



International Covenant on Civil and Political Rights

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List of issues to be taken up in connection with the consideration of the sixth periodic report of Poland (CCPR/C/POL/6)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide examples of judicial decisions making reference to the Covenant in the period covered.

Counter-terrorism measures and respect for rights guaranteed in the Covenant

2. Please provide information on the counter-terrorism policies and legislation adopted by the State party, including on the definition of terrorism therein. Has the State party's anti-terrorism legislation led to any derogations from the rights guaranteed by the Covenant?

Non-discrimination and equality (arts. 2, 7, 12, 20 and 26)

3. Please provide detailed information on the outcome of measures, such as the National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance (2004–2009), to combat discrimination against persons belonging to racial minorities. Please indicate whether the programme is to be extended beyond 2009.
4. Please provide information on the effect of measures to combat manifestations of anti-Semitism, including physical attacks, vandalism and the dissemination of anti-Semitic propaganda through the Internet and print media.
5. Please indicate which measures, if any, have been taken to improve the prosecution rate for racially motivated crimes. Is a racist motive included in the Penal Code as an aggravating factor in such cases?
6. Please provide information on the impact of measures to address discrimination based on sexual orientation, including detailed statistical data on the number of prosecutions, convictions and sanctions imposed on perpetrators of discriminatory practices punishable under the State party's legislation.

7. Has the State party adopted or does it envisage adopting a policy, supported by appropriate measures, to promote the integration of immigrants into Polish society?

8. Please provide detailed information on the legal requirements and practical process governing the acquisition of asylum status in Poland and on measures taken to speed up asylum-claim processing and to improve the living conditions of asylum-seekers, if any.

Equality between men and women (arts. 2, 3, 7, 25 and 26)

9. Please indicate whether an impact assessment has been conducted in relation to the National Strategy for Employment Increase and Human Resources Development (2000–2006) and, if so, with what results. Is a similar programme envisaged for 2010 and beyond?

10. Please provide detailed information on measures, including awareness-raising programmes, adopted by the State party to increase: (a) the participation of women in political life, including representation in Parliament, Government, and other public positions; (b) representation of women in managerial and high-ranking positions in the public service, including the judiciary, the police, and academia; and (c) representation of women in managerial and senior positions in the private sector.

11. Please provide further information on the restraining order regime provided for in the 2005 Law on Preventing Domestic Violence, in particular with regard to the frequency of its use since the legislation's entry into force and the conditions under which it may be employed.

Right to life (art. 6)

12. Please provide detailed information on the mandate and functions of the Office for the Rights of the Patient and the Commissioner for the Protection of the Rights of the Patient. What remedies are available to patients lodging complaints of medical malpractice and what measures has the State party taken to ensure that patients are aware of thereof?

13. Please provide disaggregated statistical data on the estimated number of clandestine abortions that were carried out during the reporting period and indicate the measures taken to address this phenomenon.

Prohibition of torture and inhuman and degrading treatment and punishment (art. 7)

14. Please provide detailed information on: (a) the measures adopted, in addition to the training of police officers and the establishment of the network of Police Plenipotentiaries for Human Rights Protection, to increase safeguards against torture and ill-treatment in police custody; and (b) any training provided to prison officers on the treatment of detainees.

15. Please provide detailed information on: (a) the factors which account for the significant discrepancy between the number of complaints lodged against the police for ill-treatment and the number of investigations and prosecutions; (b) any action taken to ensure that detainees are informed, in a language in which they are proficient, of the remedies available in the event of torture or other ill-treatment; and (c) any measures adopted to ensure that allegations of torture and ill-treatment are promptly and thoroughly investigated and that perpetrators are prosecuted and punished.

Prohibition of slavery or forced or compulsory labour (arts. 8 and 24)

16. Please provide detailed information on: (a) the State party's legislative framework for combating trafficking in human beings, in particular women and children; (b) the prevalence of this phenomenon, expressed in statistical data disaggregated by gender, age and country of origin; (c) the number of prosecutions, convictions and sanctions imposed on persons involved in human trafficking; and (d) any training programmes for professionals involved in implementing the State party's measures against trafficking, including the police, the judiciary, members of the prosecution authorities and social workers.

Liberty and security of the person (arts. 9 and 14)

17. Please provide information on reports of secret detentions, transfers and renditions of detainees to a third country in the context of counter-terrorism measures.

18. Please provide information on the legislative or other steps which have been taken to reduce the length of pretrial detention, as well as on the effectiveness of such steps. Please elaborate on the remedies provided for under the Act on Complaints for Violation of a Party's Right to Fair Trial within a Reasonable Time and include information on the number of complaints made and the average amount of compensation granted.

19. Please provide information on the State party's policy with regard to the detention of undocumented migrants. Please also indicate any measures taken to ensure that such persons are informed of their rights, including the right to apply for asylum (if applicable), in a language they understand. What steps are taken to ensure that detention of undocumented migrants is applied as a measure of last resort? What remedies are available to migrants making complaints for alleged illegal detention, or regarding the length or the conditions of their detention?

Treatment of persons deprived of liberty (art. 10)

20. Please provide detailed information on: (a) the impact of measures adopted by the State party to reduce overcrowding and improve conditions of detention in both prisons and police holding facilities; (b) the steps taken to address conditions in deportation prisons, including the availability of information in a language in which detainees are proficient, as well as access to health care; and (c) any measures adopted to address poor conditions in police cells, including Olszytn, Warsaw-Bielany, Suwalki and Warsaw-Wola Police Commands, particularly those taken with a view to ensuring adequate ventilation, lighting, sanitary conditions and the availability of clean drinking water.

Right to a fair trial before an independent and impartial tribunal (arts. 14 and 17)

21. Please indicate the measures, if any, which the State party envisages adopting with a view to ensuring that persons arrested on a criminal charge are, as a matter of course, afforded the right to confidential communication with their legal counsel. What steps are taken to ensure that such persons are aware of their right to free legal assistance, provided for under article 78 of the Code of Criminal Procedure?

22. Please indicate how the State party is addressing complaints relating to the routine interference with, and censorship of, correspondence with the European Court of Human Rights, which has been the subject of several cases before that court.

23. Please indicate the measures taken to safeguard the confidentiality of complaints of ill-treatment in custody made by detainees and to prevent the victimization of detainees who are known to have lodged such complaints.

24. Please provide detailed information on the implementation of the State party's lustration law.

Juvenile justice (arts. 9, 10, 14 and 24)

25. Please provide detailed information on the legal framework for the administration of juvenile justice, in particular on progress towards the adoption of a new law on juveniles. Please provide, in particular, information on the measures adopted to prevent children from being detained in police custody for periods beyond those permitted by the 1982 Juveniles Act and to ensure that detention of children is limited to cases where it is strictly necessary.

26. Please provide information on the steps taken by the State party to improve conditions in police establishments which hold children, including those taken to ensure the provision of sufficient quantities of food, access to education, medical examinations and access to health care and to ensure that children held in these facilities receive regular visits from relatives.

Right of children to be protected (arts. 7, 8 and 24)

27. Please provide information on the implementation of the legislation adopted by the State party to prevent and punish all forms of violence and sexual and economic exploitation against children, including the worst forms of child labour. Please also provide recent disaggregated data on the number of children who are or were victims of sexual and economic exploitation over the last five years, including the compensation granted to victims and, in relation to offenders, the rates of prosecution and conviction, as well as the average sentences and penalties imposed.

Freedom of religion (art. 18)

28. Please provide detailed information regarding the teaching of ethics in school and measures that have been taken to make this information available.

Freedom of opinion and expression (art. 19)

29. In light of the proposed amendment to the Penal Code, under which the penalty for slander will now include the restriction rather than the deprivation of liberty, please elaborate on the exact scope of this penalty. Please also indicate whether the draft amendment has been adopted.

Freedom of assembly (art. 21)

30. Please elaborate on the scope of the proposed amendments to the Law on Assemblies, particularly with regard to any restrictions on the exercise of the right of peaceful assembly. Please indicate whether the draft amendments have been promulgated into law.

Rights of persons belonging to minorities (art. 27)

31. Please provide detailed information on progress made, and difficulties encountered, in implementing the Act on National and Ethnic Minorities and Regional Languages, indicating also the extent to which such languages have been used in practice before the courts.
