

Marcin Kusy  
Senior Counsellor  
Office of the Commissioner  
for Civil Rights Protection

Ladies and Gentlemen,

I would like to focus in my speech today on recapitulating the implementation of the tasks of the National Preventive Mechanism (hereinafter referred to as the NPM) by the Commissioner for Civil Rights Protection. Polish Ombudsman has performed his function since 18 January 2008. The first Annual Report on the Activities of the National Preventive Mechanism in Poland has been published this year, and today's panel will serve to discuss the main theses of this Report.

Torture is one of the most serious infringements of fundamental human rights. In spite of the fact that it is generally prohibited by the international law, it might still be used. Therefore, the system of regular visits to detention places is of profound meaning and is considered one of the most effective measures for prevention of torture and other prohibited forms of treatment of detained persons

Although the funds at disposal of the Commissioner for Civil Rights Protection are insufficient to perform the new tasks, 76 preventive visits were carried out in 2008; and by 30 September 2009, the number of visits has amounted to 91. Based on those visits, conclusions were drawn as regards respecting the rights of the detained persons.

Most importantly, no evidence has been found so far which could indicate that torture is used on the territory of the Republic of Poland. However, some cases were identified in various types of detention places involving treatment and punishment which could be considered as degrading or inhuman. Moreover, there are numerous concerns and objections regarding the living conditions of persons detained in penitentiary institutions which sometimes may be considered as a disregard to human dignity. For instance, there is a problem of overpopulation in certain penal institutions and custody suites in Poland. This is a constant threat to the realisation of

rehabilitation goals of an imprisonment sentence. It can often result in a violation of fundamental human rights. At the same time, Prison Service has insufficient funds for the numerous renovations necessary; and the architecture of the oldest penitentiary facilities does not permit building 'sanitary corners', which would increase the sense of privacy of the detained persons. In general, Prison Service officers treat the detainees with respect for human dignity. However, in a number of cases detainees accused the officers of unacceptable behaviour.

As regards facilities for juveniles, the most alarming cases involved improper use of transition ward, inflicting unlawful punishment, inflicting collective disciplinary punishment, and restricting access to open air.

As regards rooms for apprehended persons within Police premises, discovered irregularities consisted in not informing the detainees about their rights. Moreover, required equipment was frequently missing in those facilities. It needs to be emphasized, however, that the detainees, in general, did not raise any objections concerning their treatment by the Police officers.

Visits to Police emergency centres for children revealed cases of extended stays of the wards, no legal grounds for their detention in such facilities, and a general lack of legal basis regulating the terms and conditions which should be fulfilled by such emergency centres.

During the visits in Guarded Centres for foreigners, no elements in detainment were found that could lead to cruel, inhuman or degrading treatment or punishment.

Visits in psychiatric hospitals exposed, above all, problems in compliance with the legal provisions on application of the direct coercive measures, and cases of not informing patients who are kept in the hospital without their consent neither about the reasons for their admission nor about their rights.

Describing the future plans for the NPM operation, it should be stressed that the main objective is to complete the implementation of the Optional Protocol to the UN Convention against Torture (...). The experience gained in 2008 proves that the NPM visits are really useful and should be intensified. This, however, will only be possible after the financial and human resources proportional to the performed tasks are guaranteed for the activities of the NPM, which will permit separation of the NPM

from the Commissioner's Office, and will ensure regular preventive visits to all types of detention places. It is difficult to say how long it will take to implement these changes. It is not expected in 2009, due to scarce financial resources which have been allocated for the activities of the NPM.

To sum up, I would like to encourage you to read the Commissioner's full report on the activities of the National Preventive Mechanism in Poland in 2008. The report contains some conclusions drawn after the preventive visits conducted between 18 January and 31 December 2008, broken down into particular types of detention facilities. You can find copies of the report lying on the tables in the hall. It is also available on-line, on English version of the Ombudsman's Office website ([www.rpo.gov.pl](http://www.rpo.gov.pl)), under National Preventive Mechanism. I hope it will serve as a source of valuable information.

Prepared on 23 September 2009