



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.
GENERAL

CAT/C/SR.772
13 October 2008

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Thirty-eighth session

SUMMARY RECORD OF THE 772nd MEETING

Held at the Palais Wilson, Geneva,
on Friday, 11 May 2007, at 3 p.m.

Chairperson: Mr. MAVROMMATIS

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 5) (continued)

Fourth periodic report of Poland (continued) (CAT/C/67/Add.5; CAT/C/POL/Q/4/Rev.1
and Rev.1/Add.1 (in English only); HRI/CORE/1/Add.25/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Poland resumed their places at the Committee table.
2. Mr. CYTRYNOWICK (Poland) said that the decline in the number of requests for asylum status was not a phenomenon that was peculiar to Poland but was a general trend in most European countries, as noted in 2005 by the Office of the United Nations High Commissioner for Refugees. In Poland's case, its accession to the European Union in 2004 and the application of the procedures set out in the European Union's Dublin II Regulation were not unrelated to that development.
3. With regard to the conclusion by the European Court of Human Rights that there was a legal void in Polish legislation concerning the detention of foreigners beyond the prescribed time period during which they could be expelled, he said that the relevant law had since been amended. Although it did not define a time period during which expulsion must take place, it limited the duration of detention prior to expulsion to one year. Moreover, if a foreigner was not brought before a judge within 48 hours of his arrest so that the judge could order placement in temporary detention, or if the order for placement in temporary detention was not issued within 24 hours following his appearance before the judge, he must be released.
4. Foreigners who had received authorization for a tolerated stay did not have the same rights and obligations as foreigners with refugee status. As the reasons for their admission into the country were different, there were no common rights and obligations applicable to all foreigners, but that did not mean that foreigners whose stay was tolerated were at a disadvantage. Authorization for a tolerated stay gave them a legal status as well as certain rights, such as the right to work and access to social benefits, which enabled them to live in Poland on their own. Aware that that did not provide individual solutions which took into account the circumstances of each case, the Government planned to incorporate into existing legislation provisions that would introduce subsidiary protection, in accordance with Community law.
5. Replying to a comment by Ms. Sveaass, he acknowledged that the conditions of detention in the premises of the border guards left something to be desired, in particular as concerned the cramped cells. The Government was aware of the problem and was expected to launch a project in the course of 2007 to build four new facilities in order to provide suitable conditions.
6. The procedure applicable to young unaccompanied foreigners illegally present in Polish territory depended on whether or not the minor had applied for refugee status. If he had, he was placed in a socio-educational centre pending consideration of his request. If he had not, he could theoretically be placed in detention, but in practice, he would usually be placed in a socio-educational facility or in foster care. Regardless of the case, minors always received appropriate medical and psychological care. A minor could not be expelled to his country of origin or to

another country unless it was established beyond doubt that he would be properly cared for by members of his family or in a competent institution. He could be expelled only if accompanied by his legal representative, unless the expulsion decision provided that he was to be handed over to his legal representative or a representative of the competent institution in the country of return. The case had never arisen in Poland.

7. Ms. GESIK (Poland) said that major work on the prevention of human rights violations had been carried out at all levels of the police force and prison staff in the form of training and awareness-raising activities. One important initiative had been the appointment, in each of the 17 units of the regional police, of human rights coordinators mandated to monitor respect for the relevant norms, assess training needs as a function of deficiencies and ensure the dissemination of principles of good practices emanating from international norms for the protection of human rights. The initiative had not entered into force until 2004, but its effects were already visible. For example, coinciding with the consideration of Poland's fourth periodic report by the Committee against Torture, the human rights coordinators had organized a series of meetings for heads of police brigades to familiarize them with the Convention against Torture and documents on which the meetings with the Committee would be based, including the report and the list of issues. CD-ROMs containing all relevant documents had been circulated among the participants. Further meetings would be held in order to distribute the Committee's conclusions and recommendations.

8. Other ad hoc initiatives were also undertaken when incidents resulting in human rights violations by the police occurred. For example, following a case in which police officers had used force to extract a confession from a suspect, an emergency programme had been put into place. Implemented at the highest echelons, it aimed to develop a code of ethics among senior officials that was strictly in conformity with human rights norms and to promote exemplary behaviour, which they would then teach their subordinates. For the moment, the programme was being carried out on a trial basis, but was to be extended to the entire country at a later date. In 2006, Poland had joined a programme of the Organization for Security and Cooperation in Europe which aimed to strengthen the effectiveness of investigations into crimes motivated by racial, ethnic or religious hatred, by training police officers in best practices at all stages of the procedure.

9. In 2005, the Prison Service had launched several training programmes to ensure the dissemination among prison staff of international norms on the treatment of detainees. Details of the programmes could be forwarded to the Committee later. There was a final examination at the end of each training course. For the moment, there were no mechanisms to measure the impact on the professional behaviour of prison staff, but an assessment programme was under study and was expected to be implemented shortly.

10. Mr. CZESZEJKO-SOCHACKI (Poland), returning to the question of access to the services of a lawyer, said that, pursuant to the Code of Criminal Procedure, persons arrested by the police were immediately informed of their right to such assistance. The form which that was to take – telephone conversations, direct contacts, exchange of faxes or electronic mail – was not specified. In principle, conversations between detainees and their lawyers were confidential, but a police officer could attend if his presence was deemed necessary, for example to ensure the lawyer's protection.

11. The Code of Criminal Procedure stipulated that body searches must be conducted, where possible, by police officers of the same sex as the detainee. The necessary measures had been taken to implement that requirement, for example through a recruitment policy ensuring a representation of both male and female police officers, but occasionally it might not be possible to do so, especially when it was necessary to conduct an immediate body search – for instance upon the arrest of a suspect who might be armed or when there was a risk of loss or destruction of evidence – and a police officer of the same sex was not readily available. Such cases were rare, however.

12. One positive development emerging from the tragic events during the Łódź University holidays in May 2004 had been that they had highlighted the discussion on the use of firearms by the police, and the regulations on the use of firearms by the police and on types of ammunition which could be employed had been changed. Today, only anti-terror units and the secret services were authorized to use all types of weapons and ammunition. Since 2004, all police officers had been required to take a compulsory training course and pass a final examination on the use of smooth-bore weapons and non-penetrating ammunition before they could employ them in the field.

13. Mr. SZYDŁOWSKI (Poland) said that the four-year programme to renovate and enlarge prisons begun in 2006 aimed to increase prison capacity throughout the country to make room for an additional 26,000 detainees by 2009. Scarcely one year since its launching, the programme had already resulted in the creation of 4,000 new cells. The initial stage consisted in transforming a number of unused areas in existing buildings into cells and enlarging the basic structure. The second stage involved the conversion into prisons of buildings previously belonging to the army or the police or of former administrative buildings. In 2006, the Prison Service had obtained authorization to convert two such buildings; approval for three others was expected in 2007. The third stage of the programme concerned the conclusion of partnership agreements with the private sector for building and operating new prison facilities.

14. The Prison Service Act expressly provided that direct coercion measures could only be employed to avert a risk of escape, for example during a prisoner transfer, or to prevent a prisoner from injuring himself or others. As the number of detainees had increased considerably in recent years, it might have been feared that such a measure would be used more often, but that had not been the case. On the contrary, between 2002 and 2006, the number of cases entailing the use of direct coercion measures, including placement in solitary confinement, had declined by almost half. Mr. Grossman had referred to the use of chains as a coercive measure. Perhaps the delegation's comments had been incorrectly translated. In actual fact, prison officials only used handcuffs or shackles, in keeping with the relevant provisions of the Prison Service Act.

15. Mr. DUDA (Poland) said that the investigation started by the Parliament in response to allegations contained in the report by the Committee on Legal Affairs and Human Rights of the Council of Europe's Parliamentary Assembly concerning the existence in Polish territory of a secret detention centre at which persons suspected of terrorism were held had been conducted on a strictly confidential basis on account of the close connection with the activities of the secret services. The parliamentary commission of inquiry had reported its conclusions to the Parliament. The Government of Poland categorically denied the existence of any secret detention centre in its territory and stressed that there had never been any such centres in Poland and that Poland had never cooperated in any way with the illegal transfer of foreigners suspected of

terrorism. Poland's policy with regard to combating terrorism was based on a partnership with other States, mutual confidence and strict respect for legality. The Committee might be interested to learn that the Government had officially invited Mr. Dick Marty, Chairperson of the Committee on Legal Affairs and Human Rights, to visit the places referred to in the allegations contained in the above-mentioned report. To date, Mr. Marty had not replied to the invitation.

16. The Constitution stipulated that judges must be able to discharge their duties in complete impartiality and ensured their irremovability and immunity from prosecution. Given that Poland was in a period of economic transition, the salaries of Polish judges were less than those of magistrates in other European countries, but were much higher than the average wage in Poland.

17. Ms. STAWIARZ (Poland) said that the definition of torture in article 1 of the Convention had not been incorporated into the Criminal Code because the Convention was directly applicable by the domestic courts: in conformity with article 40 of the Constitution, international instruments ratified by Poland formed part of domestic law and, consequently, the incorporation of a definition of torture into the Criminal Code would be redundant. Moreover, all the elements constituting the offence of torture as defined in article 1 of the Convention were already the subject of specific provisions in the Criminal Code.

18. Replying to a request for clarification by the Alternate Country Rapporteur, she said that young offenders who committed offences of a financial nature were liable to prosecution under the Financial Criminal Code, which punished customs, tax, currency and other related offences.

19. In October 2005, a bill concerning free legal aid had been submitted to the Parliament, but its passage had been postponed because a number of technical details had first had to be settled, including the question of funding. As to the progress made on preparing the draft code regulating the treatment of victims of violence, she noted that in June 2006, the Ministry of Justice had mandated a task force to draw up the text and had decided to put into place a national network of shelters for such persons. The task force was currently elaborating the draft in conjunction with non-governmental organizations (NGOs), which had suggested the inclusion of issues such as trafficking in women, domestic violence and rape.

20. Ms. ADAMIAK-DERENDARZ (Poland) said that, pursuant to the Code of Criminal Procedure, persons who were able to prove that they could not afford a lawyer benefited from the free services of a defence counsel. In some cases, the court was required to make a lawyer available to the detainee free of charge, especially if the accused was a minor or a disabled person (for example deaf-mute or blind) or if he had problems of mental health. If, in those particular cases, a court decision was taken although the accused did not have the free assistance of a lawyer, he could appeal before an appellate court, which automatically set the decision of the lower court aside.

21. The Code of Criminal Procedure provided that persons held in pre-trial detention were at complete liberty to consult their lawyer at all stages of the proceedings, save in certain exceptional cases, for example when the prosecuting authority deemed it necessary, for the purposes of the preliminary investigation, to limit contacts between the suspect and his defence counsel. The duration of suspension of contacts could not exceed 14 days starting from the beginning of pre-trial detention; the measure must be ordered by a judge and must be properly substantiated.

22. Poland had a very cautious attitude towards diplomatic assurances in the context of the expulsion or extradition of a foreigner. The competent court must verify whether the person awaiting a decision on expulsion was at risk of being tortured in the country of return, and to do so, it collected information on the human rights situation in the country concerned, drawing in that regard on the help of NGOs. If it concluded that there was a risk of torture and that the State of return would probably not respect the commitments made through its diplomatic assurances, the court would turn down the extradition request. Recently, Poland had refused to extradite two Turkish nationals, because it had concluded, based on information provided by Amnesty International, that they would be tortured in Turkey if returned.

23. With regard to the tragic incidents in Łódź in May 2004, which were described in the report (para. 117) and in the written replies (question 15, para. 84), several witnesses had been heard and considerable evidence gathered by investigators, but to date, the perpetrators of the homicides had not yet been identified. If their identity could not be established with certainty, criminal proceedings might be instituted against the police for criminally negligent homicide.

24. Only two professional groups had immunity from prosecution: judges and prosecutors, and members of the Parliament. The latter enjoyed that privilege only for the duration of their mandates. Thus, if they violated the law, they could not go unpunished indefinitely. The immunity of a judge could only be lifted with the authorization of the Judicial Service Council. If the latter declined to give such authorization, the judge could not be removed. Authorization was not refused arbitrarily, but upon the completion of an internal procedure to decide whether the judge was responsible for the offences of which he was accused; that reduced the risk of impunity.

25. In principle, the maximum duration of pre-trial detention was three months, but in exceptional cases, it could last for up to two years. If warranted by the circumstances of the case, it could be extended beyond two years upon a decision by a higher court. A suspect subject to such a measure could appeal. In any event, Polish legislation provided for the use of means other than pre-trial detention, including release on bail and prohibition to leave the country.

26. She did not see any incompatibility between the system of pleading guilty and respect for the presumption of innocence, because the suspect who agreed to plead guilty did not do so until after a preliminary investigation, in other words when sufficient evidence had been gathered in addition to the suspect's statement. Moreover, the court did not take into consideration a request in which the suspect pleaded guilty unless all the evidence conclusively showed that he had in fact committed the offence.

27. In accordance with the Code of Criminal Procedure, the investigating authorities must inform foreign suspects placed in police custody that they had the right to contact the diplomatic representation of their country in Poland, and they must report to the consular authorities of that country, within three days of the arrest, that one of their nationals had been placed in pre-trial detention.

28. The Criminal Code did not contain a definition of the notion of terrorism, but one of its provisions specified that an offence of a terrorist nature was an aggravating circumstance.

29. Exploitation of persons was punished under two articles of the Criminal Code, one concerning trafficking in human beings, which was punishable even if the victim was consenting, and the other on forced prostitution. The Criminal Code did not contain a definition of trafficking, but the courts could invoke the definition in the United Nations Convention against Transnational Organized Crime (Palermo Convention), to which Poland was a party.

30. Ms. DABROWIECKA (Poland), referring to the measures taken by Poland to combat hazing in the armed forces, said that a telephone hotline had been set up on 1 February 2002 so that soldiers or their families could report such practices. Any complaint which required action and might warrant legal proceedings was referred to the competent military authorities.

31. With regard to jurisprudence concerning acts of psychological torture, the Supreme Court had ruled that mental anguish caused by one or more acts, when the suffering was particularly intense, could be categorized as torture. To convict the perpetrators of acts of psychological torture, the courts invoked the relevant commentary to the articles on illegal threats, slander and intimidation in the Criminal Code.

32. On the training of Polish medical personnel, she said that in 2004, the Prison Service had had excerpts from the Istanbul Protocol translated and had forwarded them to the competent services for implementation. In respect of the protection against sexual abuse of persons placed in mental hospitals, it should be noted that, pursuant to article 43 of the Act on the protection of mental health, a judge could visit mental hospitals at any time to monitor respect of the rights of the patients and their living conditions. Officials from the Office of the Ombudsman also conducted periodic inspections in mental hospitals.

33. With regard to special measures to protect young offenders, she said that the age of criminal responsibility was set at 17 years (art. 10 of the Criminal Code). However, the criminal responsibility of a minor could be incurred as from the age of 15 for homicide, group rape or participation in terrorist activities. In such cases, the young offender received special protection and must undergo a psychiatric examination to make sure of his capacity to exercise good judgment. In Poland, no criminal sanctions could be imposed on minors under 10 years of age; in those cases, the family courts must apply educational measures. Juvenile detainees had unhindered access to a lawyer and a physician.

34. As part of the fight against racial prejudice, the Government was currently implementing an ambitious programme to combat racial discrimination and xenophobia. A programme to fight racially motivated offences was also being conducted by the Ministry of the Interior, and special measures had been adopted for the protection of members of the Roma community. The prosecutor's office recorded all offences of a racist nature which targeted members of the Roma community, making every effort to ensure that proceedings were instituted to punish those responsible.

35. Mr. GROSSMAN (Country Rapporteur) said that currently, the treatment of migrants and refugees was one of the main challenges facing States in the area of human rights. The Universal Declaration of Human Rights, pursuant to which all human beings were born free and equal in dignity and rights, required States to give particular attention to persons who were most at risk. In that connection, he welcomed the information provided by the delegation on the introduction of a "tolerated stay" status (Act of 13 June 2003 on Granting of Protection to Aliens). Information on the right of legal aliens to free social assistance would be welcome. It appeared

that Poland had acceded to regional human rights instruments aimed at strengthening the protection of the social rights of illegal aliens. It would be interesting to know when it would begin to comply with the commitments entered into in that regard. Those questions were of particular importance at a time when, in some countries, it was now sometimes argued that only nationals should be entitled to social benefits.

36. Thanking the delegation for the information provided on the new Juveniles' Code, he asked whether it was true that minors could be forced to sign statements during an interrogation without being able to benefit from the assistance of a lawyer.

37. He welcomed the information provided by the delegation concerning the prevention of torture and in particular the creation of posts of coordinators to monitor respect for human rights in the police, but pointed out that prosecuting and convicting the perpetrators of acts of torture continued to be the best way of preventing such offences. Accordingly, the question of combating the impunity of perpetrators of acts of torture should be at the centre of the State party's concerns. Likewise of crucial importance was the fight against the impunity of perpetrators of crimes motivated by racial hatred, and he welcomed the measures taken by Poland to improve investigations in that area. The Committee would follow closely the results of that initiative.

38. The access of detainees to a lawyer continued to pose problems. According to information received from several NGOs, the right to be assisted by a lawyer was only ensured for suspects of offences punishable by more than three years' imprisonment. Clarification on that point would be welcome. With regard to the use of non-penetrating ammunition by the police, he said that, notwithstanding the information provided by the delegation, it was not clear whether the task force set up to elaborate recommendations on the question had already started its work. Further details on that subject would also be appreciated.

39. As to the use by the police of mechanical means of restraint on detainees in addition to placement in solitary confinement, he had taken due note of the State party's explanation that Poland complied with European norms in that area. The Committee also noted that the delegation denied reports of the existence of a secret detention centre in which persons suspected of terrorism were detained, as well as allegations according to which Poland had assisted in the illegal transfer of detainees.

40. On a final point, he reminded the delegation that for the Committee, the incorporation into the Polish Criminal Code of the definition of torture in article 1 of the Convention was a prerequisite to ensuring respect for the absolute prohibition of torture.

41. Mr. GALLEGOS CHIRIBOGA said he was pleased at the quality of the dialogue with the delegation and was aware of the great efforts made by the State party to protect and promote human rights since the establishment of democracy in 1989. Any process of democratic transition presupposed that measures were taken to promote the emergence of a dynamic civil society. Progress towards democracy required not only the reform of the State and the adoption of new legal texts, but also a greater involvement of civil society in the treatment of questions relating to human rights. In that connection, it was regrettable that the briefing which the Committee had planned to hold with representatives of Polish NGOs prior to the consideration of the State party's report had been cancelled at the last minute.

42. The use of public premises such as community centres, gymnasiums or meeting rooms to deal with the problem of prison overcrowding continued to be a source of concern. As to the incorporation into domestic law of the definition of torture enunciated in article 1 of the Convention, he said that the passage of a law containing an express definition of torture and providing for specific punishments was the best way of combating impunity. The Committee also continued to be concerned about the tightening of legislation relating to foreigners, which in its view was not a suitable response to the problems posed by migratory movements.

43. Ms. BELMIR sought clarification on two points which had puzzled the delegation, and above all on the question of the presumption of innocence. The State party had undertaken to reform its legal system to bring it into line with international criteria. In that connection, it was now envisaged that, in order to shorten proceedings, a suspect could plead guilty and accept a penalty. That provision, which was similar to what was found in the legal systems of English-speaking countries, might undermine the presumption of innocence: although it could produce rapid results, it was no secret that some persons confessed to being guilty although they were innocent. The other question still pending concerned the stay of execution of decisions relating to the investigation of civil servants whose use of firearms had resulted in deaths. There was a risk that such a provision would encourage impunity.

44. Mr. MARIÑO MENÉNDEZ took note of the statement by the delegation that there were no secret detention centres in Poland and that no illegal transfers had taken place. Would the parliamentary inquiry conducted on the question be the subject of a written report, and if so, would it be published? The Committee would also like to have confirmation that, when Polish armed forces intervened in a conflict with international ramifications (in Afghanistan or Iraq, for example), the Convention was applicable for them.

45. With regard to legislation on domestic violence, he said that it would be interesting not so much to have statistics as it would be to know whether the perpetrators of such acts were placed in pre-trial detention more or less systematically or whether, as a function of the seriousness of the acts, they could be the subject of other preventive measures, such as removal. He also asked whether specific sanctions could be imposed for violations of the provisions of the so-called Screening Act. The Constitutional Court was currently considering that text; when was a ruling expected?

46. Ms. GAER would like to have statistics on the prosecution of members of the armed forces following repeated incidents targeting young recruits, as well as on investigations and criminal proceedings for hate crimes. She also asked whether, in connection with two cases in which Turkish nationals had not been expelled to Turkey on account of an opinion by Amnesty International, Poland had sought diplomatic assurances or whether it had considered that such assurances were insufficient.

47. An important organization for the protection of human rights would soon publish a report on hate crimes. Among the countries of the European Union, Poland had one of the best collections of data on criminal proceedings involving hate crimes. It would be useful to know whether that included offences committed for reasons of the sexual orientation of the victims and whether any statistics existed on such cases. She stressed the extreme seriousness of all crimes with a xenophobic or racist connotation and of crimes targeting any vulnerable minority. That same human rights organization also noted that hate crimes took an even more violent turn when

they were instigated by opportunistic leaders and organizations whose ideology was based on exclusion and when the reaction of Governments was one of indifference or even approval. Unfortunately, in such cases the victims were left to fend for themselves, and the Committee was unable to ascertain whether Governments had or had not taken any action.

48. Mr. CYTRYNOWICK (Poland) pointed out that the provisions of the bill on foreigners and subsidiary protection would enter into force in September 2007, after which the delegation would inform the Committee of its impact.

49. Ms. ZEMANEK (Poland) said that the current provisions on social assistance and health insurance were applicable to all persons living in Poland, including those whose presence was tolerated. With regard to health insurance, either the person concerned was automatically insured because he was a salaried employee or was registered as unemployed, or he contributed to a voluntary insurance scheme. For uninsured persons, whether Polish citizens or not, the State paid for free medical care for all minors under 18 years of age and for all women during pregnancy and after childbirth. In the other cases, the cost of medical care was borne by the persons concerned, regardless of whether they were Polish.

50. Mr. CZESZEJKO-SOCHACKI (Poland) said that when a minor was arrested, the police must immediately inform his parents or guardian. Custody in such cases could not exceed 24 hours, and any extension of detention for the purposes of the investigation required the authorization of a family judge. The minor could only be interrogated in the presence of his parents or guardian or a psychologist. It should also be noted that the premises which the Prison Service was currently renovating were in most cases former barracks of the Soviet army which were being converted not only into cells but also into sport facilities, which had been their original function.

51. Mr. SZYDLOWSKI (Poland) stressed that views differed with regard to the explicit inclusion of the definition of torture in the Criminal Code. The advantage of generalizing the use of the definition would be to promote a harmonization of practice in all countries, but inconsistencies might appear in their domestic law, which would complicate the work of the law enforcement services, the judicial authorities and the courts, because they would then need to decide which norm to apply.

52. Ms. ADAMIAK-DERENDARZ (Poland) said that Polish criminal procedure did in fact include a compulsory legal aid mechanism. When a detainee was in a difficult situation for reasons of health or because of financial problems, a lawyer was appointed by the lower court hearing the case, whether it was the district court, which dealt with minor offences, or the provincial court, which ruled on more serious offences that incurred prison sentences of three years or more. A court could not allow a voluntary acceptance of a penalty unless it had other convincing evidence of the guilt of the accused; the judge could not rely solely on a confession. Moreover, the procedure could not be used in cases involving extradition, because it was only applicable in Polish courts.

53. With regard to the case of the two Turkish nationals who had not been extradited, the Polish authorities had not sought diplomatic assurances from Turkey because in principle it only asked for such assurances if the person concerned might incur the death penalty in the country to which he was to be extradited.

54. In addition to the Criminal Code, which punished domestic violence, a general act had also been passed to combat that serious problem. Pursuant to the act, the courts could order a placement in pre-trial detention, but they could also take other measures to protect the victims, such as removal of the perpetrator. Unfortunately, there were still many trials for domestic violence, although their numbers had declined slightly: the courts had taken final decisions on more than 17,000 cases in 2005, as against 16,000 in 2006.

55. Ms. DABROWIECKA (Poland) said that criminal proceedings had been instituted against 219 members of the armed forces in 2003 for offences committed against young recruits and against 154 in 2004. Of the 221 criminal proceedings instituted in 2006, more than 200 had led to indictments. Two cases had been brought before the courts in the first two months of 2007.

56. The delegation did not have any statistics on hate crimes, but could include them in the fifth periodic report. The Criminal Code made no mention of crimes committed against persons on account of their sexual orientation. Criminal proceedings were instituted for all violations, regardless of the characteristics of the victims.

57. Mr. DUDA (Poland) said that the conclusions of the parliamentary commission (which included not only members of the Government coalition but also representatives of the opposition) mandated to conduct an investigation into alleged detention centres for persons suspected of terrorism had been unambiguous and absolutely definitive: there was no evidence whatsoever of the existence of such centres. As to the Act on the assessment of past activities (the Screening Act), it should be stressed that no sanctions were envisaged for anyone who admitted to collaborating with the secret police of the communist regime before 1989, whereas persons who had not made such a declaration in the prescribed time period or who had made a false declaration were liable to punishment. The Act applied only to persons who had held office, and not ordinary citizens. At the end of the prescribed time period, officials who had not made the required declaration were removed from office. Any official found by a court to have made a false declaration could likewise be removed from office. Those who resigned of their own accord were not required to make a declaration.

58. The CHAIRPERSON thanked the delegation for actively participating in what had been a productive dialogue. The Committee's conclusions and recommendations, as well as the summary record of the discussions, would be forwarded to it later. There were some differences of opinion between the State party and the Committee, for example on the question of the definition of torture; they would need to be overcome. The Committee paid tribute to Poland for the remarkable efforts it was making to break, once and for all, with a dark past.

59. Mr. DUDA (Poland) thanked the Committee for the interest it had shown in his country. The absence of representatives of Polish NGOs during the debates did not mean that the Government was indifferent to their work or to the cause of human rights. All the Committee's recommendations would be translated into Polish and made available to the authorities concerned.

60. The delegation of Poland withdrew.

The meeting rose at 5.55 p.m.
