



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Ninety-ninth session

5–29 August 2019

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of issues in relation to the combined twenty-second to twenty-fourth reports of Poland

Note by the Country Rapporteur*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics (arts 1 and 5)

2. Update on the ethnic composition of the population and on economic and social indicators disaggregated by sex, gender and ethnicity, and statistics on migrants, asylum seekers and refugees. (CERD/C/POL/CO/20-21, para. 6).

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)

3. Update on any amendments of the Act on Equal Treatment and other legislation that prohibit racial discrimination, including against ethnic minorities, migrants, refugees and asylum seekers (CERD/C/POL/CO/20-21, para. 6).

4. Information on the Government Plenipotentiary for Equal Treatment, including the 16 Voivodeship Plenipotentiaries for Equal Treatment, and its role in combating racial discrimination. Update on the adoption of a new National Action Plan for Equal Treatment and on its implementation.

5. Information on the human and financial resources allocated to the Human Rights Defender and its capacity to consider cases of racial discrimination both in the public and private areas (CERD/C/POL/CO/20-21, para. 9).

6. Information on cases of direct application of the Convention in domestic courts and measures to ensure knowledge of the Convention among judges, lawyers and other law

* The present report was submitted after the deadline in order to reflect recent developments.



enforcement officials as well as the population. Measures to facilitate the lodging of complaints of racial discrimination cases. Updated information and statistics on cases of racial discrimination including hate speech and hate crimes, registered investigations carried out and convictions decided by domestic courts, as well as their outcome. (CERD/C/POL/CO/20-21, para. 7).

Racist hate speech, incitement to racial hatred and hate crimes (arts. 2, 4 and 6)

7. Measures for preventing and combating hate speech, hate crimes and incitement to hatred, including in sport and public platforms such as the Internet (CERD/C/POL/CO/20-21, para. 10). Detailed information on guidelines for prosecuting hate speech and hate crimes committed through the Internet.

8. Amendment to the article 53 of the Penal Code and its compliance with article 4 the Covenant, in particular regarding racial motivation of crime. Update on the application of the courts decisions regarding the closure of far-right organizations and websites (CERD/C/POL/CO/20-21, para. 10).

9. Measures to reinstate the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance or its replacement by another institution with similar mandate (CERD/C/POL/CO/20-21, para. 9).

Situation of the Roma community (arts. 2, 3 and 5)

10. Implementation of measures to prevent racial discrimination and racial profiling against Roma. Information on the implementation of the Programme for integrating the Roma community in Poland for 2014-2020 (CERD/C/POL/CO/20-21, para. 13).

11. Measures taken to promote the enjoyment of economic, social and cultural rights of Roma, in particular regarding access to education, to housing, employment and health services.

12. Information, including statistics, on the impact of the measures of material assistance and pedagogical programmes to raise the level of education of young Roma and the impact of the amendment of 4 April 2012 of the Regulation of the Minister of National Education of 14 November 2007. Information on the impact of the rehabilitation and allocation of housing; the impact of measures of professional activation of the Roma and measures to strengthen the social potential of the Roma.

Situation of national and ethnic minorities

13. Information on the measures to ensure faithful implementation of the provisions of the Convention for persons belonging to minority groups. (CERD/C/POL/CO/20-21, para. 12). Implementation of the Act on National and Ethnic Minorities and on the Regional Language. Measures to ensure the participation of minorities in political and public life. Measures for the protection and preservation of cultural heritage of national and ethnic minorities.

14. Measures to combat anti-Semitism, including through prosecution of all manifestations of anti-Semitism (CERD/C/POL/CO/20-21, para. 14). Information on the 2016 drafting law that criminalize references to the Nazi camps that were operated in occupied Poland during the Second World War.

Non-citizens, refugees, asylum seekers and stateless persons

15. Information, including statistics, on the implementation of the new Foreigners Act, including regarding the principle of non-refoulement (CERD/C/POL/CO/20-21, para. 4). Information on the 2014 and 2015 amendments to the Act on granting protection to foreigners within the territory of the Republic of Poland and some other Acts.

16. Measures to ensuring the enjoyment of economic, social and cultural rights by non-citizens, refugees, asylum seekers and stateless persons. Information on the minimum wage provided to refugees and asylum-seekers, measures to prevent homelessness among refugees, in particular mothers and families with children.

17. Measures to eliminate the practice of detaining minors with their parents in detention centres for asylum seekers. Information on the access to education of children who are asylum seekers or undocumented migrants, in particular in rural areas and small towns. Measures to ensure the safeguard of the principle of family unity for refugees and their children. Measures to ensure free legal assistance to all asylum-seeking and refugee children (CERD/C/POL/CO/20-21, para. 15).
