

# Press Release

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## Human Rights Commissioner presents Memorandum on Poland

Strasbourg, 20.06.2007 - Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, today presented a Memorandum on Poland's human rights record to the Council of Europe's Committee of Ministers.

The 25-page document looks at whether the problems identified in a 2003 report by the previous Commissioner, Alvaro Gil-Robles, have been addressed by the government. It also lists a number of new recommendations.

The Memorandum says that in order to improve the efficiency of the judicial system, the government should speed up judicial proceedings and improve the law on domestic remedy for related complaints. It also recommends that the case law of the European Court of Human Rights be widely disseminated to lawyers, judges and prosecutors.

According to the Memorandum, Polish authorities should reduce over-crowding in prisons and – where possible – apply alternative penalties which do not involve incarceration. With regard to the conduct of the police, the Commissioner proposes the establishment of an independent body to investigate police misbehaviour.

On the problem of discrimination, Thomas Hammarberg argues that Poland should enact a comprehensive body of legislation, and set up a single specialised institution to combat the phenomenon. He also urges authorities to implement existing articles of the criminal code on incitement to racial and ethnic hatred, to put in place adequate legal measures to combat hate speech, and to protect the rights of the LGBT community.

The report also covers the policy to screen for former communist collaborators (lustration). The Commissioner argues that the current law (recently found partially unconstitutional by the Constitutional Tribunal) does not uphold the standards of "a state based on the rule of law and respect for human rights" and reminds of the Council of Europe's official guidelines on the subject.

In addition, the Memorandum includes recommendations in relation to pre-trial detention, reproductive rights, domestic violence, trafficking in human beings, anti-Semitism, the rights of the Roma and other minorities, freedom of expression, unaccompanied minors, and the treatment of asylum seekers.

The report was prepared after the Commissioner's visit to Poland in December 2006, during which he consulted with the authorities, the judiciary, the Ombudsman and human rights NGOs. The Polish government, which saw an advance copy of the report, made comments which are attached to the report.

[Link to the full report](#)

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