



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

1 March 2021

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the seventh periodic report of Poland, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 67th session held from 22 July to 9 August 2019, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/POL/CO/7, para. 39) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 20 (a), 24 (a) and (c) and 30 (e) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 19 November 2020 providing your Government's response to the above-mentioned paragraphs (CAT/C/POL/FCO/7) and to make the following comments:

Police brutality (para. 20 (a) of the Committee's concluding observations)

The Committee regrets that the follow-up replies do not indicate whether the State party has taken any new concrete measures since the adoption of the concluding observations in August 2019 to ensure that all alleged cases of torture and ill-treatment by law enforcement officials and all deaths in custody are investigated promptly, effectively and impartially by an independent mechanism. It also regrets not having received detailed information on the number of investigations, prosecutions, convictions and sentences handed down in cases of torture and ill-treatment or excessive use of force during the period under review (2/C).

.../...

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Commissioner for Human Rights and the national preventive mechanism (para. 24 (a) and (c) of the Committee's concluding observations)

While taking note of the information provided by the State party regarding the budget process for the Office of the Commissioner for Human Rights, the Committee reiterates the need to ensure that this national human rights institution, which also serves as the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is provided with the necessary resources to carry out its mandated effectively and independently. Furthermore, the Committee regrets that it has not received any information regarding the measures taken to ensure the independence, security and ability to function of the Commissioner for Human Rights (1/C).

Conditions of detention in police detention units and prison facilities (para. 30 (e) of the Committee's concluding observations)

As to the information provided by the State party concerning the legal framework governing medical practice in Poland, the Committee would appreciate receiving additional clarifications on the specific measures taken by the State party to ensure the clinical independence of medical staff in prisons, and on whether it intends to hire additional qualified medical and psychiatric prison personnel, as well as psychologists (1/C).

Implementation plans (para. 39 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Poland is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the seventh periodic report of Poland or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Poland on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

p.p.



Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture