



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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30 April 2021

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 103rd session, considered the follow-up report submitted by the Government of Poland, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year 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.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 25th to 27th periodic reports, to be submitted in a single document, by 4 January 2022.

Paragraph 10 (a) of the Concluding Observations

While noting the information submitted by the State party on the human and financial resources for the Commissioner for Human Rights of Poland, the Committee is concerned by reports indicating that, when only considering the funds allocated for current expenses and not counting funds allocated to modernize the historic building in which the Commissioner's Office is located, the Commissioner as an institution, is not being provided sufficient funding from the state budget to enable it to fully discharge its mandates. The Committee is also concerned by reports that the Commissioner's Office does not have sufficient funds to fully secure the contracts it has concluded with its employees. The Committee requests that the State party include, in its next periodic report, information on measures taken to increase the funding of the Commissioner for Human Rights of Poland so as to ensure it is provided with the human and financial resources necessary to enable it to fully discharge its mandates in an independent and impartial manner. In light of the ruling of the Constitutional Tribunal on 15 April 2021 that Article 3.6 of the Law on the Office of the Polish Commissioner for Human Rights is unconstitutional, the Committee also requests information on measures taken to ensure the continuity, independence and effectiveness of the Commissioner. The Committee considers the response of the State party to this recommendation unsatisfactory.

H.E. Mr. Zbigniew Czech
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Paragraph 12 of the Concluding Observations

While noting the information provided by the State party, the Committee regrets the lack of information on measures taken to strengthen the mandate and authority of the Government Plenipotentiary for Equal Treatment and the lack of information on measures to increase its financial and human resources.

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.

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.

The Committee considers the response of the State party to this recommendation unsatisfactory.

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. The Committee also requests that the State party provide detailed information on investigations and prosecutions of, and convictions for, racist hate speech and hate crimes, including those committed by public figures. The Committee regrets the lack of information on measures taken by the State party to publicly condemn and distance itself from racist hate speech by public figures, including politicians and media officials, and requests it to submit information on these measures in its next periodic report.

The Committee notes the information provided by the State party about relevant educational activities carried out in schools and on the support provided to national and ethnic minority organisations for promoting their cultural achievements. However, the Committee is concerned about reports that public authorities have not conducted effective campaigns to combat hate speech, incitement to hatred and hate crimes, or to address prejudices and negative sentiments towards national and ethnic minorities, migrants, refugees and asylum seekers. The Committee requests the State party to provide, in its next periodic report, more detailed information on the content of its campaigns in schools and on campaigns by the State party in line with the Committee's recommendations 16 (c)(CERD/C/POL/CO/22-24).

While noting the information provided by the State party that monitoring of media services has not recently revealed any content inciting hatred on grounds prohibited by the Convention, the Committee is concerned about reports that members of minority communities continue to be stigmatized by the media and about complaints concerning incitement to hatred

on public television received by the Office of the Commissioner for Human Rights of Poland in 2019 and 2020. The Committee requests the State party to provide, in its next periodic report: a) information on measures taken to reinforce the message sent to journalists and broadcasters on their responsibility to avoid the use of hate speech and stereotypes in describing minority communities; b) information on remedies available to victims belonging to minority communities for acts of hate speech and stereotypes and; c) information on actions taken against websites promoting racial hatred.

The Committee considers the response of the State party to this recommendation unsatisfactory.

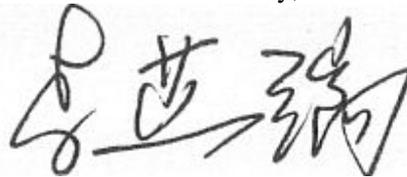
Paragraph 18 (a) of the Concluding Observations

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. The Committee furthermore requests information on the legal status of the parties or organizations mentioned in paragraph 18(a) of its concluding observations (CERD/C/POL/CO/22-24). The Committee considers the response of the State party to this recommendation unsatisfactory.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Poland, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination