



## International Covenant on Civil and Political Rights

Distr.: General  
19 August 2014

Original: English

---

### Human Rights Committee

#### List of issues prior to submission of the seventh periodic report of Poland\*

The Human Rights Committee, at its ninety-seventh session (A/65/40 (Vol. I), para. 40), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 40 of the Covenant.

#### General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide detailed information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report (CCPR/C/POL/6), including any relevant case law. Please also provide information on cases in which the provisions of the Covenant have been invoked directly before the courts and on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
2. Please provide information on significant political and administrative measures taken since the previous periodic report to promote and protect human rights under the Covenant, and the resources allocated thereto, their means, objectives and results. Please also indicate if the Human Rights Defender, the Ombudsman and the Government Plenipotentiary for Equal Treatment are adequately financed to carry out their functions.
3. Please provide any other information on new measures taken to disseminate and implement the previous recommendations of the Committee (CCPR/C/POL/CO/6), including any necessary statistical data.

---

\* Adopted by the Committee at its 111th session (7–25 July 2014).



## **Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee**

### **Constitutional and legal framework within which the Covenant is implemented (arts. 2, 3 and 26)**

4. Please indicate if the Act of 3 December 2010 on Implementing Certain European Union Provisions on Equal Treatment covers discrimination based on all the grounds specified in articles 2, 3 and 26 of the Covenant, including sexual orientation, disability and religion. Please provide information on the National Action Plan on Equal Treatment (2013-2016) and report on its implementation.

### **Counter-terrorism measures (arts. 2, 7 and 9)**

5. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 15), please provide updated information on the steps taken to effectively investigate the alleged involvement of the Polish authorities in rendition and detention programmes, and on follow-up measures taken.

### **Non-discrimination, incitement to national, racial or religious hatred, equality before the law and rights of persons belonging to minorities (arts. 2 (para. 1), 20, 26 and 27)**

6. Please provide information on measures taken to address the reported growing number of cases of verbal and physical attacks against Muslims, Roma and people of African origin, including steps to promote tolerance and combat prejudice. Please indicate the measures taken to increase the rate of investigation of and prosecution for racially motivated crimes and provide relevant statistical data on the number of complaints, investigations, prosecutions and outcomes. Please provide information on the impact of the work of the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, which was established in 2013.

7. Please indicate the measures taken to counter acts of an anti-Semitic nature, and provide information on the number of investigations carried out into incidences and manifestations of anti-Semitism, as well as prosecutions instigated and sentences handed down in each case. Please comment on reports that anti-Semitic literature and newspapers are sold openly in the State party. Please also provide information on measures taken to address incidents of racism and anti-Semitism in the media, including any complaints mechanisms available.

8. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 8), please provide information on measures taken to combat discrimination on the grounds of sexual orientation or gender identity and to intensify awareness-raising activities targeting the police and the wider public. Please provide information on any steps taken to legally prohibit discrimination on the grounds of sexual orientation or gender identity, including amending the Penal Code to define hate crimes based on sexual orientation or gender identity as punishable offences.

### **Violence against women and equal rights of men and women (arts. 2, 3, 7 and 26)**

9. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 10), and the follow-up of the State party (CCPR/C/POL/CO/6/Add.1), please provide updated statistics on the number of cases in which restraining orders have been issued against perpetrators of domestic violence, and the outcomes of and the length of the criminal prosecution procedures for domestic violence cases. Please also provide updated statistics on the capacity of existing support centres for

victims of domestic violence. Please also provide information on the outcome of the survey of cases dismissed by the General Prosecution Authority.

10. Taking into account the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 9), please indicate the measures taken to combat discrimination against women, including the steps taken to increase the participation and representation of women in political and public life and in decision-making positions. Please indicate the measures taken to ensure that women enjoy equal pay for work of equal value. Please also provide information on the work of the Government Plenipotentiary for Equal Treatment with regard to equal representation of women and men in the public and political spheres and outline any of its achievements.

#### **Right to life (art. 6)**

11. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 12) and the follow-up response of the State party (CCPR/C/POL/CO/6/Add.1), please provide information on the estimated number of clandestine abortions carried out during the reporting period, putting women's lives and health at risk, and indicate the measures taken to address that phenomenon. Please also report on the use of the "conscience clause" contained in article 39 of the Act of 5 December 1996 on the Medical Profession in reproductive health services and the measures taken to prevent it from inhibiting access to legal abortion. Please indicate whether the State party has reduced the 30-day response deadline of the Medical Commission in cases related to abortion or if there are any measures in place to ensure that response deadlines do not cause any effects defeating the enjoyment of rights protected under the Covenant.

#### **Prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 7)**

12. Please indicate if the current Penal Code contains a definition of torture that covers all of the elements contained in article 7 of the Covenant. Please provide information on the existence of an effective and independent mechanism, with the authority to promptly, impartially and effectively investigate all reported allegations of and complaints about acts of torture and ill-treatment of persons deprived of their liberty, and provide relevant statistical data.

13. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 13), please report on specific measures taken to address allegations of police violence and excessive use of force by prison personnel, including training for police officers and investigations by an independent body. Please provide statistics on: (a) the number of complaints of violence committed by police and prison personnel lodged annually since 2009; (b) the number of investigations opened; (c) the outcome of those investigations; and (d) any penalties imposed on police officers who resorted to excessive force or violence.

14. Please provide information on the law introducing "chemical castration" for sex offences, its application and compatibility with article 7 of the Covenant.

#### **Elimination of slavery and servitude (art. 8)**

15. Please provide information, including statistical data, about trafficking in persons, and on the measures adopted to prevent trafficking in persons and increase protection for victims of trafficking. In that regard, please indicate the measures taken to provide protection to victims of trafficking, including legal, medical and psychological aid, independent of the victim's readiness to cooperate with law enforcement agencies. Taking into account the previous concluding observations of the Committee (CCPR/C/POL/CO/6,

para. 14), please indicate whether the State party envisages amending its Penal Code to include a provision to protect victims of trafficking from prosecution, detention or punishment for activities in which they were involved as a direct consequence of their situation as trafficked persons.

**Right to liberty and security of persons and humane treatment of persons deprived of their liberty (arts. 9 and 10)**

16. Please indicate the measures taken to guarantee, in practice, the right of detained persons to notify their immediate relatives about their detention. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 16), please provide information, including statistical data, on measures taken to reduce the length and frequency of pretrial detention. In that regard, please also provide information on the steps taken to ensure that pretrial detention is not extended beyond the period prescribed by law.

17. In the light of the previous concluding observations (CCPR/C/POL/CO/6, para. 17), please provide information on the measures taken to prevent overcrowding, including relevant statistics. Please report on the measures taken to improve the quality of health services in prison facilities and to reduce violence among prisoners. Please provide information on non-custodial preventive measures and alternatives to custodial sentences, as well as statistics on their application in practice.

18. Please comment on reports that “N” status inmates (dangerous inmates) are held in inhuman detention conditions and that there is no procedure in place for periodic evaluation of their status. Please also provide statistical information on the number of “N” status inmates in the State party.

19. Please provide information on the Act of 22 November 2013 on proceedings against persons with mental disorders who pose a threat to the life, health or sexual freedom of other persons, its application and compatibility with article 9 of the Covenant. Please provide information on whether post-penal isolation is reviewed regularly. Please also provide data on the number of people who are in such isolation and on the length of their detention.

**Protection of aliens subject to deportation (arts. 7, 9, 10, 13 and 24)**

20. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 18) and the follow-up of the State party (CCPR/C/POL/CO/6/Add.1), please indicate whether the State party envisages reviewing the Aliens Act of 2003. Please also provide information on:

(a) The measures taken to ensure that the detention of foreigners in transit zones is not excessively protracted and that decisions to extend detention are adopted by a court;

(b) The steps taken to ensure that individuals are informed in a language that they understand of their rights, including non-refoulement, if applicable, and of the reasons for their deportation;

(c) The measures taken to ensure that services and material conditions, including access to health care, in all deportation detention centres are in conformity with minimum international standards;

(d) The number of migrant children held in detention centres for foreigners in the last three years.

**Right to a fair trial and access to a lawyer (arts. 14 and 9)**

21. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 19), please provide information on the measures taken to improve the functioning of the judicial system, including by increasing the number of judicial personal and training judges and court staff. Please also provide information on the measures taken to reduce the backlog of court cases and delays in proceedings.

22. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 20), please provide information on the measures taken to ensure that persons held in police custody are afforded fundamental legal safeguards from the very outset of the deprivation of their liberty in all cases, including, but not limited to the right to have prompt access to a lawyer, including, where necessary, a public defence counsel provided by the State, and the ability to meet and correspond confidentially with their lawyer.

**Right to privacy (art. 17)**

23. Please provide information on legislation governing electronic surveillance, including of telephone, email and fax communications, and legal safeguards against unwarranted government access to private communications, as well as respect of the right to privacy in practice. Please also provide information on how the provisions in the Penal Code that attribute criminal liability to persons insulting religious sentiments and State symbols are compatible with the Covenant.

**Freedom of thought, conscience, to hold opinions, expression, association and the right of peaceful assembly (arts. 18, 19, 21 and 22)**

24. Taking into account the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 22), please indicate if the State party envisages amending the Penal Code of 2010 to abolish imprisonment for press offences, in particular article 212 (2), under which the penalty for slander is deprivation of liberty for one year. Please provide statistical information on the application of this provision.

25. Please indicate if the State party envisages amending the Assemblies Act of July 1990 and reviewing the amendment introduced in 2012 to fully guarantee the right of peaceful assembly in accordance with the Covenant. Please also indicate the measures taken to ensure that the right of peaceful assembly is guaranteed in practice, including with regard to events organized by lesbian, gay, bisexual or transgender (LGBT) persons.

**Protection of minors and rights of the child (arts. 9, 10 and 24)**

26. In the light of the previous concluding observations of the Committee (CCPR/C/POL/CO/6, para. 24), please provide information on:

(a) The measures taken to ensure that children who have not committed a punishable act are not placed in police custody;

(b) Whether new legislation has been introduced to regulate the living conditions of juveniles in police custody centres as well as their entry and stay in such facilities;

(c) The use of “provisional room” for juveniles (*izba przejściowa*) and how the State ensures that juveniles are treated in a manner commensurate with their age in police custody centres;

(d) Existing alternative measures to deprivation of liberty for juveniles and the steps taken, if any, to develop and strengthen them;

(e) The use of the Code of Civil Procedure for juveniles who have committed crimes and the legal guarantees afforded to juveniles.

**Political participation (arts. 2, 25 and 26)**

27. Please provide information on restrictions on the right to vote of persons with mental disabilities.

---