

Recommendations & Pledges

POLAND

Second Review Session 13

Review in the Working Group: 30 May 2012
Adoption in the Plenary: 20 September 2012

Poland's responses to recommendations (as of 27.09.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	The delegation accepted 105 recs. fully (38 of which were considered in the course of implementation or already implemented: 90.30, 37, 38, 41-44, 49, 51, 52, 55, 57-60, 67, 71-74, 76, 81, 85, 91, 96, 105-109, 111, 113, 115, 117, 119, 120, 122, 124), 11 in parts (underlined in blue, 2 of which were considered in the course of implementation or already implemented: 90.86 and 123), rejected 6 and left pending 2	The delegation stated accepting 105, rejected 6 and noting all the others. However, the addendum detailed the responses to the 13 others (11 accepted in part and 2 pending)	Accepted: 116 Rejected: 6 No clear position: 0 Pending: 2 Total: 124

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/21/14:

90. The recommendations formulated during the interactive dialogue and listed below will be examined by Poland who will provide its responses in due time, but no later than the 21st session of the Human Rights Council in September 2012. These responses will be included in the outcome report adopted by the Human Rights Council at its 21st session:

A - 90.1. Ratify the International Convention for the Protection of all Persons from Enforced Disappearance (Spain);

A - 90.2. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Spain);

A - 90.3. Ratify the Second Optional Protocol to the Covenant on Civil and Political Rights (Spain);

P - 90.4. Ratify the Protocol to the Covenant on Economic, Social and Cultural Rights (Spain);

A - 90.5. Ratify the second Optional Protocol to the International Covenant on Civil and Political Rights, abolishing the death penalty (Switzerland);

A - 90.6. Ratify the Second Optional Protocol to ICCPR (Estonia);

A - 90.7. Swiftly finalize the ratification of CRPD and its Optional Protocol (Estonia);

A - 90.8. Ratify the second Optional Protocol to the Covenant on Civil and Political Rights, abolishing the death penalty, signed in 2000 (France);

A - 90.9. Ratify the second Optional Protocol to ICCPR (Uzbekistan);

R - 90.10. Reconsider ratifying the International Convention on the Protection of the Rights of all the Migrant Workers and Members of their Families (Mexico);

R - 90.11. Consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Morocco);

R - 90.12. Consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Peru);

R - 90.13. Reiterates the recommendation for Poland to consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Philippines);

A - 90.14. Reiterates the recommendation for Poland to consider ratifying ILO Convention 189 on decent work for domestic workers (Philippines);

R - 90.15. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Egypt);

A - 90.16. Make efforts for early ratification of the Convention on the Rights of Persons with Disabilities (The Republic of Korea);

A - 90.17. Ratify the Convention on the Rights of Persons with Disabilities (Slovakia);

A - 90.18. Consider new measures to increase respect for the rights of persons with disabilities and continue to strengthen its efforts to ratify the Convention on the Rights of Persons with Disabilities (Argentina);

P - 90.19. Sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Austria);

A - 90.20. Accede to the Convention against Enforced Disappearance (Uruguay);

A - 90.21. Recognize the competence of the Convention against Enforced Disappearance's monitoring body to receive and consider communications submitted by individuals claiming to be victims of violations of the provisions of this Convention, in compliance with Article 31 (Uruguay);

A - 90.22. Intensify its efforts to ratify the International Convention for the Protection of All Persons from Enforced Disappearances (Argentina);

A - 90.23. Re-evaluate the ratification of the Convention for the Protection of All Persons from Enforced Disappearance (Chile);

A - 90.24. Sign and ratify the Convention for the Protection of All Persons from Enforced Disappearance (France);

A - 90.25. Consider an early ratification of the newest international human rights instrument – the third Optional Protocol to the Convention on the Rights of the Child on communication procedure (Slovakia);

A - 90.26. Ratify the Kampala amendment to the Rome Statute, if possible with a view to contributing to the activation of the jurisdiction of the International Criminal Court over the crime of aggression at the beginning of 2017 (Liechtenstein);

A - 90.27. Consider signing and ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Norway);

A - 90.28. Sign the Council of Europe Convention on preventing and combating violence against women and domestic violence (Austria);

A - 90.29. Take the necessary measures to give full effectiveness to the ICESCR in Poland's domestic legal system (Uruguay);

A - 90.30. Persist with the actions undertaken by the Government Plenipotentiary for Equal Treatment (Republic of Moldova);

A - 90.31. Take measures to ensure that current legal protection of children is recognized and commonly known in public (Sweden);

A - 90.32. Continue to allocate sufficient financial and human resources to the human rights institutions in order for them to be able to fulfil their mandate (Morocco);

A - 90.33. Provide the Ombudsperson's office, which is responsible under the legislation for assisting alleged victims of discrimination and conducting independent research and issuing recommendations to achieve equal treatment, with the additional financial resources necessary to fulfil its new obligations (Norway);

A - 90.34. Provide the Ombudsman with the necessary material resources in compliance with the Paris Principles (Spain);

A - 90.35. Ensure the Office of the Ombudsperson is sufficiently resourced to carry out anti-discrimination functions (Australia);

R - 90.36. Adopt measures to adapt the migratory policies to the standards established by the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Mexico);

A - 90.37. Establish a national plan or programme that favour the full enjoyment of all the human rights by the women (Mexico);

A - 90.38. Ensure the compliance of the steps which were stipulated by legislation on lustration with the obligation of Poland under the core international human rights instruments (Russian Federation);

A - 90.39. Take measures to guarantee full access to education and to health to all vulnerable groups, including illegal migrants (Holy See);

A - 90.40. Take immediate steps in order to assure that acts of interethnic violence will not be repeated and promote understanding between different national groups (Lithuania);

A - 90.41. Inform the Council on the measures to make the provision prohibiting corporal punishment in all settings widely respected in the country (Hungary); 1

A - 90.42. Confirm in deed the status of a standing invitation to the special procedures, in particular, issue an invitation for thematic visits of the special rapporteur on torture, working group on arbitrary detention and the working group on disappearances (Belarus);

A - 90.43. Draft legislation in line with the international standards in the area of combating discrimination against women (Belarus);

A - 90.44. Develop and start the implementation of the policy on reducing the wage gap between man and women, including in the sector of low paid women jobs (Uzbekistan);

A - 90.45. Redouble its efforts to address racially motivated hate crimes by ensuring that all such incidents are thoroughly investigated and that perpetrators are brought to justice, and to continue to raise awareness of its people on this issue (Malaysia);

A - 90.46. Adopt additional measures in order to avoid the crime of incitement to hate and to promote the fight against discrimination and racism (Peru);

A - 90.47. Strengthen measures to prevent racist violence, hate crimes and discrimination against foreigners, especially Muslims, Roma and the people of African origin (Republic of Korea);

A - 90.48. Continue its efforts to investigate racially motivated crimes and to bring perpetrators to justice so that members of vulnerable groups can live in safety and dignity (Switzerland);

A - 90.49. Put in place a legislation to criminalize the promotion of racial hatred and discrimination as well as further promote tolerance through public awareness campaigns and education (Thailand);

A - 90.50. Enact public awareness campaigns and government training, as well as increased enforcement of anti-discrimination and hate crime laws, in order to decrease anti-Semitism and discrimination against members of ethnic minority groups (United States of America);

A - 90.51. Take measures to combat de facto and de jure discrimination towards irregular migrants (Uruguay);

A - 90.52. Consider establishing in its domestic legal system norms that strengthen the fight against discrimination (Argentina);

A - 90.53. Further strengthen its policies and programmes aimed at combating discrimination and intolerance and ensure that incidents are subject to prompt and independent investigation and effective prosecution (Austria);

A - 90.54. Strengthen measures to eradicate incitement to ethnic or religious hatred and xenophobia (Iraq);

A - 90.55. Adopt strong anti-discrimination policies and address hate crimes by ensuring that such incidents are thoroughly investigated (Brazil);

A - 90.56. Make more efforts in law making and law enforcement to combat incitement to racial and religious discrimination in the internet (China);

A - 90.57. Take effective measures to combat racism and incitement to racial hatred (Cuba);

A - 90.58. Take effective measures to combat police brutality (Cuba);

A - 90.59. Take effective measures to combat child poverty (Cuba);

A - 90.60. Further adopt and enact legislation to criminalise racial and racially motivated and hate crimes; to institutionalise national mechanisms for the collection of data on, and monitoring of, incidents of racism, racial discrimination and xenophobia; and to adopt laws and concrete measures to ensure the prompt, impartial and independent investigation, prosecution and punishment of perpetrators of incidents of racial, and racially-motivated hate speech, discrimination, and crimes (Egypt);

A - 90.61. Accelerate the finalization of the action plan by the Council for Counteracting Racial Discrimination, Xenophobia and Related Intolerance with a view to ensure a well-planned and coordinated approach in combating acts of racism and xenophobia (Indonesia);

A - 90.62. Intensify measures to combat the manifestation of racism and anti-Semitism, including by police officers (Belarus);

A - 90.63. Consider, as necessary, strengthening anti-discrimination policies and measures, paying particular attention to reception centres for asylum seekers and within the national programme against Racial Discrimination, Xenophobia and related intolerance (Ireland);

A - 90.64. Conduct immediate, independent, objective and adequate investigations in all cases of racially motivated crimes and hate crimes in the framework of judicial process (Uzbekistan);

A - 90.65. Implement more effective monitoring of alleged cases of discrimination, ethnic and national hostilities, and racial or ethnic hatred (Uzbekistan);

A - 90.66. Include sexual orientation and gender identity in the hate speech provisions of the national Criminal Code, and adopt appropriate legal measures making sexual orientation and gender identity as possible discrimination grounds in any context (Slovenia);

A - 90.67. Guarantee the full enjoyment of the rights of the LGBT community (Spain);

A - 90.68. Recognize gender identity as possible ground for discrimination and gender identity and sexual orientation as an aggravating circumstance for hate crime (United Kingdom of Great Britain and Northern Ireland);

[A - 90.69. Adopt regulations recognising the rights of same-sex couples and of self-defined gender or transgender persons \(Australia\);](#)

A - 90.70. Strengthen anti-discrimination laws with regard to a better protection of LGBT persons and persons with disabilities (Austria);

A - 90.71. The adoption of policies that safeguard the rights of LGBT people and fight discrimination based on sexual orientation (Brazil);

A - 90.72. Consider the introduction of legislative amendments which permit more efficient indictment for crimes related to torture and other cruel, inhuman or degrading treatments (Peru);

A - 90.73. Conduct, jointly with special procedures of the Human Rights Council, a comprehensive and impartial investigation of all cases of cruel treatment and the use of excessive force by police officers against the participants in demonstrations that were held in Poland in November, 2011 (Belarus);

A - 90.74. Solve the problem of the prison overcrowding and make the detention conditions to meet international standards (Russian Federation);

A - 90.75. Take additional legal and other measures to reduce pre-trial detention and overcrowding in detention facilities through increased resort to alternative forms of punishment (Austria);

- A - 90.76. Take effective measures to improve conditions in prisons and reduce overcrowding (Cuba);
- A - 90.77. Strengthen measures to address overcrowding in detention centres, including through increased resort to alternative forms of punishment and adopt measures to reduce the use of pre-trial detention (Ireland);
- A - 90.78. Establish a specific and comprehensive plan to combat gender violence and provide it with the necessary resources for its implementation (Spain);
- A - 90.79. Improve access to justice of the victims of domestic violence (Hungary);
- A - 90.80. Continue to support the reform of the legislation on domestic violence by conducting public awareness-raising and providing professional training on the provisions of the 2010 Act on the Prevention of Domestic Violence to ensure its effective implementation (Liechtenstein);
- A - 90.81. Ensure that victims of domestic violence have access to adequate assistance, including legal and psychological counselling, medical help and shelter (Liechtenstein);
- A - 90.82. Continue to take measures to guarantee the rights of victims of the crime of trafficking, especially in the area of physical and psychological care (Chile);
- A - 90.83. Continue to reinforce actions aimed at protecting children against violence, cruelty, exploitation, demoralisation, neglect and other forms of maltreatment (Republic of Moldova);
- A - 90.84. Bring its domestic legislation relating to the protection of the rights of children, especially in cases of child prostitution, child pornography, and child victims of trafficking, in line with its obligations under the CRC (Thailand);
- A - 90.85. Adopt and enact laws on the sale of children, child prostitution and child pornography, and other forms of sexual exploitation of children (Egypt);
- A - 90.86. Adopt immediate measures, including legislative to eradicate sexual exploitation of children and recruitment of adolescents into prostitution. Provide for the relevant legal protection for child victims of human trafficking in the framework of judicial process (Belarus);
- A - 90.87. Continue making efforts to reform the judicial system with a view to further improving its efficient management including measures to ensure timely due process (Republic of Korea);
- A - 90.88. Ensure that the right to fair trial is not affected by the excessive length of the court proceedings and of excessive pre-trial detention (United Kingdom of the Great Britain and Northern Ireland);
- A - 90.89. Expand the use of technology in order to reduce judiciary delays and improve judicial efficiency (United States of America);
- A - 90.90. Reform the criminal procedure in order to avoid frequent delays of preventive detention (Spain);
- A - 90.91. A thorough reform of the current penitentiary system which is obsolete and insufficient (Spain);
- A - 90.92. Consider a maximum, non-extendable term of pre-trial detention, and use alternative measures to pre-trial detentions and take appropriate measures to deal with concerns and ensuring access to legal services, particularly for those under detention (India);
- A - 90.93. Improve the access to lawyers and the level of access of lawyers to documents of the criminal cases in order to ensure the right to fair trial (Uzbekistan);
- A - 90.94. Institute outreach by police and law enforcement to LGBT persons and communities to increase reporting of hate crimes (United States of America);

A - 90.95. Take more effective steps to eradicate cases of police misconduct including by establishing independent body to investigate police misconduct (Malaysia);

A - 90.96. Ensure protection of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children (Australia);

A - 90.97. Pass legislation giving same-sex couples the possibility to enter into a civil union contract (France);

A - 90.98. Continue its efforts to assure birth registration of all children including the children of undocumented migrants (Holy See); 2

A - 90.99. Continue to protect the natural family and marriage, formed by a husband and a wife, as the basic cell of society, as well as the right to life (Holy See);

A - 90.100. Review the article 212 of the Penal Code criminalising defamation, with the aim of removing it from the Penal Code (Norway);

A - 90.101. Provide access to the means of communication to all groups of society so that they may exercise fully their right to freedom of expression (Holy See);

A - 90.102. Continue to promote the participation of women in the public and political life of the country (Republic of Moldova);

A - 90.103. Continue the policy of increasing the number of women in public and political life (Romania);

A - 90.104. Further enhance and encourage the political participation of women, including through awareness-raising campaigns (Egypt);

A - 90.105. Implement a variety of measures to strengthen the participation of women in all social areas (Guatemala);

A - 90.106. Ensure, as a minimum, that women can access lawful abortion by creating clear, legally binding regulations for the implementation of the 1993 Family Planning Act (Norway);

A - 90.107. Define unambiguously the circumstances under which therapeutic abortion is allowed (Slovenia);

A - 90.108. Provide women that have been unjustifiably denied access to adequate reproductive health services with an effective redress mechanism (Slovenia);

A - 90.109. Examine possible ways to make the bureaucratic process required when terminating a pregnancy as quick as possible, and maximize its efforts to make sure that the process is conducted in a professional way (Sweden);

A - 90.110. Implement reforms to ensure everyone has a right to the enjoyment of the highest attainable standard of health in Poland (Australia);

A - 90.111. Adopt measures to guarantee full access to education for all children in the country (India);

A - 90.112. Continue their efforts in supporting equal educational opportunities for children and young people with special educational needs (Indonesia);

A - 90.113. Enhance effort towards full integration of the Roma community into the society with a view to improve their overall living condition (Malaysia);

A - 90.114. Continue to move forward in the promotion and protection of the human rights of the minorities, in particular in the areas of health, employment and housing (Mexico); registration of all children.

A - 90.115. Strengthen its efforts to fully integrate the Roma into society and to combat discrimination against them, so they can enjoy their economic, social and cultural rights, especially in education, employment and housing (Chile);

A - 90.116. Continue its efforts to support Roma-children education, including by increasing the availability of bilingual education (Liechtenstein);

A - 90.117. Ensure full implementation of the right to education of persons belonging to national minorities in particular to refrain from closing schools with minority language of instruction, to provide necessary funding for these schools, also to fully finance publication of textbooks in national minorities languages (Lithuania);

A - 90.118. Improve the detention conditions of children of foreigners who seek to receive the status of refugees and who live in the territory of Poland in closed facilities (Russian Federation); 3

A - 90.119. Ensure basic services for children of irregular migrants, including education, health and medical care (Uruguay);

A - 90.120. Pay more attention to solve the problem of birth registration of illegal migrants (Iraq);

A - 90.121. Take measures to improve detention conditions of migrant- children and ban legally the practice of detaining those children (Belarus);

A - 90.122. Carry out with more transparency the ongoing investigations concerning the alleged existence of secret detention centers on its territory and the transfer of prisoners in connection with the fight against terrorism (Switzerland);

A - 90.123. Carry out a thorough, independent and effective inquiry about the participation in the CIA's program of extra-judicial renditions and secret detentions. Make public the findings of the inquiry and bring to justice those found guilty (Cuba);

A - 90.124. Conduct a comprehensive and transparent investigation into all human rights violations in the context of the fight against terrorism, in particular, the complicity of the Polish authorities with lengthy secret detention of persons, their secret transfer and a possible use of torture against them. To bring to justice the officials involved in such violations (Belarus).

Endnotes

1 The recommendation as read during the interactive dialogue: Inform the Council in their mid-term report on the measures to make the provision prohibiting corporal punishment in all settings widely respected in the country.

2 The recommendation as read during the interactive dialogue: Continue its efforts to assure birth registration of all children.

3 The recommendation as read during the interactive dialogue: Improve the detention conditions of children of foreigners, who seek to receive the status of refugees and children of refugees, who live in the territory of Poland in closed facilities.

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