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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 c) OF THE ANNEX TO  
HUMAN RIGHTS COUNCIL RESOLUTION 5/1.\*

**Poland**

The present report is a summary of nine stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. In its contribution to the Universal periodical Review, Amnesty International (AI)<sup>2</sup> urged the Polish Government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **B. Implementation of international human rights obligations**

#### **1. Equality and non-discrimination**

2. According to AI<sup>3</sup>, there are reports of racially motivated harassment and discrimination against Jews, Roma and people of African and Asian origin. AI referred to the third report on Poland, released in June 2005 by the European Commission against Racism and Intolerance (ECRI) which expressed concern that the authorities rarely investigated and prosecuted cases of racial hatred and allowed anti-Semitic material to circulate freely on the market and that the police often did not take into account the racist motivation of crimes, which if convicted, resulted in a lighter sentence for the perpetrator. Moreover, there is still no comprehensive body of legislation prohibiting racial discrimination in all fields of life. The CoE Commissioner for Human Rights (CoE CHR) recommended in 2007 that Poland enact a comprehensive body of anti-discrimination legislation and set up a body to combat discrimination in all areas of life and on all grounds<sup>4</sup>.

3. Concerns were expressed by the International Lesbian and Gay Association – Europe (ILGA)<sup>5</sup> which noted that, in recent years, there has been a climate that increasingly threatens the basic rights and equality of lesbian, gay, bisexual and transgender people in Poland. Similar observations were reported by AI<sup>6</sup> which further expressed concerns about the abolition in 2005 of the Office of the Government Plenipotentiary for the Equality of Men and Women which was responsible for the promotion of equal treatment of individuals belonging to the lesbian, gay, bisexual and transgender community. The CoE CHR recommended in 2007 that Poland put in place adequate legal measures to combat hate speech and discrimination of those with different sexual orientation or gender identity<sup>7</sup>.

4. AI<sup>8</sup> indicated that on 20 June 2007, the Council of Europe's Human Rights Commissioner expressed strong concerns about the Polish government's approach to LGBT people, including the withdrawal from circulation in early 2006 by the Ministry of Education of the Polish version of *Compass – Human Rights Education with Young People*, a Council of Europe anti-discrimination handbook and a manual on human rights for young people. AI<sup>9</sup> reported that the Commissioner deplored any instances of hate speech towards homosexuals and called on the Polish authorities not to tolerate such speech.

5. AI<sup>10</sup> made recommendations in which it called the Government to ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity; to ensure that no authorities makes public statements which could be interpreted as encouraging discrimination; to actively promote the rights to freedom of expression, association and assembly; to ensure the explicit prohibition in Polish legislation of discrimination on the grounds of sexual orientation or

gender identity or expression; and to reinstitute the Office of the Government Plenipotentiary for Equality of Men and Women.

## **2. Right to life, liberty and security of the person**

6. In its contribution, AI<sup>11</sup> noted that in July 2006, President Lech Kaczyński called for the restoration of the death penalty in Poland and throughout Europe on the Polish Public Radio Programme 1, stating that: “countries that give up this penalty award an unimaginable advantage to the criminal over his victim, the advantage of life over death.” AI called on the Polish government to respect its international obligations and uphold its commitments to the abolition of the death penalty.

7. AI<sup>12</sup> also indicated that there are continuing reports of ill-treatment by law enforcement officials, including from the Council of Europe’s Commissioner for Human Rights, who expressed concern that incidents of police violence had gone unreported due to victims’ fear of being prosecuted themselves. AI<sup>13</sup> also indicated that it appears that prostitutes, Roma and trafficked persons are most frequently the victims. It further noted that the European Committee for the Prevention of Torture (CPT) expressed concern at allegations made by juvenile detainees of physical ill-treatment and threats in order to obtain confessions and was concerned about the number of juveniles being questioned and made to sign statements admitting to criminal offences without the benefit of the presence of a trusted person. The CoE CHR<sup>14</sup>, following his visit in 2006 in Poland, recommended the authorities to establish an independent body to investigate police misbehaviour.

8. On the issue of prisons conditions, the Helsinki Foundation for Human Rights (HFHR)<sup>15</sup> expressed concerns regarding the fact that prisons continued to deteriorate, the most serious problem being overcrowding. The CoE CHR<sup>16</sup> recommended after his 2006 visit to Poland to take urgent measures to combat over-crowding in prisons and improve the application of alternative penalties which do not involve incarceration. The Government of Poland provided comments to the CoE<sup>17</sup>.

9. According to the ICJ<sup>18</sup>, in June 2007, persistent allegations that CIA-run secret detention centres existed in Poland were authoritatively confirmed by the second report by Senator Marty for the Parliamentary Assembly of the Council of Europe (PACE); the reports drew on multiple sources to conclude that a secret detention centre had existed at Stare Kiejkuty, a military base located near Szymany airport between 2003 and 2005, and that renditions of suspects had taken place to and from that airport. Similar observations were made by AI,<sup>19</sup> which recommended to the Government to initiate an effective and independent investigation into the involvement of Polish authorities in the programme of renditions (in particular on the use of the Szymany airport) and secret detention centres in Poland and to make the findings of the investigation public, and to make public immediately the conclusions of the meeting, held on 21 December 2005, between the Special Services Committee, the Minister Coordinator of Special Services and the heads of the intelligence services. The ICJ<sup>20</sup> also informed that in a Resolution 1562 (2007) adopted following Senator Marty’s report, the Parliamentary Assembly of the Council of Europe stated that it “now considers as established with a high degree of probability that [...] secret detention centres operated by the CIA have existed for some years in [Poland]” and that “these secret places of detention formed part of the “HVD” (High Value Terrorist Detainee) programme publicly referred to by the President of the United States on 6 September 2006.” The Polish delegation to PACE issued a dissent to the Marty report, rejecting its findings. According to the ICJ<sup>21</sup>, in November 2005 the Polish Government also issued a statement that, following internal investigations, it was satisfied

that there was no basis for the allegations as to secret detention centres in Poland. On 10 December 2005, the Polish Prime Minister announced an inquiry into reports of secret detention centres in Poland. Later the same month, the Minister responsible for the intelligence services, Zbigniew Wassermann, reportedly delivered a report to members of a parliamentary Committee, on the basis of which the Committee decided to end the inquiry. No report of the inquiry was published. The European Union Parliament found that the inquiry had been conducted “speedily and in secret, in the absence of any hearing or testimony and subject to no scrutiny.” No further national level investigations have been conducted into allegations of renditions and secret detentions in Poland.

10. The ICJ<sup>22</sup> therefore recommended that the Human Rights Council condemn the serious and systematic violations of UN human rights treaty obligations that have taken place in Poland through renditions and secret detentions; urge Poland to establish an independent inquiry, with full investigative powers to require the attendance of persons and the production of documents, to investigate allegations of the involvement of Polish officials in renditions and secret detentions; ensure the accountability, including where appropriate through the criminal justice process, of those persons responsible for renditions and secret detentions on Polish territory; provide measures of reparation for the victims of renditions and secret detentions in Poland; take measures to reform law and practice, including review and accountability of the military intelligence services, to protect against future violations of human rights of this kind, and thereby comply with Poland’s positive obligations to protect human rights on its territory.

11. The issue of violence against women was addressed by AI<sup>23</sup>, which reported that complaints of violence against women are frequently not treated as sufficiently serious or credible and that even if brought to justice, perpetrators usually face only light sentences. AI also indicated in its contribution that there are not enough places where women can seek refuge or assistance and that in a number of shelters managed by men, there have been reports of sexual harassment and assault on women by the staff. Furthermore, AI<sup>24</sup> was concerned that no national plan of action is dedicated to addressing violence against women nor is there a gender equality programme. The majority of tasks outlined in the previous National Action Plan for Women (1997–2005) have not been implemented, including those related to violence against women. The Act of 29 July 2005 on Counteracting Domestic Violence imposes new obligations on the Council of Ministers, the Minister of Labour and Social Policy, and the local government administration, including to develop a National Programme on Counteracting Domestic Violence (NPCDV) and to report annually to Parliament on its implementation. The Programme has not yet been drafted and adopted. AI<sup>25</sup> called on the Government to urgently adopt a national programme on counteracting domestic violence; to conduct impartial and thorough investigations into allegations of violence against women and prosecute those responsible. The CoE CHR<sup>26</sup> recommended in 2007 that the State evaluate the functioning of the restraining order regime contained in the new Act on countering domestic violence. The Government of Poland provided comments to the CoE CHR in that regard<sup>27</sup>.

12. Concerns about violence against children were also raised by the Global Initiative to End All Corporal Punishment of Children (GIEACP)<sup>28</sup> which indicated that corporal punishment has not been explicitly and unequivocally prohibited in the home and that there is some controversy as to what exactly the law says. Furthermore, GIEACP<sup>29</sup> noted that research indicated that there is a high level of support for, and use of, corporal punishment of children in childrearing. Consequently, GIEACP<sup>30</sup> recommended that Poland introduce legislation as a

matter of urgency to prohibit corporal punishment of children in all settings, including in the home.

13. The International Lesbian and Gay Association – Europe (ILGA)<sup>31</sup> also indicated that reporting of violence and crime motivated by homophobia in Poland is highly problematic in Poland. A recent survey carried out by KPH and Lambda Warsaw Association found that as many as 85% of cases of physical violence were not reported to the police. Based on the report “Situation of bisexual and homosexual persons in Poland 2005 and 2006”, there are reasons to believe that the under-reporting of acts of physical violence is largely due to lack of trust in the police (e.g. fear of not being treated seriously, of harassment, and lack of effectiveness). An important measure for public authorities to take would be to ensure effective training and awareness-raising of the police forces, in particular to challenge stereotypes against LGBT people<sup>32</sup>.

### **3. Administration of justice and the rule of law**

14. AI<sup>33</sup> expressed concern that incidents of police violence are not always impartially investigated and rarely reach the courts and that the authorities have been urged to intensify efforts to eradicate cases of police ill-treatment through training, effective investigation and prosecution of those responsible. Similar observations were made by the HFHR which further added that during 2005, it received about 40 complaints concerning misconduct by police officers. Bringing abusive police officers to justice remained a difficult task due to the fact that in cases of conflicting statements between the alleged victim and the alleged perpetrator, police testimony usually yielded unquestioned credibility in the eyes of the prosecutor and sometimes also the courts<sup>34</sup>. AI<sup>35</sup> recalled that the European Committee for the Prevention of Torture (CPT) expressed concerns in 2006 that complaints of police ill-treatment of suspects had been ignored by prosecutors or judges before whom the suspects had been brought shortly after apprehension. AI<sup>36</sup> further drew attention to the fact that the CPT expressed concerns in 2006 that complaints of police ill-treatment of suspects had been ignored by prosecutors or judges before whom the suspects had been brought shortly after apprehension. AI<sup>37</sup> recommended to the Government to ensure that thorough and impartial investigations are carried out into reports of police ill-treatment and prosecution as well as to train police and the judiciary on how to address complaints of racially motivated crimes.

15. According to the ICJ<sup>38</sup>, the National Judicial Council, the independent body that makes recommendations to the President of the Republic of Poland for judicial appointments, has provided an important safeguard for judicial independence in Poland. However concern was expressed regarding a decision of July 2007, whereby the President issued a decision to reject the National Judicial Council’s recommendation of nine candidates for judicial appointments. According to the ICJ<sup>39</sup>, no reasons were provided for this decision and that the decision not to appoint the candidates was made more than a year after the recommendation of the National Judicial Council. According to the ICJ<sup>40</sup>, without clear reasons for decisions not to appoint, there is a risk that public confidence in the appointments system will be undermined. In addition, the ICJ<sup>41</sup> noted that the considerable delay in the decision-making process in this case, and the uncertainty this creates, may place undue pressure on candidates, in particular those who already serve as judges. Consequently, the ICJ<sup>42</sup> recommended that full reasons for the decision of the President be provided; that the decisions of the National Judicial Council should only be departed from in exceptional circumstances, and where full reasons are given; and that decisions on appointment should be made promptly following recommendations of the National Judicial Council.

16. The HFHR<sup>43</sup> indicated that, in the first six months of 2005, 2,652 complaints were lodged with appeal courts for violations of the right to a trial within a reasonable time and that the complaints were filed under the Act on Complaints for violation of a party's right to trial within a reasonable time dated 17 June 2004. It also noted that the act was adopted in order to comply with the obligations arising from the judgment of the European Court of Human Rights (ECtHR) under article 13 of the European Convention on Human Rights (ECHR) in the case of *Kudla v. Poland*. The HFHR<sup>44</sup> noted however that while in many cases courts did recognize that the plaintiff's right to a trial within a reasonable time had been violated, they nevertheless failed to provide compensation for the harm caused, or the awarded compensation was only symbolic.

#### **4. Right to privacy, marriage and family life**

17. Regarding the right to privacy, the HFHR<sup>45</sup> noted that three psychiatric hospitals are in charge of the treatment of persons who are not subject to penal liability due to mental disability. Poland has three regional psychiatry centers that have maximum security facilities, twelve high-security departments (including one for women), and over 30 centers with basic security level. According to HFHR, in December 2005, an NGO monitored a number of maximum-security and high-security facilities. In one maximum-security facility, the monitoring group identified an unsettling practice of monthly searches of all patients' personal belongings and strip searches of the patients. The administration stated that this was necessary in order to maintain order in the facility. This practice is also sanctioned in the internal regulations signed by the facility's director. According to the NGO, such searches were degrading and impossible to be justified.

#### **5. Freedom of expression, association and peaceful assembly**

18. The HFHR<sup>46</sup> reported that the Act of disclosing information regarding security services documents from 1944-1990 and the contents of those documents ["Act"] came into effect on 15 March 2006. This Act violates human rights and fundamental freedoms in numerous ways. According to HFHR, the definition of "cooperation" with secret services gives rise to conclusions contravening the constitutional principle of proportional limitation of rights and freedoms as well as the prohibition of discrimination in political, social and economic life. The Act's broad lists arbitrarily encompass categories deemed as public functions. The ban on performing the journalistic profession as a sanction for a "lustration lie" is a clear breach of the freedom of speech. The same is true of analogous sanctions against teachers in academia. According to HFHR, in this way, the state is interfering with the constitutionally guaranteed freedoms to teach and conduct academic research.

19. In 2007, the CoE CHR<sup>47</sup> recommended that the State ensure that lustration procedures comply with all guarantees of a state based on the rule of law and respect for human rights. The Government of Poland provided comments to the CoE CHR in that regard<sup>48</sup>.

20. Reporters Without Borders (RSF)<sup>49</sup> indicated that Poland came 56<sup>th</sup> in the 2007 Reporters Without Border worldwide press freedom index, mainly due to its refusal to amend laws about press offences. RSF reported that article 212.2 of the criminal law allows imprisonment for up to two years for defamation and that the constitutional court upheld this provision on 30 October 2007, saying public humiliation of a person was punishable by up to a year in prison, and double that if the defamation was repeated in the media. It further reported that the court said freedom of expression was "one of the most important principles

in a democratic country” but that the dignity and reputation of individuals had priority. Several international human rights organisations continue to call for an end to imprisonment for press offences as contrary to article 10 of the European Convention on Human Rights. Furthermore, according to RSF<sup>50</sup>, the Constitutional Court struck down on 11 May 2007 some aspects of the controversial “decommunisation law” designed to vet the backgrounds of some 700,000 Poles. Articles involving journalists, school heads and university rectors were ruled illegal. According to RSF<sup>51</sup>, under the law, in force since the previous 15 March, journalists were obliged to swear they had never collaborated with the communist-era secret police, on pain of losing their jobs and being banned from writing for 10 years. The court made sure to rule before the 15 May deadline for swearing the affidavits. Most Poles concerned had waited for the ruling before sending affidavits to the Institute for National Remembrance (IPN), which looks after the secret police (SB) archives. Consequently, RSF<sup>52</sup> recommended that laws on press offences should be liberalised to provide more freedom of expression.

21. According to ILGA<sup>53</sup>, in recent years, there have been several violations of the right to freedom of peaceful assembly of human rights defenders campaigning for equality and against discrimination based on sexual orientation in Poland. ILGA recalled that on 3 May 2007, the European Court of Human Rights found that the ban on the equality march in Warsaw in 2005 was illegal and discriminatory (*Bączkowski and Others v. Poland*). ILGA indicated that the former Minister of Foreign Affairs appealed the European Court of Human Rights’s sentence but on September 25th 2007, the European Court of Human Rights has rejected the Polish Government’s appeal. ILGA<sup>54</sup> also expressed concern that in most cases, the bans were issued on grounds of security concerns or public order, despite the fact that security measures had been agreed to between municipalities and organizers of events. Moreover, where equality marches and parades took place, the police failed to provide adequate protection to participants on several occasions.

## **6. Right to social security and to an adequate standard of living**

22. ATD Quart Monde<sup>55</sup> souligne que dans le contexte actuel d'une Pologne où le marché du travail s'améliore, qui manque même de main-d'œuvre dans certains secteurs, il faut inventer les mesures de soutien à la transition qui soient de réels chemins d'accès aux droits et recommande de créer des communautés et des solidarités sociales qui favorisent la sortie de la pauvreté et l'accès à la dignité et aux droits de l'homme.

23. According to the Federation of Women and Family Planning (FWFP)<sup>56</sup> a number of UN Treaty Monitoring Bodies, the Commissioner for Human Rights of the Council of Europe and recently the European Court of Human Rights expressed deep concerns about severe consequences of the anti-abortion law in force since 1993 on life and health of women. FWFP<sup>57</sup> indicated that numerous women have been denied access to reproductive health services such as contraception counselling, prenatal testing and lawful interruption of pregnancy; all these are legal under the Polish law, but hardly accessible. Furthermore, FWFP indicated that the major violations of sexual and reproductive rights occur in the following areas: 1) Criminalization of abortion on the social and economic grounds that force women to seek clandestine, therefore often unsafe, terminations of pregnancy; 2) The anti-abortion law in practice is more restrictive than *de iure*; 3) Limited access to modern contraceptives due to social and economic reasons as well as prohibition of voluntary sterilization; 4) Limited access to reliable and comprehensive sexuality education, information and services for adolescents.

24. The FWFP<sup>58</sup> also reported that physicians refused to issue a certification required for therapeutic abortion even when there are genuine grounds for issuing such a permit. Cases have been reported in which a woman is granted a permit and the physician to whom she goes for a service denies services, questioning the validity of the permit and the competence of the physician issuing it. Furthermore, because there are no guidelines as to what constitutes a threat to a woman's health or life, it appears that in deciding against abortion, some physicians do not take into account threats to a woman's health, as long as she is likely to survive the delivery of a child.

25. Also, according to FWFP<sup>59</sup>, one of the reasons for restricted access to therapeutic abortion is inappropriate performance of the procedural safeguards contained in the "conscience clause". Under Article 39 of the Act of 5 December 1996 on the medical profession, "*the doctor may abstain from accomplishing medical services discordant with his conscience, (...) nevertheless s/he is obliged to indicate real possibilities of obtaining the service from another doctor, or in another medical institution and justify his decision and mention about the refusal in the medical documentation*". Generally physicians relying on the "conscience clause" do not fulfill any procedural requirements stemming from it which aim at safeguarding the patient's rights. It is important to underline that not only do physicians abuse the conscience clause, but the clause is invoked by healthcare institutions as a whole. The hierarchical relations in Polish hospitals lead very often to the situation where the decision concerning the possibility of abortion is made by the director on his own, without consulting other doctors, who sometimes do not even share his / her point of view<sup>60</sup>. FWFP<sup>61</sup> further noted that although abortion on any legal grounds is difficult to obtain, this is particularly evident by yearly numbers of legal abortions due to rape. Every year no more than 2-3 abortions are performed on this ground while highly unreported rape statistics indicate several thousands rapes per year. FWFP<sup>62</sup> also indicated that unsafe abortion poses a major threat to women's health in Poland, in some cases causing death. The anti-abortion law did not eliminate, and probably has not diminished the phenomenon of abortion. Illegal terminations are very common. FWFP estimated in its 2000 report that the number of illegal abortions may yearly be between 80,000 and 200,000. The anti-abortion law obliges relevant state authorities to provide people with full access to contraceptive methods. However, the Government fails to meet this obligation. In 1999 five contraceptives have been withdrawn from the list of refunded medicines. Since then any action taken to introduce contraceptives on the lists of subsidized medicines has failed. According to FWFP<sup>63</sup>, in recent years, the Ministry of Health concentrated its efforts on the promotion of "natural" family planning methods and in 2006, the Minister of Health established a Ministerial Task Force to promote natural family planning. Programs promoting modern contraceptive methods are largely non-governmental.

26. FWFP<sup>64</sup> further indicated that social and economic barriers often prevent women and girls from obtaining contraception which can be bought on the basis of medical prescription. Contraceptive counselling is not integrated into the primary health care system. FWFP<sup>65</sup> recommends Poland to: implement a comprehensive sexuality education programme in school curriculum; introduce education and information as counselling programs improving access to all modern forms of family planning; review the effects of the restrictive anti-abortion law on women and undertake legal initiatives which will address systematic violations of sexual and reproductive rights; introduce regulations to avoid abuses of the Conscience Clause and to establish appeal mechanisms to improve access to reproductive health services legal under present law. The CoE CHR<sup>66</sup> recommended in 2007 that Poland ensure that women falling within the categories foreseen by the Polish abortion law are allowed, in practice, to terminate their pregnancy without additional hindrance or reproach. He also recommended to



create an appeal or review procedure whereby the decision of a doctor not to issue a certificate permitting an abortion be subject to review and that the State undertake further activities aimed at providing effective sexual education in schools. The Government of Poland provided comments to the CoE CHR<sup>67</sup>.

### **7. Right to education and to participate in the cultural life of the community**

27. According to the FWP<sup>68</sup>, the Polish State has failed to take into account and implement the Concluding Observations of UN Treaty Monitoring Bodies including the Human Rights Committee of 2004, on the issue of sexual education. The school curriculum provides for realization of the “*Preparation for Family Life*”, which is offered to pupils in secondary school (aged 15-18). Nevertheless, it is not obligatory. The content of the programme leaves a lot to be desired and by no means conforms to scientific standards. The vast majority of textbooks are not objective but present sexuality from the point of view of Catholic teaching. Such misinformation could increase the vulnerability of young people to STIs, HIV/AIDS, and teenage pregnancy. Furthermore, FWP<sup>69</sup> indicated that these textbooks strongly stereotype women and promote traditional model of family. They also present strong anti-choice discourse. A recently carried out national poll (2007) shows that almost 80% of Poles are in favour of sexual education in schools<sup>70</sup>. The Government of Poland provided comments to the CoE CHR<sup>71</sup>.

### **8. Refugees and asylum seekers**

28. According to AI<sup>72</sup>, in its March 2006 report, the CPT expressed concerns that the facilities for holding persons awaiting deportation seen during its 2004 visit did not meet the standards required for prolonged periods of detention. The provision of health care and psychological and psychiatric support to foreign nationals was not considered adequate. Furthermore, staff assigned to work with foreign nationals received little specialised training and there was little communication between staff and detainees, not least because of language barriers. Almost half of school-age children seeking asylum in Poland do not attend school. People with only “tolerated stay” permits are denied the social assistance given to asylum-seekers as well as the integration package provided for refugees. The number of asylum-seekers sent back to Poland from other EU states has increased following application of the so-called Dublin II Regulation, which establishes criteria and mechanisms for determining which EU state will examine an asylum application. HFHR notes that in 2005 “Halina Niec”, a human rights association, monitored Polish centers for detainees awaiting deportation and found that their living conditions were generally adequate. Furthermore, the HFHR<sup>73</sup> expressed concerns about the failure to realize other rights of detainees, including the failure to ensure access to information (regarding detention facilities operated by the police), lack of access to legal assistance and translators, shortage of suitable clothing due to financial restraints, and the lack of leisure time activities (sports, literature, newspapers, etc.). In 2006, the CoE CHR<sup>74</sup> recommended that Poland improve access to information, legal assistance and education for those asylum seekers residing in reception centres. The Government of Poland provided comments to the CoE CHR<sup>75</sup>.

29. The HFHR<sup>76</sup> noted that procedural ambiguities caused practical difficulties in establishing the legal status of unaccompanied minors crossing the border to Poland. It<sup>77</sup> also stated that each year, about 200 minors who have illegally entered Poland have been sent by the border police to the police-run centers for children. Subsequently, 80% of the children leave the centers without social workers involved in their cases. In 2005, 113 such minors

sought asylum in Poland. In 2005, a total of twenty places were reserved in two Warsaw foster homes for minors seeking asylum. Yet, one of the main problems concerning unaccompanied aliens remained: if their legal status could not be settled, they could be deported to their country of origin.

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

30. ATD Quart-Monde souligne les efforts faits par le gouvernement polonais et par les autorités locales pour soutenir les populations les plus pauvres notamment dans leurs démarches d'accès à l'emploi et à la formation<sup>78</sup>.

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

31. [n/a]

### V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

32. [n/a]

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#### Notes:

<sup>1/</sup> The following stakeholders have made a submission (all original submissions are available in full text on: [www.ohchr.org](http://www.ohchr.org)):

Civil Society: [NGOs with an \* have ECOSOC status.]

AI: Amnesty International, UPR submission, November 2007, London (UK)\* ;

ATD : Mouvement International ATD Quart Monde, en collaboration avec l'association Stowarzyszenie Przyjaciół Międzynarodowego Ruchu ATD Czwarty Świat w Polsce, « Soutenir la transition vers des zones de plein droit. Un défi pour les plus pauvres de Pologne », November 2007, Paris (France) and Kielce\*

FWFP: Federation of Women and Family Planning, UPR Submission, November 2007, Warsaw\*

GIEACP: Global Initiative to End All Corporal Punishment of Children, UPR Submission, November 2007, London (UK)

HFHR: Helsinki Foundation for Human Rights, UPR Submission, report 2006 and 2007, November 2007, Warsaw\*

ICJ: International Commission of Jurist, UPR Submission, November 2007, Geneva (Switzerland)\*;

ILGA: the International Lesbian and Gay Association - Europe, "The Status of Lesbian, Gay, Bisexual and Transgender Rights in Poland", UPR submission, November 2007, Brussels\*

KPH: Kampania Przeciw Homofobii (Campaign Against Homophobia Association)

RSF: Reporters Without Borders, UPR Submission, November 2007, Paris\*

Regional intergovernmental organization: Council of Europe, UPR submission including documents provided by Council of Europe bodies, November 2007, Strasbourg.

<sup>2/</sup> Amnesty International, contribution to the UPR, page 2 .

<sup>3/</sup> Amnesty International, contribution to the UPR, page 3.

<sup>4/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 25.

<sup>5/</sup> International Lesbian and Gay Association – Europe and Kampania Przeciw Homofobii (KPH), joint contribution to the UPR, page 1

<sup>6/</sup> Amnesty International, contribution to the UPR, pages 2 and 3.

<sup>7/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 25.

- <sup>8/</sup> Amnesty International, contribution to the UPR, page 3.
- <sup>9/</sup> Amnesty International, contribution to the UPR, page 3.
- <sup>10/</sup> Amnesty International, contribution to the UPR, page 3.
- <sup>11/</sup> Amnesty International, UPR Submission, November 2007, London (UK), p. 1.
- <sup>12/</sup> Amnesty International, contribution to the UPR, page 4.
- <sup>13/</sup> Amnesty International, contribution to the UPR, page 4.
- <sup>14/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 24.
- <sup>15/</sup> Helsinki Foundation for Human Rights, report 2006, transmitted as contribution to the UPR, page 302.
- <sup>16/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 24.
- <sup>17/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 27.
- <sup>18/</sup> International Commission of Jurist, contribution to the UPR, pages 1 and 2.
- <sup>19/</sup> Amnesty International, contribution to the UPR, pages 1 and 2.
- <sup>20/</sup> International Commission of Jurists, contribution to the UPR, page 2.
- <sup>21/</sup> International Commission of Jurists, contribution to the UPR, pages 2 and 3.
- <sup>22/</sup> International Commission of Jurists, contribution to the UPR, page 5.
- <sup>23/</sup> Amnesty International, contribution to the UPR, pages 4 and 5.
- <sup>24/</sup> Amnesty International, contribution to the UPR, pages 4 and 5.
- <sup>25/</sup> Amnesty International, contribution to the UPR, page 5.
- <sup>26/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 25.
- <sup>27/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 31.
- <sup>28/</sup> Global Initiative to End All Corporal Punishment of Children, contribution to the UPR, page 2.
- <sup>29/</sup> Global Initiative to End All Corporal Punishment of Children, contribution to the UPR, page 2.
- <sup>30/</sup> Global Initiative to End All Corporal Punishment of Children, contribution to the UPR, page 1.
- <sup>31/</sup> International Lesbian and Gay Association – Europe and Kampania Przeciw Homofobii (KPH) , Joint contribution to the UPR, page 5.
- <sup>32/</sup> International Lesbian and Gay Association – Europe and Kampania Przeciw Homofobii (KPH) , Joint contribution to the UPR, page 5.
- <sup>33/</sup> Amnesty International, UPR Submission, contribution to the UPR, page 4.
- <sup>34/</sup> Helsinki Foundation for Human Rights, report 2006, transmitted as contribution to the UPR, page 307.
- <sup>35/</sup> Amnesty International, contribution to the UPR, page 4.
- <sup>36/</sup> Amnesty International, contribution to the UPR, page 4.
- <sup>37/</sup> Amnesty International, contribution to the UPR, page 4.
- <sup>38/</sup> International Commission of Jurist, contribution to the UPR, page 5 (the Polish Section of the ICJ made a public statement on this issue on August 2007).
- <sup>39/</sup> International Commission of Jurist, contribution to the UPR, page 5.
- <sup>40/</sup> International Commission of Jurist, contribution for the UPR, page 5.
- <sup>41/</sup> International Commission of Jurist, contribution for the UPR, page 5.
- <sup>42/</sup> International Commission of Jurist, contribution for the UPR, page 6.
- <sup>43/</sup> Helsinki Foundation for Human Rights, report 2006, contribution to the UPR, page 304.
- <sup>44/</sup> Helsinki Foundation for Human Rights, report 2006, contribution to the UPR, page 304.
- <sup>45/</sup> Helsinki Foundation for Human Rights, position paper 2007, contribution to the UPR, pages 310-311.
- <sup>46/</sup> Helsinki Foundation for Human Rights, contribution to the UPR, pages 1 and 2.
- <sup>47/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 25.
- <sup>48/</sup> Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, pp. 31-32.

- <sup>49</sup>/ Reporters Without Borders, contribution to the UPR, page 1.
- <sup>50</sup>/ Reporters Without Borders, contribution to the UPR, page 2.
- <sup>51</sup>/ Reporters Without Borders, contribution to the UPR, pages 2 and 3.
- <sup>52</sup>/ Reporters Without Borders, contribution to the UPR, page 3.
- <sup>53</sup>/ ILGA Europe and KPH, joint contribution to the UPR, page 2.
- <sup>54</sup>/ ILGA Europe and KPH, joint contribution to the UPR, page 2.
- <sup>55</sup>/ Mouvement International ATD Quart Monde contribution to the UPR, page 4.
- <sup>56</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 1.
- <sup>57</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 1.
- <sup>58</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 2.
- <sup>59</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 3.
- <sup>60</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 3.
- <sup>61</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 3.
- <sup>62</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 4.
- <sup>63</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 4.
- <sup>64</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 4.
- <sup>65</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 5.
- <sup>66</sup>/ Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 25.
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- <sup>68</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 5
- <sup>69</sup>/ Federation of Women and Family Planning (FWFP), contribution to the UPR, page 5.
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- <sup>72</sup>/ Amnesty International, contribution to the UPR, page 5.
- <sup>73</sup>/ Helsinki Foundation for Human Rights, report 2006, contribution to the UPR, page 309.
- <sup>74</sup>/ Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 25.
- <sup>75</sup>/ Council of Europe, Commissioner for Human Rights, Memorandum to the Polish Government, Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, June 2007, p. 31.
- <sup>76</sup>/ Helsinki Foundation for Human Rights, contribution to the UPR, page 309.
- <sup>77</sup>/ Helsinki Foundation for Human Rights, contribution to the UPR, page 309.
- <sup>78</sup>/ Mouvement International ATD Quart Monde, contribution to the UPR, page 1.