



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

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: jli/follow-up/CAT

29 August 2016

Excellency,

In our respective capacities as Chairperson of the Committee against Torture and Rapporteur of the Committee for Follow-up to Concluding Observations, we have the honor to refer to the follow-up to the examination of the combined fifth and sixth periodic reports of Poland, , in accordance with the Guidelines for Follow-Up to Concluding Observations (CAT/C/55/3).

At the end of its 51<sup>st</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/POL/CO/5-6, para. 29) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 8, 13, 18 and 21 of the concluding observations.

On behalf of the Committee, allow us to express appreciation for your letter of 19 November 2014, providing your Government's response on the above-mentioned paragraphs (CAT/C/POL/CO/5-6/Add.1), and to make the following comments:

Fundamental legal safeguards (para. 8)

The Committee appreciates the thorough and extensive information provided by the State party, and considers that initial steps have been taken to implement the recommendation. However, it remains concerned that ensuring access to legal counsel in practice from the very outset of deprivation of liberty has not been addressed. In addition, while initial steps have been taken, the Committee remains concerned that under certain circumstances the authorities have the possibility of breaching the confidentiality between the detainee and counsel (3/B2).

Protection of asylum seekers (para. 13)

The Committee appreciates the thorough information provided by the State party, including steps taken in implementation of the new Aliens Act. It also appreciates the State party's assurance that minors are not placed in detention centres, and that unaccompanied minors are placed in care and educational institutions. Moreover, the Committee takes note of the initial steps taken by the State party to ensure legal aid to all asylum seekers. However, the Committee regrets that it is unable to fully assess the implementation of the recommendation given that no statistical data have been provided concerning the actual number of asylum seekers, including minors held in detention centres or guarded centres (2/B2).

.../...

H.E. Mr. Piotr Stachanczyk  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Poland  
to the United Nations Office at Geneva  
E-mail: [geneva.onz.sekretariat@msz.gov.pl](mailto:geneva.onz.sekretariat@msz.gov.pl)



Investigations and legal proceedings (para.18)

The Committee appreciates the thorough and extensive information provided by the State party, which fully addresses the recommendation. It considers that substantive steps have been taken towards the implementation of the recommendation (3/B1).

Redress and compensation (para. 21)

The State party's follow-up report does not seem to include the annex containing the statistical data referred to on this matter. The Committee would appreciate receiving the cited annex to the follow-up report (1/D).

The Government of Poland is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. 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 combined fifth and sixth periodic reports of Poland.

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 our highest consideration.

Jens Modvig  
Chairperson  
Committee against Torture

Abdelwahab Hani  
Rapporteur for Follow-up to Concluding Observations  
Committee against Torture