



NEWS REPORT

Date:	13 November 2010
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Title:	Non-discrimination addressed in the Concluding Observations of the UN Human Rights Committee released in October 2010
Country:	Poland
<u>Context</u>	The UN Human Rights Committee reviewed the 6 th periodic report on Poland and adopted its Concluding Observations on 26 October 2010, including a number of recommendations regarding counteracting discrimination.
Ground of discrimination:	All grounds
Source:	Legislation, national equality body, political development
Field:	All fields
Legislative provisions:	

Content

Within the Universal Periodic Review (UPR) the UN Human Rights Committee reviewed the 6th periodic report on Poland and adopted its Concluding Observations on 26 October 2010 (after its meetings with the Polish delegation held on 12 and 13 October 2010). The Universal Periodic Review (UPR) is a reviewing process which involves a monitoring on the Human Rights UN Member States once every four years. The Concluding Observations include a number of recommendations regarding counteracting discrimination and address issues that were raised in the shadow reports submitted by Polish NGOs in September and October 2010 – the Federation for Women and Family Planning, Campaign against Homophobia, the Women’s Rights Center and the Helsinki Foundation for Human Rights -.¹

The Committee is concerned that the draft Law on Equal Treatment is not exhaustive and does not cover discrimination based on sexual orientation,

¹ See section *Principal subjects of concern and recommendations*.

disability, religion or age in the fields of education, health care, social protection and housing. Therefore the Committee recommended that Poland should further amend the Law on equal treatment so that discrimination based on all grounds and in all areas would be adequately covered.

The Committee is concerned about a significant rise in cases of racial hatred filed with law enforcement agencies, and noted with regret the reportedly low investigation and prosecution rate.

The Committee also remains concerned about persistent manifestations of anti-Semitism, including physical attacks, desecration of Jewish cemeteries, and the dissemination of anti-Semitic propaganda through the internet and print media, despite numerous measures taken by Poland.

The Committee remains concerned about the continued social marginalization and discrimination faced by members of the Roma minority, especially in the fields of education, employment and housing.

The Committee notes with concern a significant rise in manifestations of hate speech and intolerance against lesbian, gay, bisexual and transgender people, and, since 2005, in the number of cases based on sexual orientation filed with the Ombudsman. The Committee also regrets the absence in the Penal Code of hate speech and hate crimes based on sexual orientation or gender identity as punishable offenses.

The Committee recommends that Poland should step up efforts to promote tolerance and combat prejudice, particularly within the National Programme against Racial Discrimination, Xenophobia and Related Intolerance, which was extended until 2013. It should pay particular attention to the monitoring of the impact of the previous and current National Programmes.

Poland should continue to take all necessary measures to ensure the practical enjoyment by the Roma of their rights under the Covenant by implementing and reinforcing effective measures to prevent and address discrimination and the serious social and economic situation of the Roma.

The State party should ensure that all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity are thoroughly investigated. It should also: legally prohibit discrimination on the grounds of sexual orientation or gender identity;

amend the Penal Code to define hate speech and hate crimes based on sexual orientation or gender identity among the categories of punishable offenses; and intensify awareness-raising activities aimed at the police force and wider public.

Besides subjects of concern The Committee also welcomed positive developments including the adoption (in 2005) of the Law on National and Ethnic Minorities and on the Regional Language as well as the decision of Polish Government on the continuation to 2013 of the National Program against Racial Discrimination, Xenophobia and Related Intolerance.

Internet link source and additional information:

The UN HRC site including Concluding Observations and third party submissions: <http://www2.ohchr.org/english/bodies/hrc/hracs100.htm>