



International Covenant on Civil and Political Rights

Distr.: Restricted*
23 September 2013
English
Original: French

Human Rights Committee Eighty-second session

Summary record of the first part of the 2251st meeting (closed)**

Held at the Palais Wilson, Geneva, on Thursday, 4 November 2004 at 10 a.m.

Chairperson: Mr. Amor

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Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Draft concluding observations on the fifth periodic report of Poland

* All persons handling this document are requested to respect and observe its confidential nature.
** No summary record was issued for the rest of the meeting.

This record is subject to correction. Participants wishing to submit corrections during the session of the Committee are asked to hand them, in typewritten form, to the Secretary of the Committee. A consolidated corrigendum to the summary records covering the closed meetings of the Committee will be issued shortly after the end of the session.

The meeting was called to order at 10.10 a.m.

Consideration of reports by States parties under article 40 of the Covenant
(agenda item 6) (*continued*)

Draft concluding observations on the fifth periodic report of Poland
(CCPR/C/POL/2004/5; CCPR/CO/82/POL (FUTURE))

1. **The Chairperson** invited Committee members to consider the draft concluding observations on the fifth periodic report of Poland (CCPR/CO/82/POL (FUTURE)).

Paragraphs 2 to 7

2. *Paragraphs 2 to 7 were adopted without change.*

Paragraph 8

3. **Mr. Shearer** asked what was meant by “lack of follow-up” by the State party on the use of the conscientious objection clause by medical practitioners who refused to carry out legal abortions. Did the follow-up the Committee would like to see consist of gathering statistics on the matter, or was the idea to identify doctors who refused to practice abortions without being genuine conscientious objectors?

4. **Mr. Yalden** (Rapporteur for Poland) explained that there was good reason to believe that women did not seek to interrupt their pregnancy, even when they were authorized to do so, because of the resistance of doctors. The Committee needed to know more about that situation, and that was the reason for asking the State party to follow the situation closely.

5. **Mr. Shearer** said that if the Committee would be asking the State party to obtain more information, he had no objection. However, as it stood, the wording seemed to imply that it was wrong for a doctor or a nurse to invoke the conscientious objection clause, and that was unacceptable.

6. **Mr. Yalden** (Rapporteur for Poland) suggested that the expression “lack of follow-up” should be replaced by “lack of information” and the Committee should simply request the State party to “provide further information on the use of the conscientious objection clause by doctors...”.

7. *Paragraph 8, as amended, was adopted.*

Paragraphs 9 to 22

8. *Paragraphs 9 to 22 were adopted without change.*

9. **The Chairperson** asked the Rapporteur which questions should be mentioned as priority issues for the State party to reply.

10. **Mr. Yalden** (Rapporteur for Poland) said that the priority questions were those mentioned in paragraphs 8 and 9 (abortion and family planning), and paragraph 17 (Roma). Reference might also be made to paragraphs 11 (domestic violence) and 19 (desecration of cemeteries and anti-Semitism), but that was not absolutely necessary.

11. **The Chairperson** suggested that the Committee only refer to paragraphs 8, 9 and 17.

12. *It was so decided.*

13. *The text of the draft concluding observations of the Human Rights Committee on the fifth periodic report of Poland (CCPR/C/82/POL) was adopted.*

The first part of the meeting rose at 10.20 a.m.