



*Federacja na rzecz Kobiet i
Planowania Rodziny*

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Polish Government Submits Report to the UN Human Rights Council

On 14 April 2008, the UN Human Rights Council began assessing human rights compliance in Poland as part of a new mechanism monitoring the condition of human rights in the world. As part of the Universal Periodic Review, the situation in each of the countries will be assessed every four years on the basis of reports submitted by the governments of those countries and documents prepared at the same time by the Office of the High Commissioner for Human Rights (among others, on the basis of reports submitted by NGOs). At yesterday's UN meeting, the Polish delegation, led by the under-secretary of state at the Ministry of Foreign Affairs, Witold Waszczykowski, presented the report of the Government of the Republic of Poland on human rights and answered questions asked by the representatives of other countries.

Both in the report and at yesterday's presentation, the Government presented the situation in Poland an oversimplified way and over optimistically. Referring, for example, to the problem of discrimination (on any grounds, including sexual orientation), the Government's representatives stressed that values such as pluralism and multiculturalism occupy an important place in Polish schools and knowledge about human rights has become part of the curriculum of primary schools and schools above primary level, with a textbook to accompany this teaching. The organising of training, media campaigns, publication of textbooks aimed at eliminating discrimination was emphasised. A bill on equality, which has not yet been accepted, was praised. Referring to problems such as prison overcrowding, the government's representatives stressed efforts to create new places in prisons, for example by eliminating space previously intended for other purposes or introducing electronic supervision of prisoners (whereas this system still has not been introduced and it is still unknown when it will be). Another problem raised was lengthy judicial proceedings – here the Government emphasised, for example, the extended powers of court officials, which were added to the Code of Civil Procedure and were intended to lessen the burden on judges to enable them to carry out their work more efficiently. Other problems, such as help for victims of crime, victims of domestic violence, problems associated with HIV/AIDS, patients' rights, were mentioned, yet the **diagnosis of problems and assessment of the effectiveness of legal instruments were either not mentioned at all or were oversimplified.** Problems mentioned included the use of lengthy pre-trial detention

(which, in light of more than 70 cases that Poland has lost before the Court in Strasbourg, should in particular have been mentioned), failure to comply with reproductive rights in Poland (which the Polish Federation for Woman and Family Planning raised in its report for the High Commissioner), lack of ethics teaching in schools, judgments given by trainee judges, allegations of the existence of CIA prisons in Poland.

The governments of more than 30 other countries asked the Polish delegation questions. The questions concerned various issues - some were for the Government to be more precise concerning certain information mentioned in the report, but **some were questions about problems that did not appear in the Polish report but were, for example, raised by the Office of the High Commissioner for Human Rights.** The questions asked concerned prison overcrowding, abuse of pre-trial detention, xenophobia (e.g. against the Roma people, Jews, homosexuals or, more broadly, LGBT), corruption, about why no reliable, comprehensive investigation was made into the existence of CIA prisons in Poland, about the availability of abortion for health reasons when the criteria are met. More precise information was requested, for example on how the electronic system of prisoner supervision works, what specifically the Government is doing to combat discrimination on the grounds of sexual orientation, what actions the Government is taking to promote pluralism or level the position of women and men in society, whether it will reinstate the office of the plenipotentiary for the equal status of women and men. Questions were asked about what is happening with the draft law that was to penalise the propagation of homosexuality in schools. Asked about a woman's right to a legal abortion for medical reasons, the representative of the Minister of Health replied that as a result of the judgment of the Court in Strasbourg in the case of *Alicja Tysiąc vs. Poland*, appropriate procedures enabling an appeal against a doctor's decision to refuse to carry out an abortion had been introduced (in fact, this regulation is only being considered and has yet to be introduced). **The Polish delegation stopped answering questions 45 minutes before the end of the time planned for the discussion and failed to give any answers at all to some questions.**

The Government legitimised its report by citing governmental organisations that were purported to have helped prepare the report. **However, it should be stressed that the Government's co-operation with NGOs was exaggerated and the way this was presented did not reflect the facts,** which was noted by Polish organisations observing the session, including the Helsinki Federation for Human Rights, the Polish Federation for Woman and Family Planning and the Polish Section of the International Commission of Jurists.

Tomorrow, a special working group composed of representatives of the government and representatives of three other states, the so-called troika (Brazil, Angola, Japan), will announce an report assessing human rights compliance in Poland.