



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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28 August 2015

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, in the course of its 87th session, considered the follow-up report submitted by the Government of Poland, pursuant to Rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the timely submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 9, 10 and 13 of the Concluding Observations (CERD/C/POL/CO/20-21), adopted following the consideration of the State party's combined 20th and 21st periodic report during its 84th session in February 2014.

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 22nd to 24th periodic reports to be submitted in a single document on 4 January 2018.

Paragraph 9 of the Concluding Observations: The Committee thanks the State party for its replies and notes the information that in cases where only private entities are involved, the Human Rights Defender can provide assistance to victims of racial discrimination by indicating legal measures to which the victims are entitled and making competent authorities take action. The Committee would welcome information on specific cases in the next periodic report.

The Committee takes note of the budget allocated to the Ombudsman as well as the assertion by the Human Rights Defender that its budget does not allow for the full implementation of non-statutory activities, including activities related to equal treatment.

In this regard, while thanking the State party for its responses on the improved coordination and synergies between national human rights bodies, the Committee encourages the State party to assess, along with concerned institutions, potential duplication between these bodies and look for an increased rationalization of their

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resources and activities. It reiterates its recommendation that the Human Rights Defender be provided with adequate financial and human resources for non-statutory mandates, including the fight against racial discrimination.

Finally, while noting the information related to various activities conducted by the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, the Committee regrets the lack of information on concrete results achieved so far by the Council. It requests that the State party provide it with those results in the next periodic report.

Paragraph 10 of the Concluding Observations: The Committee welcomes the information regarding the decrease of racist acts during football matches in Poland and commends the State party for efforts made in this area, including through new internal regulations of sport associations prohibiting racist acts. In line with its General recommendation no. 35 (2013) on combating racist hate speech, the Committee encourages the States party to continue working with sports associations to eradicate racist acts in all sporting disciplines and events.

While noting the State party's efforts to counter public gatherings where there were allegations of incitement to hatred or spreading of intolerant attitudes, the Committee regrets the lack of information on concrete results obtained in monitoring and combating hate speech on the Internet, in particular on the website promoting racial discrimination referred to in the recommendation.

The Committee notes with satisfaction the example provided by the State party regarding the enforcement of its legislation in Bialystok. Despite the motion to dissolve the association was dismissed by the court, the Committee notes with interest that this has had an impact in particular the fact that no riots have been reported recently during matched played by the concerned team. Nevertheless, the Committee urges the State party to remain vigilant in ensuring effective enforcement of the laws declaring illegal organizations which promote and incite racial discrimination, in conformity with article 4 (b) of the Convention.

Finally, the Committee welcomes non-criminal procedures performed with the aim to implementing the recommendations of the Committee in the various prosecutor's offices in 2014, such as training of prosecutors and police officers on issues related to combating hate crimes and prosecuting these cases, issuance of guidelines for police units regarding the conduct of proceedings in cases of hate crimes and joint initiatives between public institutions and NGOs in the area of counteracting hate crimes.

Paragraph 13 of the Concluding Observations: The Committee thanks the State party for the detailed information regarding measures taken to promote the economic, social and cultural rights of Roma. It is however concerned by the link made by the State party regarding the negative impact of the Roma's culture on the enjoyment of the above mentioned rights as if this was a paramount obstacle for the State party to comply with its international obligations, in particular article 5 of the Convention. Bearing in mind its General recommendation no. 27 (2000) on Roma, the State party should endeavor to improve the relations between Roma communities and non-Roma communities, with a view to promoting tolerance and overcoming prejudices and

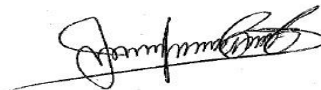
negative stereotypes on both sides and ensuring that all persons fully enjoy their human rights and freedoms.

The Committee requests that the State party provide sufficient information and data on the results obtained in addressing problems the Roma community was facing such as the low level of education, including their placement in special schools, poor housing conditions, poverty and unemployment in its next periodic report. The Committee welcomes the emphasis placed in the *New programme for 2014-2020 Program for Inclusion of the Roma Community for 2014-2020* on the support for Roma women, both as individuals subject to double discrimination but also as active members of this community. In this regard, the Committee encourages the State party to keep in mind its General recommendation no. 25 (2000) on gender-related dimensions of racial discrimination when implementing this Programme.

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,



José Francisco Calí Tzay
Chair

Committee on the Elimination of Racial Discrimination