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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Poland*

The present report is a summary of 14 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

N/A

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations²

1. The Helsinki Foundation for Human Rights (HFHR) recalled that Poland still did not ratify the CRPD.³

2. Joint submission (JS) 3 and the Council of Europe's European Commission against Racism and Intolerance (CoE-ECRI) recommended that Poland ratify ICRMW.⁴

3. The World Coalition against the Death Penalty (WCADP) urged Poland to ratify ICCPR-OP2.⁵

2. Constitutional and legislative framework

N/A

3. Institutional and human rights infrastructure and policy measures

4. JS3 reported that the National Prevention Mechanism (NPM) established in 2004 did not meet the OPCAT provisions and that it was not organizationally and financially independent. Out of some 1800 detention places in 2010, the NPM has visited only 40, and in 2011 only 32.⁶ JS3 recommended strengthening the position of the NPM with an increase in its budget and a modification of its structure in line with international standards.⁷

5. JS5 noted that under the new Act on the Implementation of Some Regulations of the European Union concerning Equal Treatment, two bodies were granted competences in the field of equality and non-discrimination: the Ombudsman as an independent body and the Office of the Plenipotentiary for Equal Treatment. Despite assigning equality competences to the Ombudsman, the level of its financing was reduced.⁸ Amnesty International (AI), HFHR, JS3 made similar observations.⁹ AI recommended that Poland ensure that the Ombudsman's office is adequately financed to fulfil its role.¹⁰ The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) recommended that the Office of the Plenipotentiary for Equal Treatment be given appropriate resources, which would allow it to intensify monitoring of alleged cases of discrimination, hostility on ethnic and national grounds and racial or ethnic hatred.¹¹

B. Cooperation with human rights mechanisms

N/A

C. Implementation of international human rights obligations

1. Equality and non-discrimination

6. Noting the adoption of the Act on the Implementation of Some Regulations of the European Union concerning Equal Treatment (Act) in 2010, HFHR stated that the Act is only restricted to the implementation of the EU anti-discrimination directives and that the Government did not try to adopt a comprehensive anti-discrimination law covering all major discrimination grounds.¹² Furthermore, JS3 stated that certain provisions of the Act introduced a closed list of possible grounds for discrimination, whereas the Constitution prohibits discrimination for any ground.¹³ JS5 stated that the Act does not ensure equal treatment on all grounds in all aspects of life.¹⁴ AI positively noted that the Act provided for the definition of direct and indirect discrimination and of differential treatment.¹⁵ JS3, JS5 and HFHR indicated that Poland had not yet put in place a comprehensive equal opportunities policy.¹⁶

7. JS3 and JS6 stated that the Act does not safeguard women from discrimination in all aspects of life as it provides protection for women against discrimination only in the area of employment and access to goods and services.¹⁷ JS3 and JS6 stated that no National Programme of Action for Women has been developed since 2005.¹⁸ JS6 indicated that in the context of the lack of comprehensive policy for the advancement of women the activities carried out have been ad hoc and have not addressed the most burning problems linked to women's rights, such as reproductive health and family planning.¹⁹ JS3 and JS6 recommended that Poland introduce an anti-discrimination legislation in line with article 1 of the CEDAW, and which protects women from discrimination in all spheres of life. JS3 and JS6 also recommended that Poland establish a national office for the advancement of women and gender equality with an adequate budget and create, in cooperation with women's organizations, a long-term Programme of Action for Women.²⁰

8. JS3 stated that racism in society remained a serious problem and that people of foreign nationality suffered from racism and discrimination on the grounds of their ethnicity in various aspects of their daily life, including in access to health care, social benefits, the labour market and housing. The Government has not undertaken official campaigns to promote a better understanding of people from other countries.²¹

9. AI referred to a reported growing number of cases of verbal and physical attacks against Muslims, Roma and people of African origin in Warsaw, Białystok, Gdańsk and Wrocław.²² CoE-ACFC expressed concern about the reported racist and anti-Semitic incidents.²³ JS3 stated that the police often neglected offences reported by foreigners and offences committed against them. There were also incidences when policemen themselves committed acts of discrimination.²⁴ The Council of Europe's European Committee for the prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) mentioned allegations of disrespectful behaviour, including racist remarks by border guards' officers.²⁵

10. AI recommended that Poland take measures to prevent racist incidents and hate crimes, and ensure collection of data on these crimes.²⁶ CoE-ACFC made a similar recommendation.²⁷ CoE-ECRI encouraged Poland to enact legislation that would expressly render the racial motivation of an offence an aggravating circumstance.²⁸ CoE-ECRI recommended that Poland take an active stance in collecting evidence that would warrant the disbanding of groups promoting racism and that intolerant political statements be met with the appropriate response by all public officials concerned.²⁹ Furthermore, AI recommended that Poland ensure that racially-motivated crimes and other hate crimes are

subjected to prompt, independent, impartial and adequate investigation; that those responsible for such crimes are brought to justice in fair proceedings; and that the victims are provided with an effective remedy, including reparation.³⁰

11. IIMA noted with satisfaction the progress made in birth registration. However it expressed concern that children of illegal migrants still remain unregistered.³¹

12. Trans-Fuzja Foundation (T-FF) stated that transgender persons, particularly trans women, often face discrimination based on their gender identity and/or gender expression.³² JS5 indicated that the scope of protection offered to LGBT persons is limited to labor law and gender identity was not listed as a possible ground of discrimination.³³ JS5 stated that there are no hate speech provisions in the Criminal Code that include sexual orientation and gender identity as a possible ground or even an aggravating circumstance.³⁴ JS5 noted a growth in the number of complaints against homophobic behavior of police officers while police homophobic misconduct did not result in any punishment.³⁵ T-FF recommended that Poland review the legal measures aimed to combat discrimination and include gender identity and gender expression as possible discrimination grounds in any context.³⁶ JS6 recommended that Poland amend the Criminal Code by criminalizing crimes motivated by homophobic and gender biases.³⁷ T-FF recommended that Poland adopt legal measures to combat hate crime and hate speech.³⁸

13. JS5 stated that Poland does not legally recognise same-sex relations and therefore Polish citizens often choose to enter in marriage or civil partnership abroad. However, JS5 mentioned that the administration adopted a policy denying the issue of required documents to those citizens.³⁹ JS6 recommended that Poland adopt regulations on same-sex partnerships or marriages.⁴⁰

2. Right to life, liberty and security of the person

14. WCADP recalled that the death penalty is abolished in all crimes in Poland since 1998 and indicated that, Poland has signed but not ratified yet ICCPR-OP2.⁴¹

15. HFHR stated that cases of police brutality are still observed and that in some instances police abused the force during the demonstrations in November 2011. It further noted that cases of police brutality often remain unpunished and are not properly investigated by police and prosecutor's office.⁴² JS3 indicated that Poland failed to establish an independent body to investigate police misbehavior.⁴³ CoE-CPT recommended that police officers be reminded that all forms of ill-treatment of persons deprived of their liberty are not acceptable and will be subject of severe sanctions. Police officers should also be reminded that no more force than is strictly necessary is to be used when affecting an apprehension and that, once apprehended persons have been brought under control, there can be no justification for striking them.⁴⁴ CoE-CPT further recommended that all complaints lodged by detained persons about alleged ill-treatment by law enforcement officials are promptly transmitted to the competent prosecutor and that investigations are always carried out promptly, thoroughly and expeditiously.⁴⁵

16. JS3 reported about the detention of foreign minors in closed facilities simply because they are undocumented or asylum seekers. Facilities in detention centers are very similar to prisons and most of them do not provide educational programs for minors. JS3 recommended that Poland introduce a legislation prohibiting the detention of minor migrant children.⁴⁶

17. CoE-CPT recommended that Poland ensure that all foreign nationals detained under aliens legislation are effectively able to benefit from legal counselling and, if necessary, legal representation. Further, it would be desirable for foreign nationals to receive a written translation in their own language of the conclusions of decisions regarding their detention/expulsion, as well as of information on the modalities and deadlines for appealing against such decisions.⁴⁷ CoE-ECRI recommended that Poland do not detain non-citizens in an illegal situation who cannot be expelled and do not keep children seeking asylum in guarded centres because their parents have committed minor offenses.⁴⁸

18. AI noted that there has been little notable progress related to prison conditions and overcrowding remained a serious problem.⁴⁹ CoE-CPT also observed overcrowding in the establishments it visited.⁵⁰ HFHR noted Poland's efforts to resolve the problem of overcrowding in prisons and detention centres. However, HFHR explained that while the current level of prison population is 95 per cent the figure does not show the following data: discrepancies might exist among penitentiary units as regards the number of prisoners living in a cell; some prisoners live in smaller cells than required and space traditionally used for recreation and socialization, has been transformed into cells. Furthermore, HFHR stated that the health system in penitentiary units is of a bad quality.⁵¹ Whilst acknowledging the measures already taken, CoE-CPT encouraged the Polish authorities to pursue their endeavours to combat prison overcrowding. CoE-CPT also reiterated its recommendation that Poland revise as soon as possible the norms fixed by legislation for living space per prisoner, ensuring that they provide for at least 4 m² per inmate in multi-occupancy cells.⁵²

19. JS5 indicated that the 2010 Act on Prevention of the Domestic Violence did not provide better protection for victims of domestic violence and did not contain more effective regulation of punishment offenders.⁵³

20. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that the 2010 Act on the Prevention of Domestic Violence explicitly prohibited corporal punishment in the home and other forms of care. GIEACPC referred to a study conducted in 2011 indicating that the social acceptance of parents hitting children has already begun to decrease following the full prohibition of corporal punishment.⁵⁴ However, Istituto Internazionale Maria Ausiliatrice (IIMA) reported that episodes of violence against children still occur mainly at home and that domestic violence is common, but not exclusive, in cases of parents with drug and alcohol addictions.⁵⁵ GIEACPC, while expressing hope that Human Rights Council will acknowledge the legal reforms banning fully corporal punishment, recommended that Poland continue to support the reform of the legislation by conducting public awareness raising and providing professional education on the provisions of the law to ensure its effective implementation.⁵⁶ IIMA recommended that Poland continue its efforts aimed at ensuring free adequate assistance, including psychological support, to children victims of violence and abuse.⁵⁷

21. The Polish Coalition against Commercial Sexual Exploitation of Children (PC-CSEC) expressed concern about the lack of full and coherent protection of children against exploitation in prostitution and pornography. In this respect, it referred to concerns expressed by CRC about the lack of definition of child prostitution. PC-CSEC reported that legislation does not also include the definition of child pornography. Furthermore, legislation lacks effective protection of children between the ages of 15 and 18 against being exploited in prostitution whenever they offer sexual services but are not convinced or brought to involve in sexual activities by the perpetrator. Nothing other loopholes in legislation regarding protection of children against prostitution and pornography, PC-CSEC recommended that Poland harmonize its criminal law with the standards set forth in

relevant international and regional human rights instruments.⁵⁸ IIMA noted that sexual exploitation mainly involved children of illegal migrants. It recommended that Poland eradicate sexual exploitation and prosecute and impose appropriate sanctions on any perpetrator of the alleged violations.⁵⁹

22. PC-CSEC reported that legislation does not comply with international standards requiring special protection of a child acting as a victim or witness of human trafficking and does not cover certain forms of sale of children. PC-CSEC recommended that Poland amend the Criminal and Criminal Procedural Codes to provide required protection of child victims in human trafficking within the courtroom proceedings. Furthermore, it is important to ensure that legislation recognises the separate nature of trafficking in human beings and sale of children, and provides an explicit definition and penalisation of any participation in sale of children.⁶⁰

3. Administration of justice and the rule of law

23. HFHR stated that the length of court proceedings is still a problem. In this respect, it highlighted a number of causes, including ineffective administration of judiciary, burdensome court procedures in certain type of cases and underdeveloped alternative dispute resolution. HFHR stated that a reform of the judiciary is necessary to address this problem effectively.⁶¹

24. HFHR reported that there was no procedure for periodic evaluation of the status so-called “dangerous” prisoners and detainees (“N” status).⁶² CoE-CPT expressed its view that the regime for “N” status prisoners should be fundamentally reviewed and recommended that Poland ensure that “N” status is only applied and maintained in relation to prisoners, who are genuinely required to be placed in such a category.⁶³

25. HFHR added that the right to fair trial was affected by the excessive length of the court proceeding and of the pre-trial detention; the limited access to a lawyer, and the degree of access to the case-file by the lawyer and detainee.⁶⁴ CoE-CPT stated that in practice, it remained extremely rare for persons in police custody to benefit from the presence of a lawyer. There is still no legal provision allowing for the appointment of an ex officio lawyer before the stage of court proceedings. Persons in police custody who were not in a position to pay for legal services were effectively deprived of the right of access to a lawyer. The CoE-CPT reiterated its recommendation that a fully-fledged and properly funded system of legal aid for persons in police custody who are not in a position to pay for a lawyer be developed as a matter of urgency, and be applicable from the very outset of police custody.⁶⁵

4. Right to privacy, marriage and family life

26. HFHR stated that the inadequate regulation of retention of telecommunications data affected the privacy and data protection. It explained that access to data on phone records may be requested by police, prosecutors and secret services without court authorization. HFHR added that secret services had extensive powers regarding the use of surveillance and operational techniques owing to insufficient regulation and that concerned individuals were neither informed about such activities nor they had the power to review the collected materials and ask for it to be destroyed. There is an insufficient parliamentary control over secret services and there is an urgent need for a change in supervision structure.⁶⁶

27. JS2 stated that the 2011 Bill on Family Support and System of Alternative Care stipulated that family-based care is the first option of placement of children, who lost

parental care, especially of children younger than 10 years old. However, the Bill created the “pre-adoptive centres” that may host up to 20 children not older than one year old. JS2 recommended that Poland, instead of opening ‘pre-adoptive’ centres for children younger than one year old, focus on the development of specialized professional foster families.⁶⁷ JS2 and JS3 reported that, in 2010, out of 95,000 children living in all types of alternative care, over 28,000 children lived in child-care institutions.⁶⁸

28. T-FF recommended that Poland adopt a law on gender recognition, which respects the human rights of transgender people and does not require a person to undergo any medical procedures or go through a real-life test. The gender recognition process should also be free of third person intervention and become an administrative matter.⁶⁹

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

29. HFHR reported that while legislation entitles pupils with the choice of attending classes on religion or ethics, in practice there is a predominance of teaching of classes on religion as ethics is rarely taught.⁷⁰

30. HRHF stated that several criminal provisions, including on defamation, an insult to the President; an offense to religious feelings and the refusal to publish correction or counter-statement affected freedom of speech and had a chilling effect on media. It added that the number of defamation cases before the court has increased.⁷¹

31. CoE-ECRI noted with concern that anti-Semitic literature and newspapers continue to be sold openly.⁷² CoE-ACFC recommended that, while respecting the editorial independence of media, Poland take steps to prosecute incitement to ethnic or religious hatred and pay due attention to the existing codes of ethics of media.⁷³ COE-ECRI further recommended that the National Broadcasting Council show increased vigilance concerning racism and that Poland increase its law-enforcement resources for the fight against racism on the Internet.⁷⁴

32. HFHR noted the problem connected with legal procedures regulating freedom of assembly. It stated that organisers of assemblies may receive a decision banning an assembly even one day before the planned date. It stated that following a series of demonstration of November 2011, the amendments to the Law on Assembly was proposed to the Parliament that were not in line with the Constitution and international standards.⁷⁵ JS5 indicated that, over the past years there have been repeated cases when city authorities and the police took inadequate measures to secure pride parades and other events organized by lesbian, gay, bisexual and transgender people.⁷⁶

33. The Council of Europe’s European Committee of Social Rights (CoE-ESCR) concluded that Poland did not allow some categories of civil servants to perform trade union functions or home workers to form trade unions.⁷⁷

34. JS5 stated that the participation of women in public and political life is low. It mentioned that the results of the latest elections demonstrated that the new Electoral Code requiring that electoral lists consist of at least 35 per cent of representatives of each gender is not effective as only 24 per cent of newly elected parliamentarians are women.⁷⁸ JS6 stated that the new Code permits the political parties to put women at the less prestigious positions on the electoral lists.⁷⁹

6. Right to work and to just and favourable conditions of work

35. Although the main indicators showed that the situation of women in the labour market had been steadily improving for the last seven years, JS3 and JS6 reported that the lowest earnings were in the feminized professions and thus the phenomenon of working poor affected women to a larger extent than men.⁸⁰ JS3 and JS6 recommended that Poland develop and implement a policy to address the wage gap between women and men, particularly in low-paid feminized employment sectors.⁸¹

36. T-FF described the problems faced by transgender people in the work environment and recommended that Poland start monitoring the situation of transgender employees and ensure that every transgender person is protected in their workplace.⁸²

7. Right to social security and to an adequate standard of living

37. JS3 stated that child poverty was one of the most alarming problems and that the worst material conditions were noted for couples with three and more children. JS3 added that the number of children claiming family benefits had significantly decreased because the thresholds for eligibility had not been readjusted since 2004, to keep up with inflation.⁸³ JS3 also indicated that benefits for children with disabilities were limited.⁸⁴ JS3 recommended that Poland automatically adjust, in keeping with the level of inflation, income thresholds for receiving financial support from the State and correct the unequal treatment of children within the Act on Family Benefits.⁸⁵

38. JS3 stated that young people leaving alternative care (institutions or foster families) do not enjoy their rights to social security and to an adequate standard of living.⁸⁶ Noting legal provisions guaranteeing the right to adequate housing of young people leaving alternative care, JS2 and JS3 stated that in practice there is not enough housing available for those leaving the alternative care.⁸⁷ JS2 and JS3 recommended that Poland develop and implement the national program on social housing.⁸⁸

8. Right to health

39. AI stated that restrictive laws and policies on abortion remained in force, denying women their right to the highest attainable standard of health.⁸⁹ JS6 and JS3 mentioned that the restrictive anti-abortion law was more restrictive de facto than de jure by referring to several barriers that woman, who was entitled to legal abortion, faced in accessing relevant services.⁹⁰ JS4 explained that one of the reasons of restricted access to therapeutic abortion is abuse of ‘conscientious clause’ in legislation that makes it possible for physicians to refuse to provide a medical service that is opposite to their conscience.⁹¹ Similarly, JS3 indicated that doctors often refuse to provide abortion services to women by misusing the “conscience clause”.⁹² Furthermore, JS4 stated that a woman, who wants to undergo abortion because she was raped, needs to present an official document from a prosecutor’s office. It happened that a prosecutor refused to issue a referral on religious grounds. JS6 made similar observations.⁹³ JS6 and JS4 indicated that physicians refuse to issue a certificate required for therapeutic abortion, even when there are serious grounds for issuing such a referral and that there are no guidelines as to what constitutes a threat to a woman’s health or life. It appeared that some physicians do not take into account any threat to a woman’s health as long as she is likely to survive the delivery of a child.⁹⁴ Furthermore, JS6 and JS4 noted that women have illegal abortions in great numbers either in Poland or abroad and that abortion underground and so called “abortion tourism” appeared increasing. The access to illegal services depended very much on the economic situation of women.⁹⁵

40. AI indicated the 2008 Law on the Rights of Patients that introduced an Ombudsperson for Patients' Rights did not provide an effective remedy for women wishing to challenge a doctor's decision on access to reproductive health services, including as regards a request for a legal termination of pregnancy. It stated that the mechanism does not provide for a timely review of medical decisions and decisions made cannot be further appealed.⁹⁶

41. Similarly, JS4 and JS6 expressed concern over the effectiveness of the newly introduced mechanism.⁹⁷ AI recommended that Poland ensure that women can access lawful abortion by creating clear, legally binding regulations for the implementation of the 1993 Family Planning Act and ensure access to remedy and timely review of appeals against the refusal of a therapeutic abortion.⁹⁸

42. JS4 and JS6 reported that social and economic barriers often prevent women from obtaining contraception. There are no state subsidies for contraception and women have to pay for their full price. Contraceptive counseling is not integrated into primary health care system. JS4 and JS6 referred to reports about refusal of doctors to provide contraceptive counseling, due to consciences clause.⁹⁹ JS3 and JS6 recommended that Poland ensure access to affordable contraception and user-friendly reproductive and sexual health services.¹⁰⁰

43. JS4 and JS6 reported that the content of the sex education in schools was very problematic and often did not conform to scientific standards, which had consequences for young people in terms of their vulnerability for STIs including HIV/AIDS, as well as unintended pregnancies.¹⁰¹

44. JS3 reported about a problem of the availability of health care for undocumented immigrants, including undocumented minors and pregnant women.¹⁰² IIMA expressed concern about exclusion of illegal migrants from free health care services, except for life threatening situation.¹⁰³

45. T-FF stated that the health care system is known for its non-transgender-inclusive services and transgender persons who completed legal gender recognition process face problem registering to a relevant doctor. T-FF also reported about the lack of state funding for gender reassignment procedures. It recommended that Poland reinstate back the reimbursement of gender reassignment procedures and ensure that the healthcare system reflect the needs of transgender people and their access to healthcare and medicine.¹⁰⁴

46. IIMA noted with concern that the phenomenon of drug and alcohol addictions among youth was increasing.¹⁰⁵ JS1 reported that, in 2000, possession of any amount of drugs was criminalized and thus, anyone found with drugs might face up to three years imprisonment, even if it is a first time offense. Even when alternative sanctions were imposed, the offender still received a criminal record.¹⁰⁶ Furthermore, JS1 stated that, although HIV cases and Hepatitis C prevalence among injecting drug users are high, spending on harm reduction, including opioid substitution therapy (OST), was low and it was not available in certain regions. Needle and syringe exchange programmes are in decline owing to several factors including: municipalities do not allocate sufficient funds for harm reduction programmes, the National Health Fund does not provide funds directly for needle and synergy exchange programmes and there are no exchange programs in prisons.¹⁰⁷

47. JS1 recommended that Poland consider amending the National Law on Counteracting Drug Addiction to avoid penalization of the possession of minute quantities

of drugs to foster access to substitution therapy for people using drugs and scale up harm reduction services, in particular to ensure that health facilities for people who use drugs are available, accessible and acceptable.¹⁰⁸ Furthermore, IIMA recommended that Poland provide drug and alcohol addicted youth with medical and psychological assistance and adopt preventive measures, including awareness raising campaigns to combat drug and alcohol additions among youth.¹⁰⁹

9. Right to education

48. While recognizing the progress made in school attendance, IIMA noted that several sections of the population still had low school attendance rates, including children belonging to families living in difficult situations, as well as young boys and girls with drug and alcohol addictions. IIMA expressed concern that majority of children of illegal migrants are, de facto, excluded from education. IIMA recommended that Poland adopt all necessary measures to guarantee full access to education for all children, especially those belonging to the most vulnerable groups.¹¹⁰ Similarly, CoE-ECRI recommended that Poland ensure the same compulsory schooling attendance rate for citizens and non-citizens.¹¹¹

49. CoE-ECRI welcomed initiatives undertaken to improve education of Roma children, notably the phasing out of separate classes for Roma children, and recommended that Poland continue its efforts to support Roma-children education.¹¹²

10. Cultural rights

50. CoE-ACFC recommended that Poland strengthen its support for initiatives aimed at protecting, preserving and developing cultural identity of minorities and assist national minorities associations to establish and maintain cultural centres.¹¹³

11. Minorities and indigenous peoples

51. CoE-ACFC stated that despite the progress achieved in some fields, in particular in schooling of Roma children, the situation of Roma, in respect of health, employment and housing is still a matter of concern. The efforts undertaken in the framework of the Programme for the Benefit of the Roma Community to improve the living conditions have not yielded the anticipated results.¹¹⁴ CoE-ECRI recommended that Poland continue implementing the Programme for the Benefit of the Roma Community.¹¹⁵

52. CoE-ACFC recommended that Poland increase its efforts to ensure access of persons belonging to national minorities to the radio and television programmes and in particular take the necessary measures to provide adequate radio and television coverage of the regions where national minorities live.¹¹⁶

12. Migrants, refugees and asylum-seekers

53. IIMA stated that illegal migrants are among the most vulnerable groups. Children of irregular migrants were often unregistered at birth, which hindered them from attending school and they have access to free health services only if enrolled at school.¹¹⁷ IIMA recommended that Poland adopt preventative measures to combat de facto and de jure discrimination by guaranteeing all the basic services to children of illegal migrants.¹¹⁸

54. JS3 reported that, one of the biggest problems for migrants was the violation of their rights to work by employers, including non-payment of salaries, failure to observe health and safety provisions and failure to offer a written contract.¹¹⁹

55. JS3 reported that some refugees, and all members of the applicant's family, were denied access to integration assistance, such as in cases when an applicant had committed a crime, even when they are not serious offences (unlawful border crossing in cooperation with other persons, substance abuse, driving under the influence of alcohol etc).¹²⁰

56. JS3 indicated that refugees were facing a lack of social housing leading to homelessness. Prejudices against foreigners and negative attitudes of landlords towards foreign tenants added to this problem.¹²¹

13. Human rights and counter-terrorism

57. AI stated that, in 2008, Poland launched an investigation into the country's involvement in rendition and secret detention programmes with a third country. However, three and a half years later the investigation has still being carried out in secret, and a victim has so far not been permitted to engage effectively with the process. AI added that new evidence came to light in 2009-2010 from the Polish Air Navigation Services Agency (PANSA) and the Polish Border Guard Office. In September 2010, the Prosecutor's Office publicly confirmed that it was investigating claims by Saudi national Adb al-Rahim al-Nashiri, who was granted formal status as a "victim" by the Prosecutor's Office in October 2010. The "victim" status was also granted to Abu Zubaydah in January 2011.¹²² HFHR provided similar information and added that the Prosecutor declared in November 2011 that he will end his work in 2012.¹²³ AI recommended that Poland ensure that the investigation into allegations of Polish complicity in renditions and secret detention continues with as much transparency as possible and in conformity with its international obligations and that Poland fully co-operate with the United Nations Special Procedures on the issue of secret detention in the context of counter-terrorism operations.¹²⁴

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status):

Civil society

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
HFHR	Helsinki Foundation for Human Rights, Warsaw, Poland;
GIEACPC	The Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
IIMA	Istituto Internazionale Maria Ausiliatrice, Veyrier, Switzerland;
JS1	Joint Submission 1 by The Polish Drug Policy Network, Political Critique, the Jump 93 Association, Student Drug Policy Initiative, the Social AIDS Committee and Harm Reduction International; Poland;
JS2	Joint Submission 2 by SOS Children's Villages Poland and Coalition for Family Foster Care; Poland;
JS3	Joint Submission 3 by ATD Fourth World, KARAT Coalition, Stowarzyszenie Interwencji Prawnej (SIP), SOS Children's Villages Association Poland; Poland (joint submission);
JS4	Joint Submission 4 by Federation for Women and Family Planning and the Sexual rights Initiative;
JS5	Joint Submission 5 by Campaign Against Homophobia (KPH) and Polish Society of Anti-Discrimination Law (PSAL), Poland;
JS6	Joint Submission 6 by KARAT Coalition and Campaign Against Homophobia, Warsaw, Poland;
PC-CSEC	Polish Coalition against Commercial Sexual Exploitation of Children, Warsaw, Poland;

T-FF Trans-Fuzja Foundation, Warsaw, Poland ;
 WCADP World Coalition Against the Death Penalty, Chatillon, France.

Regional intergovernmental organization

CoE Council of Europe, France, Strasbourg

- CoE-CPT: Report to the Government of Poland on the visit to Poland carried out by the European Committee for the prevention of Torture and Inhuman or Degrading Treatment or Punishment from 26 November to 8 December 2009, CPT/Inf (2011) 20, 12 July 2011;
- CoE-ECSR: European Committee of Social Rights, Conclusions XIX-3(2010) (Poland), Articles 2, 4, 5 and 6 of the Charter, December 2010;
- CoE-ECRI: European Commission Against Racism and Intolerance, Report on Poland (fourth monitoring cycle) adopted on 28 April 2010, CRI (2010)18, 15 June 2010;
- CoE-ACFC: Advisory Committee on the Framework Convention for the Protection of national Minorities, Second Opinion on Poland adopted on 20 March 2009, ACFC/OP/II(2009)002, 7 December 2009.

² The following abbreviations have been used for this document:

ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

OP-CAT Optional Protocol to CAT

ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

CRPD Convention on the Rights of Persons with Disabilities.

- ³ HFHR, p. 6.
- ⁴ JS3, para. 44 (1); CoE-ECRI, para. 5.
- ⁵ WCADP, para. 3.
- ⁶ JS3, para. 43; see also CoE-CPT, para. 9.
- ⁷ JS3, para. 44(4).
- ⁸ JS5, p. 3.
- ⁹ AI, p. 1; HFHR, p. 6; JS3, para. 40; see also CoE-ECRI, para. 36.
- ¹⁰ AI, p. 4.
- ¹¹ CoE-ACFC, para. 52.
- ¹² HFHR, p. 5.
- ¹³ JS3, para. 40; see also JS5, p. 2.
- ¹⁴ JS5, p. 2.
- ¹⁵ AI, p. 1.
- ¹⁶ JS3, para. 40; JS5, p. 2; HFHR, p. 6; see also CoE-ECRI, paras. 27-29.
- ¹⁷ JS3, para. 21; JS6, p. 2.
- ¹⁸ JS3, para. 20; JS6, p. 3; see also CoE-ACFC, para. 48.
- ¹⁹ JS6, p. 3.
- ²⁰ JS3, para. 29 (1) (2) (3); JS6, p. 9.
- ²¹ JS3, para. 38.
- ²² AI, p. 3-4; see also CoE-ECRI, paras. 113-139; CoE-ACFC, paras. 86-98.
- ²³ CoE-ACFC, para. 93.
- ²⁴ JS3, para. 38; see also CoE-ECRI, para. 161.
- ²⁵ CoE-CPT, para. 49.
- ²⁶ AI, p. 5.
- ²⁷ CoE-ACFC, para. 83-94.
- ²⁸ CoE-ECRI, para. 14.
- ²⁹ CoE-ECRI, paras. 26 and 93.
- ³⁰ AI, p. 5; see also CoE-ECRI, paras. 22 and 163.
- ³¹ IIMA, paras. 4-5.
- ³² T-FF, p. 2.
- ³³ JS5, p. 3; see also JS6, p. 8.

- ³⁴ JS5, p. 3.
- ³⁵ JS5, pp. 3-4 ; see also JS6, p. 8; T-FF, p. 3.
- ³⁶ T-FF, para. 3.
- ³⁷ JS6, p. 9; see also T-FF, p. 3.
- ³⁸ T-FF, p. 3.
- ³⁹ JS5, p. 6, see also JS6, p. 8.
- ⁴⁰ JS6, p. 9.
- ⁴¹ WCADP, paras. 1-2.
- ⁴² HFHR, p. 2.
- ⁴³ JS3, para. 42.
- ⁴⁴ CoE-CPT, para. 13.
- ⁴⁵ CoE-CPT, para. 22.
- ⁴⁶ JS3, paras. 34-44(2); see also CoE-CPT, para. 48.
- ⁴⁷ CoE-CPT, para. 71.
- ⁴⁸ CoE-ECRI, para. 159.
- ⁴⁹ AI, p. 1; see also CoE-CPT, paras. 81-85 and 95-114.
- ⁵⁰ CoE-CPT, para. 82.
- ⁵¹ HFHR, pp. 1-2.
- ⁵² CoE-CPT, paras. 82 and 83.
- ⁵³ JS5, pp. 4-5.
- ⁵⁴ GIEACPC, pp. 2-3.
- ⁵⁵ IIMA, para. 15.
- ⁵⁶ GIEACPC, p. 1.
- ⁵⁷ IIMA, para. 17 (c).
- ⁵⁸ PC-CSEC, pp. 2-3.
- ⁵⁹ IIMA, paras. 18-19.
- ⁶⁰ PC-CSEC, p. 4-5.
- ⁶¹ HFHR, pp. 2-3.
- ⁶² HFHR, p. 2.
- ⁶³ CoE-CPT, paras. 89-94.
- ⁶⁴ HFHR, p. 3.
- ⁶⁵ CoE-CPT, para. 26.
- ⁶⁶ HFHR, p. 4.
- ⁶⁷ JS2, pp. 1-2.
- ⁶⁸ JS2, p. 3; JS3, para. 11.
- ⁶⁹ T-FF, p. 1.
- ⁷⁰ HFHR, p. 6.
- ⁷¹ HFHR, p. 4.
- ⁷² CoE-ECRI, para. 94.
- ⁷³ CoE-ACFC, para.95.
- ⁷⁴ CoE-ECRI, paras. 97 and 103.
- ⁷⁵ HFHR, p. 5.
- ⁷⁶ JS5, p. 4.
- ⁷⁷ CoE-ESCR, p. 12.
- ⁷⁸ JS5, p. 5; see also JS6, p. 3.
- ⁷⁹ JS6, p. 2.
- ⁸⁰ JS3, paras. 24-28; JS6, pp. 8-9.
- ⁸¹ JS3, para. 29 (6-7); JS6, p. 10; see also CoE-ESCR, pp. 7-8.
- ⁸² T-FF, pp. 2-3.
- ⁸³ JS3, paras. 2-6.
- ⁸⁴ JS3, para. 7.
- ⁸⁵ JS3, para. 9.
- ⁸⁶ JS3, para. 10.
- ⁸⁷ JS2, paras. 4-7; JS3, paras. 10-13.
- ⁸⁸ JS2, p. 5, JS3, para. 17 (3).
- ⁸⁹ AI, p.2.

- ⁹⁰ JS3, para. 22; JS6, pp. 4-5; see also AI, p. 2 and HFHR para. 11, p. 6.
⁹¹ JS4, paras. 11 -12.
⁹² JS3, para. 22.
⁹³ JS4, para. 16, JS6, p. 6, .
⁹⁴ JS6, p. 5, JS4, pp. 3-4.
⁹⁵ JS4, para. 3; JS6, p. 4.
⁹⁶ AI, p. 2.
⁹⁷ JS4, paras. 18-21 and JS6, pp. 6-7.
⁹⁸ AI, p. 5; see also JS4, paras. 30 and 33; JS6, p. 9.
⁹⁹ JS4, paras. 22-26; JS6, p. 7, see also JS3, para. 23.
¹⁰⁰ JS3, para. 29 (5); JS6, p. 9; see also JS4, para. 32.
¹⁰¹ JS4, paras. 27-29; JS6, p. 7.
¹⁰² JS3, para. 32.
¹⁰³ IIMA, para. 12; see also CoE-ECRI, para. 78.
¹⁰⁴ T-FF, p. 3.
¹⁰⁵ IIMA, para. 13.
¹⁰⁶ JS1, pp. 1-2.
¹⁰⁷ JS1, pp. 2-3.
¹⁰⁸ JS1, p. 5.
¹⁰⁹ IIMA, para. 14.
¹¹⁰ IIMA, paras. 8-11.
¹¹¹ CoE-ECRI, para. 60.
¹¹² CoE-ECRI, paras. 46-54.
¹¹³ CoE-ACFC, paras. 73 – 74.
¹¹⁴ CoE-ACFC, para. 59.
¹¹⁵ CoE-ECRI, para. 139.
¹¹⁶ CoE-ACFC, para. 125.
¹¹⁷ IIMA, paras. 6 and 9; see also CoE-ECRI, paras. 58 and 60.
¹¹⁸ IIMA, para. 7.
¹¹⁹ JS3, para. 33.
¹²⁰ JS3, para. 36.
¹²¹ JS3, para. 37.
¹²² AI, p. 3.
¹²³ HFHR, p. 1.
¹²⁴ AI, pp. 4-5.
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