has taken a position, arguing that these allegations are groundless.

Racial discrimination

Angola asks more information on the efforts made to fight racial discrimination.

Pakistan wants more details on xenophobia.

Cuba asks which measures are taken in order to comply with the State's international obligations regarding to the racial discrimination.

Algeria recommends Poland to fulfill the obligations of the Council of Europe.

Poland argues that the racial discrimination is an essential issue. Some actions have been taken in this order: training for personals and judges to identify racism and xenophobia. The country works in close collaboration with the NGO's.

Torture

Republic of Korea, referring to the comments submitted by the Committee against Torture, wants Poland to continue efforts in this regard.

Slovenia recommends the State to adopt legislative measures for torture punishment.

The State did not answer directly to these questions.

Gender equality

UK wonders which measures are taken for discrimination against women, including in the labor market.

Republic of Korea asks more information on the discrimination against women regarding to the unemployment.

Pakistan wants more details on the discrimination against women.

Slovenia recommends Poland to adopt an anti-discrimination law for gender equality.

Canada, concerning domestic violence against women, recommends the State to continue its steps and comment its efforts.

Cuba recommends Poland to maintain efforts for the participation of women in public life.

Austria wants to know more on the promotion of gender equality in all fields, and not only in the labor market.

Norway asks more details on the measures to facilitate the access of women to health.

The delegation reaffirms the importance of the Act on Equal Treatment. Concerning health, some measures have been taken in order to improve the women's conditions, including the right to abortion. There're also measures for fighting against children born with disabilities.

Sexual orientation

France asks which additional measures are taken to tackle the physical and psychological violence concerning sexual orientation.

Brazil wants to learn which measures are taken to protect the rights of discriminated groups, concerning especially sexual orientation.

UK asks Poland when the sexual orientation will be included in the Equal Treatment Law.

Slovenia recommends the State to take measures for homosexuality protection.

Canada recommends that the steps must be continued, regarding to the sexual orientation.

Sweden asks Poland to elaborate more on the legislative efforts made for fighting discrimination for sexual orientation.

Norway wonders when the draft law for sexual orientation is planned, after observing that it was delayed.

Poland underlines the role of the law on equal treatment for this issue. It mentions also that a draft is made without regard to sexual orientation: nobody will then be discriminated. Besides, some programs have been financed in 2007 to improve the notion of tolerance, including for sexual orientation. Campaigns against homophobia have also been organized.

Rights of the child

Angola asks the State to take measures in order to enter in correspondence with the Convention of the rights of the child.

Japan wants more details on the rights of the child in the country.

Sweden asks which measures for the rights for the child are taken in order to ensure the legal protection.

Mexico wants Poland which efforts are made for justice for minors.

The delegation points out the fact that there's a law for the domestic violence introduced in 2005, and its implementation is evaluated annually by a committee. However, Poland argues that it is too early to give information for the implementation of this mechanism.

Extraordinary Rendition / Secret detention

Cuba asks what can Poland tell the Working Group regarding allegations by a report of the council of Europe saying Poland's soil is used for secret flights. Has the Polish government undertaken any investigations regarding the possible participation of the Polish authorities in the programme of extraordinary rendition and detention centre?

Recommendations made by States to Poland (as contained in A/HRC/WG.6/1/POL/4)

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 antidiscrimination 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).

Speaking Time

Total time of the review: 2 hours 9 min.

Poland: Presentation: 38 min.

Answering to questions during the interactive dialogue: 12 + 11 min.

Concluding remarks: 3 min.

Disclaimer: this summary is by no means exhaustive as it is just an indication of the discussion that took place during the review and should therefore not be quoted as an official document of the UPR process.