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Basic information on Poland

Membership of the Human Rights Council

Poland was an inaugural member of the Human Rights Council (2006 – 2007).

Members of the troika

Angola, Brazil, Japan¹

National consultation

Poland's national report was prepared by the Ministry of Justice and the Ministry of Foreign Affairs, in consultation with the ministries of Labor and Social Policy, Health, and National Education. According to its national report, the Government requested comments on the preliminary draft of the report from representatives of NGOs, relevant parliamentary committees, and the Civil Rights Ombudsman (Commissioner for the Protection of Civil Rights). In its opening presentation to the UPR, Poland acknowledged that it had received complaints about the short period allowed for the submission of comments and assessments.

¹ Regional groups selected: African Group, Asian Group, and the Group of Latin American and Caribbean Countries. For a full summary of the selection of the troika, see http://www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf

Information submitted to the Working Group

State report

The report set out Poland's human rights achievements and challenges. It focused, among other things, on discrimination; racism; gender equality; the role of the judiciary and police in safeguarding human rights; poverty; and domestic violence. The report outlined the Government Action Plan for the implementation of the judgments of the European Court of Human Rights, and identified other initiatives undertaken by the Government to advance human rights.

Official UN documents

Poland's ratification of several international treaties, and its human rights education measures, were welcomed.² It was regretted that Poland had not incorporated into its domestic law the *Convention against Torture*.³ The lack of a definition of discrimination against women was noted.⁴ Among other issues, concerns were raised regarding intolerance and discrimination against minority groups;⁵ the right to life, liberty and security of the person;⁶ administration of justice and the rule of law;⁷ freedom of expression;⁸ right to an adequate standard of living;⁹ and the right to education.¹⁰ Poland's achievements and best practices were commended.¹¹

Other relevant stakeholders¹²

This report summarised nine stakeholders' submissions,¹³ and raised many issues that were also reflected in the official UN documents. Specific concerns included racial discrimination against minority groups; intolerance vis-à-vis homosexuals; ill-treatment by law enforcement officials; prison conditions; violence against women and children; abuses of freedom of expression; violations of sexual and reproductive rights; and ambiguity on the issue of the alleged secret detention in Poland of foreign terrorism suspects. Poland's efforts to assist the poorest segments of its population were commended.

² Core universal human rights treaties to which Poland is a party: [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), [International Covenant on Civil and Political Rights](#) (ICCPR), [First Optional Protocol to the International Covenant on Civil and Political Rights](#) (ICCPR-OP1), [International Convention on the Elimination of All Forms of Racial Discrimination](#) (ICERD), [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (CAT), [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (OP-CAT), [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), [Optional Protocol to the Convention on the Elimination of Discrimination against Women](#) (OP-CEDAW), [Convention on the Rights of the Child](#) (CRC), [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#) (OP/CRC-AC), [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#) (OP/CRC-SC).

³ Committee against Torture (CAT).

⁴ Committee for the Elimination of Discrimination against Women (CEDAW).

⁵ Human Rights Committee (CCPR) and CAT.

⁶ CCPR and CAT.

⁷ CAT and Committee on the Rights of the Child (CRC).

⁸ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

⁹ Committee on Economic, Social and Cultural Rights (CESCR), CEDAW and CCPR.

¹⁰ Committee on the Elimination of Racial Discrimination (CERD), CESCR, and CRC.

¹¹ CAT, CESCR and CRC.

¹² http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/A_HRC_WG6_1_PHL_3_Philippines_summary.pdf

¹³ Amnesty International, Mouvement International ATD Quart Monde, Federation of Women and Family Planning, Global Initiative to End All Corporal Punishment of Children, Helsinki Foundation for Human Rights, International Commission of Jurist, International Lesbian and Gay Association, Campaign Against Homophobia Association, Reporters Without Borders. The original reports are available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRPolandStakeholderInfoS1.aspx>

Interactive dialogue

Presentation by Poland

The 27-member delegation of Poland was led by H.E. Mr Witold Waszczykowski, Undersecretary of State at the Ministry of Foreign Affairs. He highlighted that following its 1989 democratic transformation, Poland's approach to human rights had appreciably changed. The subsequent period had been characterised by the development of a rule of law state, and the emergence of human rights as a foreign policy priority. Poland, given its history, attached particular importance to reinforcing the rule of law, democracy and good governance as crucial elements of human rights, sustainable development and security. It continued to promote good governance internationally, and in 2006 had hosted a UN conference on anti-corruption. Poland announced its readiness to strengthen its engagement in international human rights institutions.

In responding to some of the questions it had received in advance, Poland acknowledged the challenges it continued to face, and the measures it was taking in response. The delegation noted, among other issues, employment of a *Paris Principles*-compliant Civil Rights Ombudsman; the prevalence of discrimination and racism, and Poland's strategy to counter them; problems faced by the judiciary and penal system; long-term measures to tackle HIV/AIDS, domestic violence, and racial discrimination; the draft act on Equal Treatment; the establishment of Human Rights Advisors in the police force; human rights education for officials; awareness campaigns on sexual orientation; modernisation of prisons; lengthy pre-trial detention; and the lustration process pertaining to the activities of State officials during the period 1944-1990.

Key issues

Most States commented favourably on Poland's report and presentation. Russia, by exception, neither welcomed the delegation nor its report, but merely noted the latter. Several delegations acknowledged Poland's achievements in the field of human rights,¹⁴ its transparency and openness in discussing difficulties, and its solid preparation for the UPR.¹⁵

Many delegations applauded Poland's efforts to combat **racial discrimination and intolerance**,¹⁶ including through its governmental monitoring team, awareness training among officials, and its long-term program for addressing the situation of the Roma.¹⁷ Others¹⁸ observed that the issue remained problematic and encouraged Poland to continue fighting the phenomenon.¹⁹ The UK noted that respect for minorities appeared to be increasing, but recommended that Poland consider establishing "twinning" relationships with countries that recently instituted reforms on minority issues.²⁰ Poland responded that, as part of its efforts to combat racism, the Government had instigated media campaigns; introduced training for officials, judges, and police

¹⁴ Ukraine, Israel, Malaysia, Japan, China.

¹⁵ Turkey, France, Brazil.

¹⁶ Angola, Turkey, Mexico, Brazil, Ukraine.

¹⁷ Turkey.

¹⁸ Japan, which was particularly concerned about racial discrimination against children; China, which noted discrimination against Jews, Asians, and Africans. Pakistan requested further details on the outstanding concerns of the treaty bodies with respect to xenophobia and racial discrimination. Slovenia encouraged Poland to implement the recommendations of the Human Rights Committee and the Committee Against Torture to sanction manifestations of hate speech and intolerance, while Pakistan asked what measures were being taken to address this issue.

¹⁹ In this regard, Algeria reiterated a recommendation made by the Council of Europe Commissioner for Human Rights, that Poland enact a body of anti-discrimination legislation and set up a body to combat discrimination. Algeria also encouraged Poland to train its law enforcement bodies and judiciary in handling complaints emanating from racially motivated crimes. Meanwhile Cuba asked what measures were in place to comply with CERD Article 4, which prohibited all organisational activities that incite to racial discrimination.

²⁰ The UK also queried what the Government was doing to promote awareness and discussion of diversity issues.

officers; and was cooperating with NGOs (including Jewish organisations) to facilitate improved monitoring of cases.

France observed that physical and psychological violence on this basis of **sexual orientation** was still prevalent, and rarely addressed adequately by police.²¹ Some delegations asked Poland what steps it took to protect people from discrimination on the basis of their sexual preferences.²² Others asked about the intended scope of the draft law on equal treatment, and how it would apply to sexual orientation.²³ The UK and Canada recommended that Poland outlaw discrimination on grounds of sex orientation.²⁴ Poland responded that the equal treatment law would complement existing anti-discrimination regulations, and would comprehensively regulate all forms of discrimination, including on the basis of sexual orientation.²⁵

Canada noted that the Special Representative of the Secretary-General on the situation of human right defenders had expressed concern about the harassment of groups campaigning for the equal rights of persons regardless of their sexual orientation. Canada recommended that Poland ensure a secure environment for **human rights defenders**, and that the **right to freedom of expression and association** be respected.

China commended Poland on the measures it had taken to promote **gender equality**, while Malaysia welcomed Poland's response to domestic violence²⁶ and protecting children.²⁷ Austria expressed its concerns about the abolition of the Plenipotentiary on Gender Equality,²⁸ and recommended that Poland introduce a comprehensive law on gender equality. Slovenia recalled that Human Rights Council Resolution 5/1 had called for a gender-perspective to be integrated in the UPR, and asked what Poland had done to comply with this during its consultations.²⁹ Cuba recommended that Poland continue to promote the participation of women in political and public life. Canada recalled CEDAW's recommendation that Poland provide law enforcement training on **domestic violence**, and noted that Poland had taken steps to combat the phenomenon. In response to Malaysia's question about the successes and challenges of its campaign against domestic violence, Poland reported that it had enacted a program against domestic violence in 2006. It had also established various institutional measures to assist victims of violence.³⁰

On the **rights of children**, some delegations urged Poland to ensure that its domestic legislation aligned with the requirements of the Convention on the Rights of the Child.³¹ Sweden remarked that Poland's domestic legislation did not provide for an unequivocal prohibition of corporal punishment, and asked what measures Poland had in place to ensure sufficient legal protection of children from violence. Poland indicated that it had, in 2005, adopted a law to address violence within the family, which contained provisions specific to

²¹ Sweden spoke in similar terms.

²² France, Brazil.

²³ UK, Sweden, Slovenia. Norway asked when the law was likely to be adopted, while Canada commended Poland on pursuing a draft law on equal treatment.

²⁴ Slovenia urged Poland to withdraw any legislative proposal aimed at punishing anyone who promotes homosexuality, if such a proposal was still being considered. Cameroon urged Poland to intensify its efforts to fight all forms of discrimination.

²⁵ Poland added that, as part of the research it had commissioned in 2007, Poland used budget and EU funds to finance textbooks, training, and teaching activities about diversity. It also worked closely with organisations dealing with sexual minorities. A working group on discrimination had also been established, which could submit recommendations to the Government.

²⁶ Similarly, Turkey welcomed Poland's action plans to raise awareness of domestic violence in school curricula.

²⁷ Malaysia referred to these initiatives as good examples of best practices.

²⁸ Similarly, Slovenia recommended reinstating the office of the Government Plenipotentiary for Equality of Men and Women or a similar mechanism at the highest possible political level to coordinate the coordination of the gender perspective across all sectors.

²⁹ Slovenia also recommended that Poland take steps to ensure that the gender perspective was thoroughly integrated in future stages of the UPR. Poland did not specifically address this issue.

³⁰ These included crisis centres, shelters, and orientation programs for mothers and children.

³¹ Mexico, Angola. The latter also requested more information on legislative and administrative measures to counter violence against children.

offenders, and aimed to prevent familial violence from recurring. A program was also being developed to detect deficiencies in children's upbringing and education.

Russia and Cuba referred to **secret detention centres** for foreign terror suspects, allegedly hosted by Poland. Russia recommended that Poland publish the results of a recent study on the matter.³² Cuba observed that Poland had not yet replied to two requests for clarification sent by the European Commission. In response, Poland recalled that reports on this issue were unsubstantiated and purely speculative. The competent authorities had investigated the issue, and the Government had unequivocally denied the allegation in November 2005. The Polish Parliament had reiterated the same position.

While Mexico noted Poland's efforts to improve **detention conditions** and address prison overcrowding, several delegations remained concerned about the persisting problem³³ and urged continued efforts to address it. Similarly, some delegations noted Poland's efforts to address the issue of **judicial delays**,³⁴ while several others observed the continuation of the problem, and urged improvements in this area.³⁵ Brazil asked about the utility of Poland's proposed system of electronic surveillance as an alternative to incarceration, to which Poland responded that a July 2008 law would enable some sentences to be served outside of prisons.

Several delegations commended Poland on its initiative of posting **Human Rights Advisers in the police force**.³⁶ Some countries requested further elaboration, including details on the efficiency of the mechanism, and its impact on the promotion of human rights.³⁷ Austria recommended that Poland share its experiences with other countries. Poland responded by setting out the nature of the advisers' roles.

Pakistan assessed that Poland's use of a **civil rights ombudsman** was a good indicator of its commitment to human rights. Israel noted that the ombudsman was able to receive complaints from anyone, and asked Poland to elaborate on the informal procedure for submitting complaints. In response, Poland elaborated that, following the submission of a complaint from any member of the public, the ombudsman could make recommendations to relevant State organs or initiate judicial proceedings in relevant courts.

Slovakia praised Poland's leadership on **good governance** and the fight against **corruption**, and asked for further elaboration on how human rights and good governance principles could help to combat corruption. Poland explained that corruption presented a serious obstacle to the enjoyment of human rights, and needed to be tackled at the national and international levels.³⁸

On Poland's **multilateral human rights engagement**, Turkey asked whether Poland intended to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. Poland responded that the Ministry of Justice had recently launched the ratification procedure, and that inter-ministry consultations were underway. France recommended that Poland set a date for signing the International Convention for the Protection of All Persons from Enforced Disappearance,³⁹ while Mexico urged Poland to consider ratification of the Convention on the Rights of Persons with Disabilities.

³² Cuba asked more pointedly what Poland could elaborate further on this issue.

³³ Japan Brazil, Denmark, Russia, Algeria.

³⁴ China, Denmark.

³⁵ Republic of Korea, Japan, Algeria. Denmark asked Poland to elaborate on measures it had taken to reduce the application of pre-trial detentions.

³⁶ Austria, Canada, Azerbaijan. Ukraine called this a "remarkable achievement".

³⁷ Austria, Ukraine.

³⁸ Poland added that important measures in this regard included judicial reforms, the development of effective sanctions, and the introduction of preventive measures, such as education.

³⁹ Poland responded that it was already party to various conventions that addressed the issue, and that its domestic law adequately covered such crimes. Nevertheless, Poland was prepared to consider the issue.

Azerbaijan and Mexico noted Poland's efforts to combat **trafficking in persons**, while Mexico invited Poland to ratify the International Convention on Migrant Workers.

Australia inquired about the role of Poland's **national human rights institution** (NHRI) in promoting human rights.⁴⁰ Some delegations praised Poland for the **involvement of civil society** in its UPR preparations.⁴¹

Russia recommended that Poland ensure that its **illustration law** meets its obligations under international human rights instruments.

Brazil recognised Poland's efforts to eliminate **discrimination in the labour market**, while others sought further information, including details on how and by which date equality legislation would be finalised to widen the participation of women and the disabled in the labour market.⁴²

Azerbaijan asked about social assistance to poor families. Poland acknowledged that **poverty** remained an ongoing problem. It pointed to its 2004 national strategy, which outlined its social integration policies. Poland described briefly some measures it had taken to improve the plight of the unemployed, which aimed to achieve their social inclusion.⁴³

Norway observed that Polish law allowed for **abortion** when a woman's life or health was at risk, and asked what was being done to facilitate abortion for women who qualified under this condition. Poland responded that prenatal testing in Poland was increasing, and that in the event that incurable defects or diseases are detected, parents have the right to opt for abortion. The delegation added that while doctors had the right to draw on the "conscience clause" to refuse an abortion that met legal requirements, healthcare facilities that refused abortions in such circumstances were obliged to have agreements with subcontractors who were willing to perform the abortion.⁴⁴

Concluding remarks

The head of delegation noted Poland's long history of struggle for independence and human rights, which had culminated in the peaceful revolution of 1989. It would have been impossible, he added, to build a properly free and democratic Poland without due regard for human rights. Poland hoped that the UPR would contribute to the actual improvement of human rights records of UN members, and believed that the credibility of the Council depended on the UPR's success. The UPR would assist in Poland's efforts to strengthen democracy and the rule of law for the benefit of all its citizens. The delegation thanked the Chair, the troika, and the OHCHR for their respective roles in the UPR.

Adoption of the report [15 April, 05.30pm]

Brazil, on behalf of the troika, thanked the Polish delegation for its cooperation, cordial dialogue, and mature approach. The significant efforts of the Secretariat were also applauded. Poland said it had been a pleasure to participate in the first group of countries to be reviewed. It hoped that the UPR, due to its universal character, could become an effective tool for the promotion and protection of human rights. Poland acknowledged that while it had achieved much in the field of human rights, many challenges remained. It would work resolutely towards overcoming them. Poland thanked the troika for its excellent work and constructive approach, and the

⁴⁰ Poland did not address this question in detail, noting only that the Office of the Ombudsman was an accredited NHRI, which adhered to the Paris Principles.

⁴¹ Azerbaijan, Pakistan, Mexico, Ukraine.

⁴² Republic of Korea, UK.

⁴³ For example, an assistance program for rural areas was in place, co-financed by the World Bank.

⁴⁴ In addition, Poland remarked that new provisions had recently been introduced to permit an appeal where a doctor refuses an abortion ostensibly permitted by the law.

Secretariat for its 'excellent' efforts. Poland undertook to study the final report carefully, and to provide comments and voluntary commitments shortly before or during the next Council session. Poland was grateful for what it termed an 'enriching process'. The report was adopted by consensus.

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