



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-second session

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE FIFTH PERIODIC REPORT
OF POLAND (CCPR/C/POL/2004/5)**

**Constitutional and legal framework within which the Covenant and the
Optional Protocol are implemented (art. 2)**

1. Please describe the procedures in place for the implementation of the Views adopted by the Committee under the First Optional Protocol.
2. Please elaborate on the results of the Ombudsman's activities regarding human rights complaints and investigations (para. 24).
3. Please clarify whether in preparing and presenting its reports to the Security Council's Counter-Terrorism Committee, the State party has given due consideration to the protection of the rights enshrined in the Covenant. Please also address the compatibility with the Covenant of counter-terrorism measures taken by the State party pursuant to Security Council resolution 1373 (2001).

Gender equality and prohibition of discrimination (arts. 2.1, 3 and 26)

4. Please provide further information on the objectives of the second stage of the National Action Plan for Women (2003-2005), in particular with regard to the participation of women in public life (paras. 44-51), lack of equal remuneration between men and women (para. 77), and the persistently low number of women in senior positions (para. 79).
5. Please provide up-to-date information on cases of discrimination in the workplace, and on the outcome of those cases, particularly with regard to the remedies provided.

6. Please provide information on the status of the draft amendment to the Labour Code (para. 61), limiting the types of information an employer may require from employees, so as to avoid discrimination on grounds of sex.

7. According to paragraph 85 of the report, a draft amendment to the Law on Social Insurance, which would address the unequal old-age pension eligibility, is to be submitted to Parliament in 2004. What is the current status of this draft amendment?

Violence against women and children, and prohibition of slavery and forced labour (arts. 3, 7, 8 and 24)

8. What measures have been taken to enforce legislation prosecuting those who commit acts of domestic violence? Have police and prosecutors received training to ensure that these cases are not considered private matters, and routinely dismissed as such? Does legislation allow for issuance of restraining orders in order to prevent further abuse? Are measures envisaged to ensure greater protection and assistance to victims of domestic violence?

9. Please provide further information on the status of the National Programme for the Elimination and Prevention of Trafficking in Human Beings (para. 140).

Right to life (art. 6)

10. Further to paragraph 11.1 of the report, has a decision been taken regarding ratification of the Second Optional Protocol to the Covenant?

11. According to the report, a national debate is under way on a possible amendment to the Law on Family Planning, Protection of the Human Foetus and Conditions for the Admissibility of Abortion (para. 108). Does the State party intend to make the law less restrictive, in order to deal with the high numbers of clandestine abortions?

12. Does the State party envisage making sexual education courses in schools (including material on sexually transmitted diseases such as HIV/AIDS) mandatory (para. 387)?

Right to be free from torture or cruel, inhuman or degrading treatment or punishment (arts. 7, 9 and 10)

13. In light of reports of cases of ill-treatment and deaths in police custody, of which prostitutes, victims of trafficking and the Roma are the principal victims, please elaborate on the effectiveness of the measures that are in place to prevent and punish acts of torture and ill-treatment of detainees in prisons by inmates and law enforcement officers and to establish permanent and independent mechanisms for the prosecution and punishment of the perpetrators (paras. 169-170, 198-207 and 211).

14. Please clarify how the United Nations Standard Minimum Rules for the Treatment of Prisoners are complied with, in particular with regard to overcrowding (paras. 213-220). What measures have been taken to introduce alternative forms of punishment and to prevent prisoners from contracting fatal illnesses in detention?

15. Please provide information on steps taken to reduce the frequency and duration of pre-trial detention (paras. 159-163).

**Freedom of movement and prohibition of arbitrary
expulsion of aliens (arts. 12 and 13)**

16. Paragraph 252 of the report indicates that, of a total of 25 applications for asylum in 2002, "no single positive decision was issued". Please provide further information as to the reasons for this situation and statistics for the year 2003. Please elaborate on how the principle of non-refoulement is being upheld in the State party, in particular with regard to Chechen asylum-seekers.

Right to a fair trial (art. 14)

17. Please provide further information on the achievements and results obtained in 2003 with respect to the right to a fair trial, especially in terms of the increase/decrease in the national budget for the judiciary, increase/decrease in the number of judges, increase/decrease in the backlog of cases and increase/decrease of the average length of court proceedings.

18. Does the State party envisage measures that would make the legal assistance available on a regular basis to those who cannot afford it (para. 287)?

19. Please comment on information before the Committee, according to which access to legal assistance for temporarily detained persons has frequently been restricted, and the first contact between the lawyer and the accused has taken place only during the final stage of the preliminary investigation.

Protection of privacy (art. 17)

20. According to paragraph 303 of the report, the State party, taking into account the previous concluding observations of the Human Rights Committee, has amended the Law on the Police of 19 March 2002 so as to allow for independent monitoring of surveillance and tapping of telephones. Please provide information on the annual report presented by the Prosecutor General to the Sejm and Senate on activities connected with operations audit.

Non-discrimination and protection of minorities (arts. 26 and 27)

21. According to information before the Committee, acts of racially motivated harassment and discrimination against the Roma and people of African, Arab, Asian and Muslim origin continue to occur. Please comment on these reports and provide information on what is being done to prevent such incidents. The State party report mentions a Pilot Government Programme for the Roma Community in the Voivodeship of Malopolska and a long-term national Programme for the Roma Community in Poland (para. 451). Please provide information as to the results obtained by these programmes.

22. Please elaborate on actions taken by the State party to address incidents of desecration of Catholic and Jewish cemeteries, as well as other acts of anti-Semitism, and to prosecute such acts.

23. Please provide information on measures taken to protect sexual minorities, such as gays and lesbians.

24. Please provide information on the existing regulations as to the right of minorities to use their own language in their dealings with administrative authorities, as well as on the establishment of a new government agency for the protection of minorities, as envisaged in the draft law on national and ethnic minorities in the Republic of Poland.

Dissemination of the Covenant and the Optional Protocol (art. 2)

25. Please provide information on training provided for public officials, in particular teachers, judges, lawyers and police officers, concerning the Covenant and its First Optional Protocol. Please also describe other measures taken to disseminate information on the Covenant and its First Optional Protocol, as well as information on the submission of reports and on their consideration by the Committee, particularly on the Committee's concluding observations.
