

## Submissions on Poland

### I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21 and : CERD/103rd session/FU/MK/ks, taking into consideration the periodicity of the universal periodic review. It is a summary of a submission to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

### II. Information

#### A. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. Several treaty bodies recommended that Poland ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Has not been done**

3. The Committee on the Rights of the Child, the Committee against Torture and the Special Rapporteur on the right to food recommended that Poland ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

**Has not been done**

4. The Committee against Torture, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur recommended that Poland ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**Has not been done**

5. The Office of the United Nations High Commissioner for Refugees (UNHCR), the Committee on the Rights of the Child and the Committee against Torture urged Poland to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

**No evidence available to show that this has been done**

6. The Committee on the Rights of the Child encouraged Poland to consider withdrawing its interpretative declaration regarding articles 12 to 16 and 24 of the Convention on the Rights of the Child.

**Has not been done: Poland considers that family planning and education services for parents should be in keeping with the principles of morality**

7. The Committee on Economic, Social and Cultural Rights recommended that Poland ensure that all provisions of the Covenant were given full effect in its domestic legal order and could be invoked before courts.

**No evidence available to show that this has been done**

#### B. National human rights framework

8. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights recommended that Poland provide the resources necessary to the Commissioner of Human Rights Office to ensure it could implement its mandate effectively, independently and fully.

**No evidence available to show that this has been done**

9. The Committee on the Elimination of Racial Discrimination was concerned that the Office of the Commissioner had no statutory mandate to consider petitions from victims of racial discrimination concerning incidents that occurred in the private area.

**No evidence to show that this has been done**

10. The Committee on the Elimination of Discrimination against Women recommended that Poland strengthen the mandate and authority of the Government Plenipotentiary for Equal Treatment and that it increase the Plenipotentiary's financial and human resources, while providing it with a separate budget to support its gender equality activities.

**No evidence to show that this has been done**

11. The Human Rights Committee recommended that Poland consider either reinstating the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, or

establishing an alternative multi-stakeholder institution with the objective of preventing discrimination and intolerance. UNHCR made a similar recommendation.

**No evidence to show that this has been done**

**C. Implementation of international human rights obligations, taking into account applicable international humanitarian law.**

**1. Cross cutting issues**

***Equality and non-discrimination***

12. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights recommended that Poland amend the Act on Equal Treatment to prohibit discrimination comprehensively on all grounds prohibited under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, including sexual orientation, disability, religion, age and political opinion, and in all spheres and sectors, including education, health care, social protection and housing. The Committee on the Rights of the Child made a similar recommendation.

**No evidence to show that this has been done**

13. The Human Rights Committee was concerned that the Criminal Code did not refer to disability, age, sexual orientation or gender identity as grounds for hate crimes. The Committee against Torture recommended that Poland amend the Code to punish hate crimes and acts of discrimination and violence based on sexual orientation, disability or age. The Committee on the Rights of the Child made a similar recommendation. The Committee on the Elimination of Racial Discrimination recommended that Poland amend its Criminal Code to make any racial motivation of a crime an aggravating circumstance and to allow for enhanced punishment to combat the occurrence of such acts.

**No evidence to show that this has been done**

14. The Human Rights Committee was concerned about the reported increase in the number of incidents of violence, hate speech and discrimination based on race, nationality, ethnicity, religion and sexual orientation and the insufficient response by the authorities to such incidents.

**Research study has shown that violence and hate speech has increased since 2016**

15. The Committee on the Elimination of Racial Discrimination was concerned by reports that some victims of hate crimes were unwilling to report incidents owing to doubts about the ability and interest of law enforcement officials in providing adequate recourse. It recommended that Poland establish an independent body to receive complaints of police violence or abuse and take the measures necessary to ensure that persons belonging to minority groups were recruited into the police.

**No evidence to show the formation of a body.**

16. The Committee recommended that Poland seek efficient means to combat racism in sport, including by imposing fines on clubs for the racist acts of their supporters, and that it continue to work with sporting associations to promote tolerance and diversity.

**Little effort has been put into fining clubs that tolerate hooliganism**

17. The Committee against Torture was concerned at the prevalence of racial violence and other acts of racial abuse targeting persons of Arab, Asian or African origin, and manifestations of anti-Semitism. The Committee on the Elimination of Racial Discrimination was concerned about information regarding the attitude of certain Polish authorities that had discontinued investigations in some cases of anti-Semitism on the grounds that the victim had not belonged to the Jewish community.

**No evidence to show that this has been done**

**II. CERD/103rd session/FU/MK/ks on the implementation of the recommendations contained in paragraphs 10 (a), 12, 16 (b), (c) and (d), and 18 (a) of the Concluding**

**Observations CERD/C/POL/CO/22-24 adopted following the consideration of the State party's combined 22nd to 24th periodic reports, at its 99th session, held in August 2019.**

**Paragraph 10 (a) of the Concluding Observations**

While also noting the information provided by the State party on the 'Inter-ministerial Team for countering the promotion of fascism or other totalitarian systems or offences of incitement to hatred based on national, ethnic, race or religious differences or for reason of lack of any religious denomination' and for the overview of the status of implementation of the Team's recommendations, the Committee is concerned about reports that the Team's activities have been insufficient in addressing hate crime and reiterates its recommendation to reinstate the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance or establish an alternative multi-stakeholder institution with a similar mandate.

***The council for the prevention of Racial Discrimination has been reinstated.***

**Paragraph 12 of the Concluding Observations**

While furthermore noting the information provided by the State party on its judiciary, the Committee is concerned about multiple reports that the separation of powers and the independence of the judiciary in the State party continue to be undermined. The Committee reiterates its request for information on effective steps taken to guarantee the independence of the judiciary and the National Public Prosecutor from political interference.

***No action has been taken instead the independence of the judiciary has been curtailed.***

**Paragraph 16 (b) (c) and (d) of the Concluding Observations**

While welcoming the information provided by the State party on measures taken to combat racist hate speech and incitement to violence, including awareness-raising campaigns, the Committee is concerned about reports that the actions taken have been ineffective and that there is a hate crime-conducive environment in the State party, as a result of impunity for spreading intolerance, stigmatisation, discrimination, or even incitement to violence. The Committee requests the State party to include, in its next periodic report, information on how it ensures that the measures it takes to combat racist hate speech and incitement to violence are effective, and on further measures taken to this end.

***Hate crime cases have increased for the last 3 years owing to mushrooming of far right wing groups. Hate speech in the media have also increased exponentially owing to government's laxity in putting in place the proper mechanisms.***

**Paragraph 18 (a) of the Concluding Observations**

While noting the information provided by the State party regarding the provisions declaring as illegal parties or associations which promote or incite racial discrimination, the Committee requests the State party to provide, in its next periodic report, information on measures taken by the State party to ensure that these provisions are enforced effectively, including information on political parties or organisations that have been declared illegal based on these provisions.

**No action has been taken.**