



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record of the 1759th meeting*

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Chair: Mr. Modvig

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* No summary records were issued for the 1758th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention

Seventh periodic report of Poland (CAT/C/POL/7 and CAT/C/POL/QPR/7)

1. *At the invitation of the Chair, the delegation of Poland took places at the Committee table.*
2. **Mr. Piebiak** (Poland) said that, while ensuring respect for human rights and fundamental freedoms, his Government continued its efforts to prevent any act or omission that would violate the provisions of the Convention against Torture. Under Polish criminal law, all acts covered by the definition of torture set forth in international instruments were considered offences. Any public officer who engaged in conduct constituting torture, or any officer who allowed such conduct, was punishable under the Criminal Code. Specific punishable offences included extracting confessions through violence, unlawful threats and the physical or psychological abuse of persons deprived of their liberty. The guidelines issued by the Prosecutor General on 27 June 2014 for public prosecutors involved in criminal proceedings related to deprivation of life and inhuman or degrading treatment or punishment perpetrated by police officers or other public officials were closely followed. Regional public prosecutor's offices were required to forward information on any such cases to the National Public Prosecutor's Office and at each regional or district prosecutor's office there was a designated officer responsible for coordinating and monitoring cases involving offences committed by police officers. Those cases were exempted from the principle of geographic jurisdiction and, accordingly, were transferred to another unit for investigation in order to ensure impartiality and objectivity.
3. In recent years, public prosecutors working in domestic prosecution units had participated in various workshops and conferences on domestic violence focused on criminal proceedings, action to be taken outside the framework of criminal proceedings and cooperation with other entities active in the field. Specific training in how to handle family violence cases covered the probable backgrounds of perpetrators and victims of family violence and the regulations on victim protection. In addition, a specific methodology for the conduct of criminal proceedings in cases of domestic violence had been developed, and had been disseminated among all public prosecution units. Victim support and cooperation with organizations active in the field were also discussed at training sessions.
4. The National School of the Judiciary and Public Prosecution provided training on the prohibition of torture and other cruel, inhuman or degrading treatment for members of the judiciary. In the period 2019–2021, planned training events would cover the rights of victims and the rights of persons with disabilities, and would include an e-learning course on human rights for legal professionals developed by the Council of Europe.
5. Under the prison modernization programme for the period 2017–2020, PLN 1.5 million had been set aside to improve detention conditions by upgrading equipment, medical treatment facilities and residential wings and building new, more modern units. The older facilities with the worst conditions had been closed in 2018. Since 2012, significant progress had also been made in the area of migrant detention: window bars had been removed, detention rules had been relaxed, special rules had been introduced for vulnerable groups and there had been a shift away from prison-based solutions, all of which had helped to ease conditions for migrants.
6. To combat domestic violence, fast-track legal procedures for the removal of aggressors from shared accommodation had been introduced and specialized victim support centres that provided refuge and advice had been opened. There were 36 centres at present, with another due to open in 2019, and in 2017 they had assisted a total of around 8,500 persons. Also in 2017, local authorities had introduced educational programmes designed to correct the behaviour of perpetrators of domestic violence in which over 9,000 offenders had participated. Perpetrators were also offered psychological therapy. A total of PLN 3 million was allocated each year from the national budget to a programme to support local governments in the creation of an integrated system for tackling domestic violence at all three levels of local government and approximately 90 projects received funding each year.

To estimate the scale of domestic violence and assess the support system available for victims at the national level, a survey was conducted every two years under the National Programme for Counteracting Domestic Violence, which also provided training for persons working in domestic violence prevention, including social workers, police officers, court-appointed family guardians and health care and education workers.

7. Measures had been taken to implement judgments of the European Court of Human Rights (ECHR) that had found a violation of article 3 of the European Convention on Human Rights – the article that prohibited torture and inhuman or degrading treatment or punishment – in law and in practice. Council of Europe supervision of the implementation of rulings in the cases of *Dzwonkowski v. Poland*, *Orchowski v. Poland* and *Kaprykowski v. Poland* had ended in 2016. Judgments relating to Polish violations of article 3 of the European Convention on Human Rights were regularly translated in order to ensure that they were fulfilled, while judgments in cases against other States were translated with a view to preventing violations. The translations were prepared in accordance with an agreement on translation and access to ECHR signed by the Minister of Justice, the Minister of Foreign Affairs, the Constitutional Court, the Supreme Administrative Court and the Prosecutor General.

8. To raise awareness of international standards of human rights protection, in 2016, in cooperation with the Central Board of the Prison Service, the Ministry of Foreign Affairs had held a seminar on State obligations towards persons deprived of their liberty and the challenges faced by Poland's prisons. The seminar had analysed the efficacy of human rights safeguards and the prohibition of torture within the contemporary prison system with particular reference to cases concerning the rights of detainees that had been submitted to ECHR. The papers delivered by panellists and a summary of the ensuing discussion had been published and widely disseminated, including within the Prison Service.

9. **Mr. Tuzmukhamedov** (Country Rapporteur) said that, while the Polish Constitution contained an unequivocal prohibition of torture, it also established a hierarchy of normative acts that appeared to place duly ratified international instruments like the Convention against Torture below laws enacted by the legislative branch of Poland. Furthermore, the constitutional prohibition was not fully transposed into law, as torture was not expressly criminalized and there was no definition that reflected all its elements, as envisaged in the Convention. Indeed, the Polish Commissioner for Human Rights had noted the inadequacy of the Criminal Code's torture-related provisions and the problems associated with the lack of a stand-alone definition of the offence. The delegation of Poland should therefore provide an update on the Ministry of Justice's assessment of the feasibility of including a definition of torture in the Criminal Code that complied with the provisions of the Convention. He wondered whether there was any indication that a new amendment to introduce a definition of torture would meet with greater success in the Sejm, the parliament of Poland, than the text submitted in 2017. Recalling the potential loopholes for impunity that discrepancies between the Convention's definition and the definition of torture incorporated in domestic legislation could engender, as observed in the Committee's general comment No. 2, he said that there was no reason not to reiterate the Committee's previous recommendations and call on the State party to ensure that torture was defined as a separate and specific criminal offence subject to punishment commensurate with its grave nature.

10. The State party's response to the Committee's request for examples of cases dismissed by the courts due to the introduction of evidence or testimony obtained through torture or ill-treatment was inadequate, particularly in view of article 168 (a) of the Code of Criminal Procedure, which, according to the Commissioner for Human Rights, placed the courts under an obligation to take illegally gathered evidence into account. The delegation should therefore provide a more adequate response to that query. Given that he had found evidence of only one reference to the Convention by a Polish court, in a case heard before Lublin regional court in 2018, comprehensive and up-to-date information should be provided on references to the Convention and views expressed by the Committee made in court cases in Poland. He wondered whether the courts used the term "torture" in its legal sense, noting that the lack of a legal definition of torture could cause problems, especially for application of the statute of limitations to offences of torture.

11. ECHR had repeatedly found Poland to be in violation of article 3 of the European Convention on Human Rights, most recently in May 2019 in the case of *Kancial v. Poland*; Since the cases referred to in the opening statement all dated from the previous reporting period, the delegation's comments on that and other more recent cases would be appreciated. He would like to know whether changes had been made as a result of ECHR scrutiny; whether provisions of the Police Act regulating the use of force and the Ordinance on the Use of Coercive Measures by the Police had been amended or repealed; and whether a change had been made to the practice of imposing the "dangerous detainee" regime. The State party should also indicate whether consideration had been given to raising the threshold for the use of electric discharge weapons by law enforcement officers in response to *Kancial v. Poland* and the Commissioner for Human Rights' appeal.

12. The Committee had received reports from several sources stating that the recommendations of the Commissioner for Human Rights, including recommendations for training on torture-related topics for police officers, independent medical checks for potential victims of torture and ill-treatment and access to defence counsels, were often ignored by the authorities. There had also been reports of insufficient funding being allocated to the Office of the Commissioner for Human Rights. Furthermore, according to a report from a non-governmental organization (NGO), the Commissioner had been subjected to harassment and intimidation including a threat of legal action from a State television broadcaster. He would be grateful for an explanation of the reasons for that treatment, and for information about the action being taken to ensure that the Office was able to perform its duties impartially and independently and that it was given due respect.

13. **Ms. Racu** (Country Rapporteur) said that she would appreciate the delegation's comments on reports of underfunding and staff shortages at the Office of the Commissioner for Human Rights, which incorporated the national preventive mechanism. She would be interested to hear about any initiatives to ensure that the mechanism was able to fulfil its mandate in accordance with the Optional Protocol. She wished to know whether the State party intended to publish the findings of the recent report of the Subcommittee on Prevention of Torture on the situation in Poland. The delegation should also indicate what the Government was doing to ensure that NGOs had access to all areas of all detention facilities in the country and were able to speak with prisoners during visits without impediment.

14. It would be useful to have additional information about a legal provision introduced in July 2015 that allowed detainees to contact their lawyer by telephone. She wondered what steps had been taken to implement the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that the State party should establish a system whereby persons deprived of their liberty who could not afford legal costs were guaranteed immediate access to a lawyer. It would also be helpful to have up-to-date information on the amendments being introduced to the law on protection for foreign nationals that would give them the right to free legal aid.

15. She wished to know whether lawyers, the Commissioner for Human Rights and members of detainees' families had full access to the information held in detainee registers. She wondered whether there had been any cases in which officers who had failed to record detainees' information had been held accountable and, if so, what penalties had been imposed. Furthermore, had there been any cases where police officers had been held criminally responsible for any unacknowledged or incommunicado detention? She would also be interested to learn whether criminal procedure had been amended to make audio and video recording of interrogations mandatory; how the State party ensured access to video surveillance footage following allegations of torture in police custody; and what progress had been made towards equipping all police officers with body-worn cameras.

16. She invited the delegation to shed more light on the steps taken by the State party in follow-up to the CPT recommendations that all medical examinations should be conducted out of sight and earshot of police officers and that detainees' health records should be kept confidential. It would be useful to have an update on measures introduced to ensure that persons deprived of their liberty who claimed to have been subjected to torture or ill-treatment were able to see a doctor on request. She would also be interested to know whether detainees were provided with a copy of the results of any medical examinations;

whether detention facility staff other than doctors were allowed to be present during the examinations; and whether doctors received training on identifying and documenting signs of torture in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

17. She would appreciate the delegation's comments on the difficulties faced by the Prison Service in ensuring proper medical care for prisoners owing to the shortage of medical personnel. She wished to hear about any improvements made to the accessibility of prisons for persons with disabilities, especially in the light of the national preventive mechanism's finding that adapted prison units did not enable such persons to live independently. More broadly, she wished to know what other measures had been taken to enhance medical care in places of deprivation of liberty in terms of medical examinations, staffing, equipment and treatment. She wondered whether any steps had been taken to establish procedures for identifying and documenting injuries on admission to, and release from, police custody. Since the use of evidence obtained through torture was not expressly prohibited in all cases under Polish law, she also wondered whether the State party had any data on the number of cases in which defendants had claimed to have been tortured to obtain a confession and, if so, whether it had followed up on judges' responses to those cases.

18. She would like to know what measures had been adopted to ensure adequate living conditions in police detention units and what budget had been allocated for that purpose. It would be useful to know how many prisoners were currently serving life sentences and whether they had the possibility of submitting complaints and speaking with representatives of prison oversight bodies in private. She would be grateful for any comments from the delegation regarding recent legislative amendments that increased the length of sentences, restricted the use of non-custodial measures and limited the possibilities of parole for persons serving life sentences. She would also appreciate an update on progress made in implementing the prison modernization programme for the period 2017–2020 and on the activities of the task force for prison service reform. In the light of reports of substandard conditions in prisons, including insufficient living space, inadequate ventilation and limited access to sanitary facilities, she would like to know what measures had been taken recently to improve detention conditions, especially in old prison buildings, and to encourage the use of non-custodial sentences.

19. She would welcome additional information on the implementation and effectiveness of measures adopted by the Prison Service in 2016 to reduce the risk of suicide among inmates. She wondered whether there was a correlation between the inadequate provision of psychiatric care and the number of prison suicides. She would be interested to hear what procedures were followed in post-mortem examinations and whether the State party had analysed the main factors contributing to deaths in custody. Data on the number of such deaths reported in each of the previous three years, including figures for suspicious deaths and suicides, would be appreciated, as would information on steps taken to tackle the issue. It was highly regrettable that the Prison Service did not collect data on inmate deaths disaggregated by place of detention, sex, age, ethnic origin or nationality.

20. She would be grateful if the delegation could provide data on the number of asylum applications received, including the numbers of applications that had been accepted because the applicant had been tortured. She wished to know what measures had been taken to improve procedures for identifying victims of torture among refugees in the country and to ensure that they had access to medical care. She would appreciate an update on a proposed amendment to the law on protection for foreign nationals that would allow for asylum seekers who filed their application at the border to be detained while their application was considered via a fast-track procedure, in view of concerns that, although vulnerable asylum seekers, including victims of torture, were excluded from the scope of the amendment, there would not be enough time to identify persons falling into that category. It would be useful to have further information concerning living conditions in migrant reception centres, particularly given the shortcomings highlighted by the national preventive mechanism, which had included a lack of privacy and limited access to toilet facilities. Asylum-seeking children were often placed in detention along with their parents, as was

permitted under Polish law, but since detention was never in children's best interests, information about any non-custodial alternatives available for those children would be welcome.

21. Reports of asylum seekers, including victims of torture, being turned away at the border and of their asylum claims being routinely ignored were another source of concern. Many asylum seekers were then forced into Belarus, where they were either detained or deported to their countries of origin. Concerns also surrounded access to legal assistance for asylum seekers, who were rarely able to challenge the legality and conditions of their detention. She would welcome the delegation's comments on that issue. In particular, she would like to know about any planned legislative amendments that would clarify the procedure for appealing against deportation orders and ensure that appeals had suspensive effect, as well as about any plans to make legal aid available to persons facing deportation.

22. **Mr. Tuzmukhamedov** (Country Rapporteur) said that the State party's failure to provide substantive information about the investigation into its complicity in the rendition and secret detention programmes of the Central Intelligence Agency (CIA) of the United States of America and the measures taken to prosecute those responsible and provide redress to the victims was disappointing, particularly given that in two cases, *Al Nashiri v. Poland* and *Husayn (Abu Zubaydah) v. Poland*, ECHR had found that the State party had indeed been complicit and had failed to carry out an effective investigation. Noting that the State party had not adopted any legislation following its ratification of the Rome Statute beyond the provisions for cooperation with the International Criminal Court that had been added to the Code of Criminal Procedure, he asked whether, assuming that in the two aforementioned ECHR cases the acts of torture had occurred in the context of armed conflict, and therefore within the scope of the Rome Statute, the State party would give precedence to international legislation, in accordance with its Constitution, and prosecute the foreign nationals responsible.

23. It was regrettable that the State party had not provided information on diplomatic assurances, especially as the ECHR judgments in the *Al Nashiri* and *Husayn* cases had criticized the State party's failure to obtain assurances from the receiving States. He believed that assurances should also have been obtained from, or offered to, other States involved in the rendition. However, diplomatic assurances did not guarantee freedom from ill-treatment. He suggested that the approach taken by ECHR, adapted to the Committee's needs, might be used to assess their reliability, based on, for example, whether the terms of the assurances had been disclosed to the Committee and whether they could be objectively monitored.

24. **Ms. Racu** said that although the State party had taken several commendable steps to prevent gender-based violence, there remained room for improvement. In that connection, she would like to know whether domestic violence would be made a specific criminal offence under the Criminal Code. An update on the proposed amendments to the Act on Domestic Violence, several of which would weaken protection for victims, would likewise be helpful. She also invited the delegation to comment on the fact that only a relatively small number of domestic violence cases resulted in unsuspended prison sentences; that the number of restraining orders issued against aggressors was similarly low; and that mechanisms for separating perpetrators from victims were ineffective. Given that there was an acute lack of specialized support centres, and essential public services, including support for victims of gender-based violence, were provided by women's organizations that were undermined by funding cuts and an increasingly intimidating atmosphere, she would also appreciate an update on the number of shelters that were available for victims, the number able to offer long-term accommodation and the number of women who had used them in recent years. The State party should also indicate what it was doing to address the underreporting of acts of domestic violence.

25. The State party's abortion legislation was among the strictest in Europe. That situation forced thousands of women either to undergo backstreet procedures or to travel abroad. The authorities had yet to introduce a mechanism which would guarantee that abortions, where permitted, were carried out. Furthermore, the appeals procedure was excessively lengthy, often outlasting the 12-week time limit for abortions. The delegation should therefore provide some general information on recent developments, as well as more

specific information on the controversial “clause of conscience” that doctors who did not wish to perform abortions were entitled to invoke and on the implementation of ECHR judgments concerning access to legal abortion.

26. Although prisoners had submitted more than 39,000 complaints in 2016, just 377 of them had been found to be justified. Since ill-treatment by prison officers and staff was the most frequent complaint, followed by inadequate living conditions and health care, she would like to know about the criminal or disciplinary measures imposed on officers found guilty. She would also like to know how many bodies were competent to investigate complaints against police officers. The failure to disaggregate complaints by sex, age, racial or ethnic origin and place of detention was regrettable.

27. Commending the State party’s guidelines for public prosecutors involved in criminal proceedings related to deprivation of life or inhuman treatment by police officers or other public officials, she asked what the National Public Prosecutor’s Office’s oversight of such cases entailed and what specific competences were assigned to the prosecutors designated to conduct monitoring activities. More detail as to what constituted an “exceptional case” that might be investigated by the police or a competent body other than a public prosecutor would be helpful, as would an indication of the efficacy of the mechanism deployed in such circumstances, given that its independence and impartiality were questionable. She would also welcome the delegation’s comments on the huge disparity between the number of complaints submitted against police officers and the number of sentences handed down, as well as information on any other initiatives designed to improve the investigation of complaints against police and prison officers.

28. **Mr. Tuzmukhamedov** said that he would welcome clarification as to the status of the two cases of excessive use of force by police officers detailed in annex 9 to the report. Both dated from 2010, before the reporting period, yet were described as “pending”. If that was indeed the case, the judicial proceedings had not been completed within a reasonable time frame. In addition to those cases, there were reports of multiple instances of excessive use of force by the police, some of which had resulted in judgments by the Polish courts while others had been heard before ECHR. The failure to address several police officers’ complaints of inhuman conditions at the Białystock municipal police station and the dismissal of one of the officers were further causes of concern. He would also appreciate clarification regarding the amended rules of professional ethics for police officers; were officers and employees required to report incidents of torture, and how could they do so when domestic legislation failed to provide a definition of what constituted torture?

29. Turning to training for law enforcement, security, prison and medical personnel, he invited the delegation to provide information on educational programmes about the Convention; all the information provided in the report related to the European Convention on Human Rights. He would also like information about training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons, in particular training in the application of the Istanbul Protocol. He also wished to know whether personnel dealing with refugees and asylum seekers were trained in intercultural communication skills and to identify signs of enduring mental suffering; whether access to interpreters was ensured; and whether interpreters had sufficient skills to assist medical experts in communications with persons who had been subjected to torture.

30. It would be helpful if the delegation could confirm the status of the Ordinance on the Use of Coercive Measures by the Police, which had previously regulated the use of electric discharge weapons but had apparently now been superseded by the Act on Coercive Measures and Firearms. He would like to know the precise wording of the provision of the Act that stipulated that prison officers could no longer use electric discharge weapons as a coercive measure: in its response to the CPT report mentioned earlier, the Government had referred to 23 “eligible entities” that were authorized to use such weapons pursuant to the Act, but the State party report did not specify to which public officials the Act applied. The report also made no reference to major cases involving electric discharge weapons, including *Kancial v. Poland*, heard before ECHR, or to the death of Igor Stachowiak, which had been the subject of interventions by the Commissioner for Human Rights and CPT. He would also appreciate clarification regarding the term “non-penetrating missiles” used in

the report: what was the nature of those weapons, how were they used and what were their effects on the human body?

31. He would be grateful for information about the training provided to military personnel on international humanitarian law, whether general or tailored for deployments in situations of armed conflict, and about any lessons learned from past international deployments. He wished to know whether military personnel were instructed to abide by the Convention, and, if so, how detailed the instructions were. It would be useful to have information on the instructors, the training manuals and the courses provided.

32. **Mr. Rodríguez-Pinzón** said that he would like to know what law provided for compensation to be paid to victims of torture by the State and whether, in such circumstances, victims were required to make a civil claim against the State. He wondered whether the reason that no compensation had been paid to victims of torture from public funds was that no complaints had been filed, or rather that relevant data were unavailable owing to the lack of a criminal definition of torture. The State party had provided no specific statistics on compensation awarded to victims of torture, either by the State or in a civil case against the perpetrator: the statistics on compensation paid to persons who had been unfairly sentenced or detained were tangentially related to the issue, in that a decrease in unfair detentions would theoretically reduce the probability of ill-treatment in custody, but, to illustrate that correlation, it would be necessary to know whether the sentences in question were related to the use of torture. He therefore wished to reiterate the Committee's request for statistics on redress for victims of torture. He would also like to know whether the courts awaited criminal judgement before hearing civil compensation claims and whether rehabilitation programmes were available for the victims of torture.

33. **Ms. Belmir** said that she wished to turn attention to the crisis within the Polish judiciary and the conflict between the Government and national and regional institutions. The party in power since 2015 had unilaterally decided to transform the judicial system. The stated objective had been increased efficiency, but the reforms had effectively placed the Constitutional Court under the Government's control. After the judges elected by parliament before the 2015 elections had been dismissed and replaced, the President had refused to publish the Court's decisions and various new laws on the judiciary had been adopted, the European Commission had intervened and the matter had been referred to the European Court of Justice. The independence of the judiciary, the separation of powers and the rule of law were all at stake. She was concerned that, assuming the Committee had understood correctly, the Government appeared to believe that it had the power to control the manner in which applicable procedure was observed by the Constitutional Court in the handling of cases. Assurances that the Constitutional Court was able to work in accordance with the principles enshrined in the Constitution and the European Convention on Human Rights would therefore be appreciated.

34. **Ms. Gaer** said that she had been disappointed to read in the 2019 Trafficking in Persons Report of the United States of America that Poland's ranking had been downgraded because the Government had disbanded its inter-agency coordinating body, the courts had failed to hold labour traffickers accountable, and the Government had not reported any investigations or prosecutions of government employees complicit in trafficking offences. Given that the report also attested to a failure to identify offences of that kind, she would like to know what training was provided to law enforcement personnel and judges. She also wished to know whether training for prosecutors and judges promoted victim-centred approaches to trials. She would likewise appreciate clarification as to whether criminal law contained a definition of forced labour and, if not, whether the Government planned to rectify that lacuna. It would be useful in that connection to have an update on the ongoing investigation into alleged forced labour involving agricultural workers from the Democratic People's Republic of Korea, including, in particular, details of any changes that may have been brought. The delegation's comments on reports that no further victims could be identified, in part because the interpreters were provided by the employers and not by the Government, would be useful, as would information about the nationalities of the persons responsible for the trafficking for forced labour purposes.

35. It would be helpful to have a description of the instructions provided to police officers involved in the protection and dispersal of protesters at demonstrations such as the

equality march that had taken place on 20 July 2019 in Białystok. She would like to know what measures were being taken to investigate the reported incidents of violence against participants in that march. She also wished to know whether the Government had reviewed the report of the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, which indicated that racially motivated hate crimes were underreported, and, if so, what measures it was taking to ensure the prompt investigation and prosecution of such incidents and build trust in the police among victims.

36. Despite the large number of rape victims, there had been no applications for reversal of a decision to refuse an abortion through the patient appeals system. NGOs had indicated that the system was not easily accessible and she would be interested to hear the delegation's comments on the matter. She also wished to know whether the Government monitored the number of doctors who refused to perform abortions by invoking the "clause of conscience" on a national basis; whether there were any medical facilities in which every available doctor invoked the clause; whether those doctors provided patients with information on alternatives, as they were required to do by law; and whether there had been any prosecutions for failure to inform a patient of her rights.

37. **Mr. Hani** said that he would appreciate information on the Government's response to the concerns raised by the national preventive mechanism regarding systemic problems in psychiatric institutions. He also wished to know what steps had been taken to implement the CPT recommendations regarding the frequent use of coercive measures against juvenile patients, the incompatibility of the Act on Mental Health Protection with international standards for judicial oversight of involuntary treatment orders, and the excessive and inappropriate use of restraints and solitary confinement; and what progress had been made in establishing a periodic evaluation system for persons who were detained for long periods in psychiatric hospitals after committing criminal offences.

38. It would be helpful to have statistics on the numbers of prison inmates with physical and sensory disabilities and information on any measures planned or in place to ensure that prisoners with a disability of some form could exercise their fundamental rights to exercise and social contact on an equal basis with other inmates. He would also appreciate confirmation of the number of prisoners with mental disabilities and information on the measures taken to meet their specific needs. In the light of reports that such prisoners were examined by non-psychiatric doctors, he wondered whether the Government intended to change that practice. It would also be useful to have statistics on the forced sterilization of women and girls with disabilities, in both institutional and family settings, and details of any measures taken to prevent medical interventions of that kind. Lastly, he wondered whether the Government intended to amend the Act on Mental Health Protection to end the use of restraints at the patient's request, in order to comply with advice from professional psychiatric associations.

The meeting rose at 12.45 p.m.