

» Independent, well-regarded Ombudsman's institution

» Ratification of a significant number of human rights treaties

- » Constitutional provisions guaranteeing freedom of expression and freedom of the press and other means of social communication
- » Draft law decriminalising public insult of the President or of a constitutional body





» Hurried adoption of legislation without consultation, threatening human rights protection

» Paralysis of the Constitutional Tribunal

» New surveillance law expanding the powers of law enforcement E institutional sork agencies, police forces and security services without establishing the necessary safeguards to avoid abuse

Report on visit to Poland

February 2016

» Lack of a democratic, independent and efficient system of control of surveillance activities

» Reduction in the Ombudsman's budget and lack of sufficient safeguards to guarantee its immunity from a misuse of criminal legal system

» Public service media placed under direct government control through transitional arrangements

» Immediate termination of office mandates of management and supervisory board members

» Lack of safeguards to guarantee independence of public media service from political influence

> » Need to preserve the constitutional role of the National Broadcasting Council in safeguarding freedom of expression, the right to information and the public interest in radio broadcasting and television

> > » Defamation is a criminal offence punishable by a fine or a community sentence

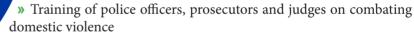


» Efforts already taken and underway

to address excessive length of judicial proceedings and dysfunction of domestic remedy currently in place

- » Amendments to the Code of Criminal Procedure and to the Law on Prosecution, which may jeopardise the protection of the right to a fair trial in criminal proceedings, the presumption of innocence and the right to defence
- » Provisions on the use of illegally obtained evidence not in full conformity with applicable standards
- » Need for adequate training for prosecutors and judges on recently modified criminal law procedure to enable them to implement it in full respect of human rights
- » Merger of the functions of Minister of Justice and Prosecutor General with increased powers without sufficient safeguards to avoid abuse of powers

» Many measures taken to combat domestic violence including the 2014-2020 National Programme for preventing domestic violence



» Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence



- » Persistence of gender-bias among medical staff, police, prosecutors and judges who deal with women victims of domestic violence and gender-based violence
- » Public-run shelters not adapted to the specific needs of women victims of domestic violence
- » Lack of sustainable public funding for NGO-run shelters for women victims of domestic violence
- » Need for stronger emphasis by government institutions on gender equality issues
- » Continuing gender gap in employment and the prevalence of other forms of discrimination affecting women
- » Many obstacles to women's access to safe and legal abortion and contraception

