



**International Convention on
the Elimination of all Forms
of Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

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**QUESTIONS BY THE RAPPORTEUR
IN CONNECTION WITH THE CONSIDERATION OF
THE NINETEENTH PERIODIC REPORT OF
POLAND**

1. With regard to the passing of the Act on national minorities and ethnic and regional languages in January 2005 and the establishment of the Joint Commission of Government and National and Ethnic Minorities, please provide an overall assessment of the impact of these developments on the protection of minority rights in practice. (State party report, paragraphs 80 to 90).
2. The Committee notes that a post for combating racism and xenophobia was created at the National Prosecutor's Office in 2003, and that a Monitoring Team on Racism and Xenophobia was established at the Ministry of Interior and Administration in 2004 (State party report paragraphs 76 to 78 and 128). The Committee also takes note of the appointment of Plenipotentiaries for Human Rights Protection in police headquarters in 2004. Please indicate how these new positions and entities have helped to counter discriminatory attitudes and practices in the area of law enforcement, and whether they interact on discrimination issues with the Commissioner for Civil Rights Protection (referred to in paras. 108 to 111 of the State report) or other relevant human rights bodies. Please also provide information on other institutions or Government departments with specific responsibility for equality issues.
3. What impact has the National Programme for Counteracting Racial Discrimination, Xenophobia and Related Intolerance, enacted by the Council of Ministers for the period 2004 to 2009, had to date? (State party report paragraph 42 refers.) What are the plans for the extension of this Programme?
4. With reference to the recent visit of the UN Special Rapporteur on Trafficking in Persons to Poland, please inform the Committee of considerations and measures

undertaken to respond to the Special Rapporteur's preliminary recommendations in the area of legislation and oversight.

Article 4

5. In its previous concluding observations, CERD criticized the dismissal of some cases of incitement to racial hatred with reference to their low degree of damage to society. Similarly, the European Commission against Racism and Intolerance (ECRI), in its third report on Poland released in June 2005, expressed concern that the authorities rarely investigated and prosecuted cases of racial hatred and allowed anti-Semitic material to circulate freely on the market. In addition to the examples of proceedings in cases related to racist and xenophobic crimes cited in paragraph 132 of the State report, please provide information on the authorities' general approach to publications and works with a racial bias, including graffiti paintings, on action taken regarding Polish anti-Semitic portals and anti-Semitic contents available on the internet, and on measures taken to counteract the dissemination of ideas based on racial superiority or hatred to young people through music. Please also provide updated information on any significant court proceedings after 2005.

7. In the State party's responses to the recommendations of the Universal Periodic Review (recommendation 28), reference was made to training on discrimination issues provided to prosecutors through the National Training Centre of Staff for Common Courts and Prosecutors' Offices, and on training for police commanders in the framework of the ODIHR law enforcement officer programme on combating hatred-related offences. Please provide an assessment of the usefulness of these training measures and on plans for their continuation or possible expansion.

8. The State party report, in paragraph 118, refers to article 119 of the Penal Code, which prohibits the use of violence or illegal threats towards a group or an individual. Please indicate whether there are any legislative provisions allowing racist motives of violent crimes to be taken into account as an aggravating factor in sentencing, bearing in mind the concern expressed by the Committee in its previous concluding observations at reports of racially motivated harassment and discrimination against Jews, Roma and people of African and Asian origin.

9. In light of the concern expressed by the Human Rights Committee in its concluding observations of December 2004 (CCPR/CO/82/POL, paragraph 19) with regard to incidents involving the desecration of cemeteries and acts of anti-Semitism, please provide information on the intensification of efforts to combat and punish all such incidents, and on training and instructions provided to law enforcement bodies and the judiciary on how to investigate and address such incidents.

Article 5

10. Please provide updated information on efforts made to ensure the full implementation of the principle of non-discrimination in employment (including with regard to membership and involvement in organizations of workers or employers), education and social protection (including social and health care) and access to goods and services available to the public (including housing) in practice, including information on recent effort to ensure full compliance with the letter and spirit of the EU Racial Equality Directive (2000/43/EC).

11. Please provide updated information on the impact which the Programme for the Roma Community in Poland, launched in 2004, has had on the equal enjoyment of the right to housing and employment and the access to health services and social assistance by the Roma population. (State report, paragraphs 19 to 25). What measures are taken to address remaining obstacles to the advancement of the Roma population, including measures to ensure effective remedies for cases of direct or indirect discrimination?

12. The Committee notes the detailed information provided on efforts to improve the educational situation of Roma children (State report, paras. 28 to 37). In this context, please provide information on efforts to train more teachers from the Roma community.

13. Noting the information provided on the Pilot Programme for the Roma population in the Maloposka Province, please comment on reports relating to persisting problems with water connection to the houses inhabited by Roma in the community of Limanowa (Malopolska) after the construction of waterworks with a governmental grant intended to benefit the Roma community. (State party report, paras. 16 to 18)

14. In light of the information provided on the provisions of the Act on national minorities and ethnic and regional languages, please indicate whether signs in minority languages, in addition to Polish, have been attached to public buildings in any of the regions in which national or ethnic minorities form a large part of society. Also, please provide information on the access of minorities, such as the Lithuanian minority in the east of Poland, to daily newspapers in their language.

15. UN-Habitat, in its submission made to the Universal Periodic Review (Poland) in March 2008, noted that some ethnic and national minorities lived in low-quality dwellings that were often overcrowded and lacked basic facilities, or in illegally erected buildings that were physically isolated. What measures are taken or considered to be taken to improve this situation?

16. Please provide information on legislative measures taken to facilitate a better integration of refugees and migrants into the Polish society; to improve living conditions in refugee reception centres, and to reduce the number of school-age children seeking asylum in Poland who do not attend school.

17. Please explain why persons with “tolerated stay” status, many of them Chechens from the Russian Federation, continue to be excluded from social assistance given to asylum-seekers, and from integration programmes available to recognized refugees. Also please comment on allegations that asylum-seekers in some detention centres receive inadequate medical assistance, that the facilities for holding persons awaiting deportation do not meet the standards required for prolonged periods of detention, and that staff assigned to work with foreign nationals receive little specialized training.

Article 6

18. The Committee notes that the new Polish Labour Code, which entered into force in January 2004, defines and prohibits discrimination in all its forms, as detailed in paragraphs 207 to 215 of the State report. In addition, please outline efforts to adopt a comprehensive,

clear and consistent body of civil and administrative legislation prohibiting racial discrimination and providing remedies in other fields of life, including in areas such as education, housing and healthcare, as well as access to goods and services.

20. The UN Special Rapporteur on Trafficking in Persons, following his recent visit to Poland, noted that victims of trafficking often face obstacles in accessing remedies, assistance and compensation. Please provide information on efforts to improve this situation.

19. Please also comment on reports of ill-treatment of trafficked persons and Roma by law enforcement officials, and on allegations that such incidents are not always impartially investigated and often ignored by prosecutors and judges.

Article 7

21. The Committee notes the information provided in the State report (in particular in paragraphs 61 to 75) on educational and awareness raising measures aimed at countering discrimination. Please provide an update on significant new developments, projects and measures in this area, with particular focus on the school system.
