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**Response of the Polish Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Poland**

from 4 to 15 October 2004

The Polish Government has requested the publication of this response. The report of the CPT on its October 2004 visit to Poland is set out in document CPT/Inf (2006) 11.

Strasbourg, 2 March 2006

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**The reply of Polish authorities for the report of the visit
of the delegation of the Committee on 4 to 15 October 2004,
according to the recommendations included in the report**

A. Police and Border Guard establishments

1. Police establishments

recommendation

- **the Polish authorities should make strenuous efforts to ensure that the legal provisions on the duration of custody in a police establishment for children are respected in practice.**
(paragraph 10)

In the paragraph 10 the Committee states that juveniles could be held for periods exceeding even 17 days, but the police establishments for children which were visited (called PID) are not adapted for prolonged stays in the opinion of the CPT delegation.

Until 1 January 2001, according to legal provisions in force at that time, minor could stay in the police establishment for children even for 14 days, since on the basis of the Article 1.02 of the law of 26 October 1982 on conducting in cases of minors a child could stay up to 72 hours, however, on the agreement of a family judge a child could stay up to 14 days. That legal provision was temporary and concerned children who needed urgent care to identify and bring back to parents. In practice, since there were no places in appropriate establishments for children the provisions was often used. The provision was not coherent with European standards and it was not mentioned in the law of 2002.

The legal situation (Article 40 paragraph 7 of law on conducting the cases of minors) allows to put a child in the police establishment for children for a period of time not longer than 5 days.

On the basis of the Article 40 paragraph 1 of the law on conducting cases of minors, children can stay in the police establishment only for 72 hours.

In practice, the judges of the family courts when deciding that a child is to be placed in an establishment for juveniles, at the same time decide that before going to an indicated establishment, a child must stay in the police establishment for children. In view of this fact a child can stay there even for several months.

It seems that the legislation meant that children would stay in the police establishments occasionally and in certain cases. So, the living conditions are not prepared for children staying there for a long time.

Considering the practice it seems to be reasonable to change the law on conducting the cases of juveniles. The maximum of time which could be spent in the police establishment for children should be specified in the new law. The legislation drafts have been agreed with the Department of Security and Public Order of the Ministry of Interior and Administration, then it was presented in the Ministry of Justice. Recommendations of the Police were taken into consideration in the project of a new document called "law. Code of juveniles".

Recommendation

Information on the progress towards adopting the new Juveniles Code.

(paragraph 10)

According to the information of KGP, at present the law on proceedings in juveniles cases has been reconsidered. The team of the Ministry of Justice works out the project of laws concerning juveniles.

ILL-TREATMENT

Recommendation

- the Polish authorities should remind police officers, through appropriate means and at regular intervals, that the ill-treatment of detainees (whether of a physical or verbal nature) is not acceptable and will be the subject of severe sanctions. Police officers should also be reminded that no more force than is strictly necessary should be used when effecting an apprehension and that, once apprehended person have been brought under control, there can never be any justification for their being struck.

(paragraph 13)

The above recommendation is emphasized at the beginning of the police professional training and even before candidates are accepted to Police service. The candidates for the Police are selected and only candidates who fulfil the psychophysical conditions and are aware of the role of the Police in the society are accepted. Next stages are: training and professional improvement training – the subjects discussed include: tasks of public service and methods of dealing with tasks, emphasising the legal aspect and observing the legal provisions which do not allow for battery or any other form of personal inviolability. The next level to protect the human rights is the supervision of direct superiors and bodies appointed to consider claims and complaints. The important element of this system is the outside monitoring (out of the Police), which is carried out by Ministry of Interior and Administration, prosecutor offices, courts, commissioner for civil rights, children rights, the lower Chamber, the higher Chamber and the non-governmental organisations.

In my opinion there is no need to amend legal provisions in connection with the above recommendation.

Recommendation

- a metal cage seen during the visit to Cracow Provincial Police Command should be removed forthwith and, more generally, the initial reception procedure at Cracow Provincial Police Command should be reviewed in order to ensure that it is carried out in a manner respectful to human dignity.
(paragraph 14)

The above recommendation was the subject of earlier explanations conveyed by the Assistant Prosecutor General (letter No TS-38//05 of 9 June 2005). Without any doubts, from the practical point of view, the room of this type seems to be indispensable in order to ensure safety and order during reception procedures for apprehended persons and persons accepted to sober up. However, the place which was in use in Cracow Provincial Police Command is not acceptable. The present legal provision in force which regulates required conditions of the so called "PDOZ" there are no adequate remarks on this subject. Therefore, the Regulation of the Minister of Interior and Administration of 21 March 2003 on conditions of premises in the Police establishments for apprehended persons or persons brought to sober up, it should be added "reception room" or in the duty office a separate place should be made meant for apprehended persons or persons brought to sober up. The same should be done about the Guarded Centres for foreigners and deportation jails (Regulation of the Minister of Interior and Administration of 26 August 2004 on conditions of Guarded Centres and deportation jails should satisfy).

It should be noted that metal cages in rooms for apprehended persons or persons to sober up in Cracow KMP have been removed.

Recommendation

- the Polish authorities should ensure that any items held on police premises as evidence are properly labelled and held in a secure and centralised location, and that no other non-standard issue items are held on such premises.
(paragraph 16)

The above recommendation is obvious. At present, the regulations concerning rules of storage and registration of evidence items, temporary confiscated items and other objects, as well as documents confirming receiving and giving out or keeping in deposit such items are precise and do not need amendments.

Recommendation

- the Polish authorities should take effective steps to ensure that this recommendation is implemented in practice.
(paragraph 18)

The above recommendation refers to bodies subjected to the Minister of Justice. Some of the apprehended said that complaints about ill-treatment by the Police were ignored by prosecutors or judges. This recommendation refers also to compulsory medical examination of a person apprehended by the Police which should be ordered by a prosecutor or by a judge.

REQUESTS FOR INFORMATION

Recommendation

- in respect of 2004 and the first half of 2005:
 - the number of complaints of ill-treatment made against police and Border Guard officers and the number of criminal/disciplinary proceedings which were instituted as a result;
 - an account of criminal/disciplinary sanctions imposed following such complaints.
- (paragraph 15)

Police

The above request for information cannot be fulfilled for the following reason. At present the police System of Registration of Complaints SKARGA does not allow to generate information interesting for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In order to meet the requirements the system should generate the following data:

1. number of complaints lodged against the Police officers on ill-treatment or inhuman treatment according to "Convention on prohibition of using tortures and any other inhuman or degrading treatment or punishment", the persons the Police deal with should be divided into:
 - a. persons sentenced or on preventive detention conveyed by the Police officers; apprehended or brought in order to sober up in the Police premises for apprehended persons or persons brought to sober up, placed in deportation jails supervised by the Police, or placed in the Police establishments for children;
 - b. persons who take part in proceedings (i.e. Interrogation, confrontation, searching, receiving an oral notification about an offence),
 - c. persons towards whom Police performs actions which are within the range of their police rights (i.e. Checking documents, checking of a person, checking luggage, traffic control).
2. The method and the result of hearing complaints lodged by each group mentioned in the item 1: and giving also:
 - a. the number of complaints rejected as groundless;
 - b. the number of complaints assumed as justified, including:
 - the number of complaints on the basis of which the disciplinary proceedings is instituted considering the number and kind of disciplinary punishment and the number of punished policemen;

- number of disciplinary proceedings on the basis of which the request was sent to the prosecutor's office for criminal prosecution of a policeman in connection with justified suspicion or confirmed complaints of ill-treatment from persons mentioned in the item 1. the behaviour has the features of an offence, the way of completing the case by a prosecutor or/and by a court including the imposed punishments and their kind and the number of punished policemen;
- number of complaints on the basis of which a request was sent to a prosecutor for criminal prosecution of a policeman in connection with a justified suspicion or confirmed charges of ill-treatment of persons mentioned in the item 1, as the behaviour has the features of an offence and the method of completing the case by a prosecutor or/and by a court taking under consideration the kind of imposed punishments and the number of punished policemen.

At the moment, the Police conducts works on modification of the System of Registration of Complaints which is aimed at broadening of the range of collected and processed data in the system. As I assume, the changes in the project which take into account the above recommendations (meaning the CPT is constantly interested in the same subject), in future will allow to give solid information to the bodies of the Council of Europe.

Border Guard

In the first half of 2005 the Border Guard did not note complaints on the above problems. In 2004 two complaints were lodged.

The first complaint the General Commander of the Border Guard received on 6 February 2004 and it concerned the Ireland national who charged the officers of the Border Guard with "lawless arrest, battery and theft of money".

In result, the Inspector of the General Commander of the Border Guard conducted explaining proceedings, it was established that on 23 April 2003 at the Border Guard at Warsaw Okęcie, the Ireland national came to the border control point and refused to inform the officers of the Border Guard to give any information on the purpose and place of his trip, he refused to show financial means and the ticket to his own country.

The persons at the control point suspected that the passport of the traveller might not be real, moreover, the foreigner was aggressive towards officers of the Border Guard and used words that are commonly understood as vulgar. His behaviour indicated that the person is not sober.

In connection with this situation the decision was taken to refuse to pass the Polish frontier and the person was directed to a facility for people who were refused entry to Poland. At that time, the foreigner tried by force to leave the place, in view of this fact the means of restraint were used: he was subdued by manual technique and hand cuff-links were put on his hands. He was checked with the alcometer which proved that in the blowing air there was 0,84mg/l. This result justified bringing the foreigner to the Sober-up Centre for Warsaw. The next day, the person left the sober-up centre and left Poland.

As for the injuries of his body, it should be noted that after being brought to the Sober-up centre he was diagnosed by a doctor working in the centre, the statement of a doctor said: "abrasion near wrists", something which happens when the hand cuff-links are used. There were no other injuries. In the light of the above established facts the complaint was found unjustified.

The second complaint was received on 5 November 2004 by Commander of Border Guard in Lubuskie from the Polish national. The woman charged the officer of the Border Guard with battery of her husband. The conducted proceedings found the complaint nit justified.

It was established that on 3 November 2004 on officer of the Border Guard who apprehended a Polish national in his place of living slapped on his face. The apprehended person was sitting on a chair, had cuff-links and behaved normally.

In connection with the above situation the commander of the department instituted disciplinary proceedings of the mentioned officer, the decided disciplinary punishment was a rebuke with warning. Furthermore, the Region Prosecutor's Office in Krosno Odrzanskie was informed about the offence infringing provisions of a Penal Code. The prosecutor after taking cognizance of the case (II K 54/05) on 25 April 2005 the Region Court in Krosno Odrzanskie made the decision to discontinue the case conditionally for one year.

Recommendation

- the detailed information on the content of training programmes for law enforcement officials. (paragraph 17)

Police

The Police General Commander, general Leszek Szreder, created a team to work out the basic professional training programme for police officers. The team consists of representatives of KGP Offices and training and field Police. The team had the task how to prepare the new form of training a professional policemen. As it looked from the recommendations, the intended programme was supposed to stress capabilities and should refer to identified training needs of the Police and to include the idea of human rights in practical training. The team worked also with psychologists who work in field Police units. Their task was to analyse every action from the psychological point of view, which is necessary to conduct procedures and other professional actions. In connection with the above, the prepared programmes put stress on practical side. The theoretical knowledge is included only if it is a necessary foundation for practical action. The principle of close relation of the theory and practice is observed.

The programmes recommend applying of active method of didactic work and therefore there are many different exercises to be done during the courses.

For example:

- work out with your group and discuss problems.
- before the training learn and consider the aims and crucial points of the programme. Prepare the education content adequate to crucial points of the programme.

The basis programme of professional police training was prepared by the Team appointed by the Decision No 637 of the General Police Commander of 9 December 2004, then it was reviewed by Police schools of Police Offices. Accepted by the General Commander the programme will be introduced to practice, probably in September 2005.

Education Materials used during courses concerning the problem of human rights, except for the given literature:

- Strasbourg verdicts, specially "police cases"
- exercises and problems suggested in training programme
- educational films prepared by the Helsinki Human Rights Foundation
- report of monitoring HFPC "Policemen and their clients. Law in action"
- Alan Beckley "Human Rights. Guide for policemen" translated into Polish.

Border Guard

The training programme worked out for officers of the Border Guard on each level includes human rights problems, cross culture relations, interpersonal communication as well as learning foreign languages.

The basic training of 72 hours comprises of chosen foreign language (Russian, English, German). Regardless of the above discussed trainings, UNHCR implements the training Programme for Border Guard concerning protection of refugees and victims of human trade including issues related to critical situations. The elements of the training refer to:

human trade issue – definition, forms of trade, methods of acting and reasons of rejecting co-operation with the state bodies,

- sexual violence and attitude towards victims of violence,
- state of physical and psychic health, post-traumatic stress, recognition of persons with symptoms of stress reactions,
- prevent conflicts and solve them through negotiation, verbal and non-verbal communication,
- attitude towards victims of trauma,
- influence of detention on psychic of apprehended persons,
- dealing with emotions and psychological tensions, solving conflicts.

The cycle of trainings is meant mainly for practical courses, workshops etc. for officers who are in direct contact with foreigners, like being on duty in establishments where persons await for deportation.

Furthermore, within the training project Phare-Twinning 2003-- component of the exile-migration policy. Two other courses on this policy were organized and on conducting with foreigners who apply for status of refugee in particular on conditions of social and cultural of the country of origin.

In order to disseminate the knowledge on protection of human rights, the Text Book on procedures of protecting human rights, in particular when it refers foreigners. The book can be found in Internet on the site of the Border Guard.

Recommendation

- **a fully fledged and properly funded system of legal aid for persons in police custody who are not in a position to pay for a lawyer should be developed as a matter of urgency, and should be applicable from the very outset of police custody. If necessary, the relevant legislation should be amended.**

(paragraph 21)

The legal provisions in force (Code of Criminal Procedure) stipulate precisely cases and ways of receiving lawyers services. There are no the so-called "law of poor", however, in a criminal case a party can always have ex officio lawyer aid.

Recommendation

- **the steps should be taken to ensure that juveniles do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer and/or a trusted person being present and assisting the juvenile. Further, the current legislation should be amended so as to ensure that juveniles have access to ex officio legal aid from the moment of apprehension. In this respect, the Polish authorities should take into account the recent Recommendation Rec (2003) 20 of the Council of Europe's Committee of Ministers concerning new ways of dealing with juvenile delinquency and the role of juvenile justice** (paragraph 23)

According to the Article 39 of the Law on conducting cases of juveniles the Police can interrogate a juvenile.

As the interrogation of juveniles is concerned, a child can be interrogated by a Police on the basis of legal provisions, in exceptional cases interrogation proceeds in the presence of parents of custodians.

Recommendation

- **persons deprived of their liberty by the police should have the right to have access to a doctor, it should include the right – if the person concerned so wish – to be examined medically by a doctor of their choice (it is understood that an examination by such a doctor may be carried out at the detainee own expense)**

(paragraph 25)

The above recommendation referring to the access to a doctor is provided by the law on Police and by the executive legal provision to this Law (Regulation of the Minister of Interior and Administration of 21 June 2002 on medical examination of persons apprehended by the Police). In paragraph 3 the regulation indicates the nearest medical establishment as the entitled to render the first aid and make medical examinations.

Recommendation

- **all medical examinations are to be conducted out of the hearing and – unless the doctor requests otherwise – out of the sight of police/Border Guard officers.**
(paragraph 25)

The above recommendation in practice is fulfilled in a different way, police officers are not present at the time of medical examination on the request of the doctor. From the Police point of view the standard practice should be the presence of a duty officer or an officer who conveyed the apprehended persons or a person brought to sober up. Policemen in such cases are responsible for safety of both parties, the doctor and the apprehended. There no detailed legal rules on this matter. The only rule in this issue is the Order No 2/95 of the General Police Commander of 3 April 1995. In paragraph 43 of this rule it is said that during conveying persons they cannot be left without supervision or under the care of other persons.

Recommendation

- **the results of every examination, as well as any relevant statements by the detained person and the doctor's conclusions, are to be formally recorded by the doctor and made available to the detainee and his lawyer.**
(paragraph 25)

The above recommendation can be carried out by issuing a copy of the medical statement to an apprehended person, who receives also a copy of the apprehension records. According to the Regulation of the Minister of Interior and Administration Affairs of 21 June 2002 on medical examination of persons apprehended by the Police, the doctor who made a medical examination gives the results to the patient. The medical document states whether there are medical indications of not apprehend a person, or to place him/her in a detention place or to direct him/her to another medical place in order to make diagnostic examinations. The document is attached to the document of apprehension a person. The information in medical statement could be widened with kind of injuries, causes of injuries.

Recommendation

- **the report filled out by doctors concerning injuries observed on persons in police custody contain the doctor's conclusions as to the degree of consistency between any allegations made by the detained person concerned and the objective medical findings.**
(paragraph 25)

The above recommendation is related with the former one. Enlarging the content of the statement or other document should satisfy the requirements.

Recommendation

- **the code of conduct for interrogations should be drawn up without further delay.**
(paragraph 27)

In the Police opinion there is no justification for separate codification of proceedings such as questioning (interrogating). It seems that the rules comprised in the Code of Criminal Procedure, law on conducting cases of juveniles and inner regulations of the Police – Instruction No 1.426 of the General Police Commander of 23 December 2004 on methods of investigation and inquiry proceedings are sufficient and adequate.

Recommendation

- **the recommendations made in paragraphs 21 and 25 in respect of safeguards for persons suspected of having committed criminal offences should apply mutatis mutandis to foreign nationals detained pursuant to aliens legislation. This concerns in particular the right to benefit from ex officio legal assistance.**
(paragraph 29)

The Article 101 paragraph J of the Act on Aliens of 13 June 2003 states that an apprehended foreigner has the rights stipulated in the Code of Criminal Procedure like any other apprehended person. In view of this fact the remarks on access to legal assistance of the person apprehended by the Police refer also to foreigners. As for the access to a doctor of choice: on the basis of paragraph 26 of the Supplement to the Regulation of the Ministry of Interior and Administration of 26 August 2004 on conditions of guarded centres and deportation jails it is possible on the permission of the manager of the establishment or an officer responsible for detention places and jails.

Recommendation

- **the detailed instructions should be issued on the use of force and/or means of restraint authorised in the context of deportation operations. Such instructions should draw upon the principles set out in the Committee's 13th General Report (cf. CPT/Inf (2003) 35).**
(paragraph 30)

There are no substantial grounds to draw up separate legal rules on the use of means of restraint to persons at the time of deportation. The Law on Police as well as executive legal provisions define precisely the method and grounds to use the means of restraint. On their basis their use is conditioned by the situation, and the limits for using the means of restraint refer to physical state of a person (i.e. children under 13 years of age, pregnant women, elder people, crippled), or legal status of a person (with immunity: parliamentary, diplomatic, judges, prosecutors).

Recommendation

- **the Polish authorities are invited to take appropriate steps to provide detained persons with feedback on whether it had been possible to notify a close relative or other person of the fact of their detention.**
(paragraph 20)

The above recommendation is possible to be carried out through enlarging the rights of an apprehended person stipulated in the Code of Criminal Procedure. Therefore, the additional content should be added to the Article 261 paragraph 4 like "an accused received without delay the information confirming the notification mentioned in the paragraph 1 or information that there is no possibility to convey such notification". The article 245 paragraph 1 can be modified replacing "...Art. 261 paragraphs 1 and 3..." by "...Art. 261 paragraphs 1, 3 and 4..."

Recommendation

- **the Polish authorities are invited to take particular care to ensure that detained persons are actually able to understand their rights. It is incumbent on law enforcement officials to ascertain that this is the case.**
(paragraph 26)

The above recommendation is obvious. It is carried out on the grounds of a number of administration and criminal regulations.

Recommendation

- **the Polish authorities are invited to persevere in their efforts to introduce electronic recording of police interviews. Police officers should receive specific training for the conducting of electronically recorded interviews.**
(paragraph 28)

The above recommendation is carried out on the basis of the Article 147 paragraph 1 of the Code of Criminal Procedure and the Regulation (decree) of the Minister of Justice of 2 June 2003 on equipment and technical means to register pictures or sound for proceedings purposes, recording and making copies of registered documents.

CONDITIONS OF DETENTION

Recommendation

- **the steps should be taken to address the shortcomings described in paragraphs 32 to 34 and, more generally, that material conditions of detention in police cells throughout the country should be reviewed, in order to ensure that they are in full conformity with the above-mentioned Regulation of 21 March 2003, issued by the Minister of the Interior and Administration concerning the conditions which must be provided in police detention facilities.**
(paragraph 35)

The above recommendation is obvious.

Obligations resulting from these regulations do not exclude general principles on maintaining the proper technical and sanitary state in these premises. It should be noted that due to periodic checking of sanitary and technical state of the guarded centres and deportation facilities are kept in proper state.

Recommendation

- **the efforts should be made to offer outdoor exercise on a daily basis to persons held for extended periods (i.e. 24 hours or more) in police cells.**
(paragraph 36)

According to current law in force only foreigners placed in guarded centres and deportation jails can profit of walk in the open air. On the other hand, persons apprehended or brought to sober up and placed in police facility cells do not have such possibility. The Regulation of the Minister of Interior and Administration of 21 March 2003 on conditions of cells in police facilities did not mentioned yards for walks. It results from the fact that these persons stay in the police facility up to 72 hours. The Executive Code stipulates that a sentenced has a right to one hour walk per day (it may also concern an apprehended persons if the interpretation of legal rules is broader). However, it seems aimless to create place for walks for apprehended persons or for persons brought to sober up. The financial costs of such investment would be enormous. It will be necessary to change the organization of work of duty officers, more staff will be needed.

Recommendation

- **the Polish authorities should take the following steps at the police establishments for children in Cracow and Elblag (as well as in other police establishments for children in Poland, as appropriate) – to improve the decoration and equipment of bedrooms, in particular by providing them with storage space for personal items.**
(paragraph 44)

There are no regulations on how the police establishment for children should be decorated. In 2004 the project of the regulation of the Minister of Interior and Administration was worked out concerning conditions of the establishments for children. The project was sent to the Legal department of the Ministry, then it was suspended.

In view of this situation there are still the Instruction of the Assistant General Commander of 14 June 2004 on technical standards, functional and useful which are in force in official facilities of the Police which to some extent regulate this problem, however they refer to new facilities or modernized and they do not regulate standards of decoration of the sleeping room.

– **to ensure children have proper clothing and shoes for the one hour walk**

This obligation results from the Regulation of the Minister of Interior and Administration of 21 January 2002 in the case of detailed rules of children staying in the police establishments.

– **to ensure adequate amount of food and water for the whole day.**

As it was stated above, in 2005 the mentioned regulation was amended with relation to standards of amounts of food supplied to children in the police establishments. The present norms agree with the norms accepted in other European countries.

– **to ensure children at least one hour of staying in the open air; the yard in the police establishment for children in Elbląg needs repair and a shelter for rainy days.**

In the Regulation of the Ministry of Interior and Administration of 21 January 2002 on detailed rules of juveniles staying in the police establishments it is generally stated that the establishment organized educational, cultural, sport etc. plays and games for children. However, there are no detailed rules on room conditions.

The Instruction of the Assistant General Commander of 14 June 2004 on technical standards, functional and useful which are in force in official facilities of the Police which to some extent regulate this problem, however they refer to new facilities or modernized and they do not regulate standards of yards or places for staying in the open air.

It seems that there are also no detailed rules on children staying in the police establishments, like for example for apprehended persons and persons brought to sober up or deportation jails.

– **to ensure the employees of police establishments for children can have access to elementary and higher proper training.**

The human resources policy is the task of managers of units, and the establishment for children functions within the net of these units. At first, in such establishments the policemen with pedagogical knowledge or psychological should be employed. The specialised training organized in order to improve professional skills should be the permanent element for all policemen to get higher qualifications.

- **to improve the possibilities for children to maintain contact with their families; in particular, save in exceptional and duly motivated circumstances, children should be allowed to receive regular visits from their relatives. Further, they should be allowed to make and receive telephone calls.**
(paragraph 44)

On the basis of the legal provisions in force, minors staying in police establishments for children have the right to contact their parents or custodian on the agreement of the family court, Police unit conducting the case or the manager of the establishment. For the time of the visit the staff leave them privacy.

However, since there are no detailed norms concerning conditions of the police establishments for children, in some of the facilities there are no separate rooms for visits. However the Instruction of the Assistant General Commander of 14 June 2004 on technical standards, functional and useful which are in force in official facilities of the Police introduce a rule to find a place appropriate for visiting children, but it is a kind of "pseudorule" used only at the time of tenders for building new facilities, for repair works or modernization of facilities. Nothing concerns existing facilities which are not planned to be refurbished.

Recommendation

- **the Polish authorities are called upon to review as a matter of urgency the detention regime of foreign nationals deprived of liberty under the aliens legislation, with a view to enlarge the offer of purposeful activities. In this context, a high priority should be given to the creation of holding facilities specifically designed for the accommodation of foreign nationals detained under aliens legislation.**
(paragraph 59)

- **the steps should be taken at the deportation jails in Suwalki, Warsaw International Airport and Wroclaw in order to:**

- **ensure adequate heating in the cells (Suwalki);**

It is an exceptional case, probably the heating system broke down which can happen any time, however, it could have been replaced by substitution heating under control in order the temperature in the cells was at the level provided by general norms and standards.

- **restore all cells to a good state of repair (Wroclaw);**
- **refurbish the shower facilities (Wroclaw) and ensure adequate privacy in the communal toilet and washing facilities (Suwalki and Warsaw International Airport);**
- **guarantee that foreign nationals can benefit from their entitlement to at least one hour of outdoor exercise per day (Wroclaw). Conditions in the outdoor exercise yards should be reviewed (Suwalki and Wroclaw);**

(paragraph 59)

As it was mentioned earlier the living conditions should be adequate not only to standards stipulated in legal provisions but also to standards specified by general principles concerning premises and other places where people live. The sanitary and technical state of these places is checked periodically according to the Regulation of the Ministry of Interior and Administration Affairs.

Recommendation

- **to ensure that all newly arrived detainees are promptly examined by a doctor or by a nurse reporting to a doctor.**
(paragraph 59)

It seems that there is no such regulation. Legal provisions (Regulation of the Minister of Interior and Administration of 26 August 2004 on conditions of guarded centres and deportation jails and organization rules and regulations on their staying in such units) state that a foreigner is medically examined not less than once per month and directly before the release, and if it is possible when he/she must be conveyed. However, on the grounds of the mentioned Regulation, and according to the Article 249 CCE (Executive Code) and the Regulation of the Minister of Justice issued on this legal basis on 25 August 2003, persons on preventive detention in the remand prisons are immediately medically examined.

- **to ensure that a person with nursing qualification will stay for the 24 hours;**
There is no such legal provision guaranteeing a person with nursing qualifications to be present in this kind of establishments.

- **to ensure confidentiality of medical data and results of medical examination.**
It is the problem concerning how documents are kept and it seems that this issue does not need separate legal regulations.

- **to take steps to ensure professional psychiatric care for apprehend foreigners and prisoners staying in the deportation jails.**

According to the Regulation of the Minister of Interior and Administration of 26 August 2004 on conditions of guarded centres and deportation jails and the organization and order rules in these units, foreigners in guarded centres and deportation jails, for foreigner who have psychiatric problems, addicted to alcohol or to other psychotropic substance, a manager of the guarded centre or an officer responsible for deportation jail can, on the motion or after the opinion of a doctor, decide for a different way of treating such person and to guarantee suitable condition of living. It seems that this legal provision on psychiatric care can be applied for a chosen group of foreigners. However, there is no need to guarantee permanent psychiatric care for all foreigners who stay in the centres or deportation jails.

- **review the selection and training of custodial staff working with the foreign nationals.**
(paragraph 59)

Similar situation like in case of police establishments for children – proper policy towards human resources and to assure the permanent professional improvement of skills – this is the task of superiors.

- **ensure that the right of foreign nationals to receive visits and make telephone calls is not unreasonably restricted (Wroclaw)**
(paragraph 59)

According to the Regulation of the Minister of Interior and Administration of 26 August 2004 on conditions of guarded centres and deportation jails and the organization and order rules in these units, foreigners in guarded centres and deportation jails have the right to visits on the agreement of the manager of such a unit, which is specified in the rules and regulations of visits. Also on the grounds of the same legal provision in the duty office should be a telephone for magnetic cards or token.

- **systematically provide information, in an appropriate range of languages, on the internal rules and other procedures applicable to foreign detainees and make efforts to ensure that they are duly informed of the state of progress of their cases.**
(paragraph 59)

The requirement is obvious and results from the obligation to provide legal information in an understandable way.

B. Establishments under the authority of the Ministry of Justice

2. Preliminary remarks

recommendations

- **the Polish authorities should redouble their efforts to combat prison overcrowding and, in doing so, to be guided by Recommendation Rec (99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, as well as Recommendation Rec (2003) 22 on conditional release (parole)**
(paragraphs 64 and 148 of the report)

According to the state on 27 June 2005 the Polish prisons and remand prisons hold 82694 persons. The penitentiary establishments have at their disposal 70277 places. In consequence, 12417 persons more were deprived of liberty. The level of occupancy rate indicates 117,7%, and if the hospital places are not counted it indicates 118,6%.

The number of detained persons have been increasing since the beginning of 1999. Since that period with different dynamics the level of prisoners attained 53 000, according to the analysis of the statistics, the data indicates that the number of persons in prisons has the increasing tendency. The state is complicated by the fact that on 30 June 2005 33703 sentenced persons have not yet started their prison service.

The reason of the increase of the number of prisoners should be looked for in crime increase and Polish courts severe decisions.

In view of the fact that the number of prisoners increased the prison establishments should be widened. Many organization and adaptive actions were made to transform into cells premises which so far were not used for living purposes. Other repair and investment works were undertaken which put out of use 1400 cells but lead to receive more new ones. In result, the number of places in the prisons and remand prisons increased more than 5,500. the steps are taken to sooth the results of overpopulation of cells, for example, prisoners are removed to other places on the basis of the analysis of the occupancy state.

In April 2004 The Council of Ministers accepted the information prepared in the Central Management of the Prison Service: "basic problems of prison service", the additional document discusses the problem of obtaining 10 000 prison accommodations in the period of 2005 to 2009. The implementation of the project can enlarge the prison base by 10345 places within 5 years and can help in solving the problem of high occupancy rate in prisons.

The Polish authorities take many steps to decrease the number of prisoners. The legislation works on punishments without isolation have started, which should decrease the number of prisoners.

In 2004 the penitentiary courts received 53357 applications for conditional release from serving the full sentence. The decision in 21317 applications was positive, it is 40% of the total number. In the period of 1992 to 2001 the conditional release applications were rarely positively considered. At last, at the end of 2004 the significant 2% increase was noted.

- **the Polish authorities are recommended to strive to increase the provision of purposeful activities for prisoner. In this context, the authorities should seek to introduce further measures aimed at ensuring that both sentenced and remand prisoners are provided with an opportunity to work, in the light of the remarks made in the paragraph 65. Efforts should also be made to further develop programmes of education and vocational training in all penitentiary establishments.**
(paragraphs 65 and 149 of the report)

In order to employ more persons deprived of liberty, certain Articles of the Code of Criminal Executive Procedure and other laws were amended:

- According to the Article 123 the payment supposed for a sentenced employed is decided in such a way that it amounts to at least half of the minimal payment stipulated in separate regulations, the time of work is one month or when the employed completes the monthly norm of the work.

Previously the payment of a sentenced could not be lower than the lowest payment of employed workers, this was one reason why employers were not interested in prisoners.

- the number of hours of work without payment for works such as putting in order or aiding in something for behalf of organization units of Prison Service, or for behalf of the local self-government. At present, according to the Article 123a paragraph 1, the number of hours cannot exceed 90 hours per month.

- according to the Article 123a paragraph 2 there is a possibility to employ a sentenced person without payment with his/her written agreement or on his/her motion to work for behalf of public administration.
- it is possible to employ sentenced in workshops near the prison without payment but for learning, for the time no longer than 1 month.

The introduced changes caused the increase of employment of prisoners. In 2004, 16063 employed increased to 17407. The paid and not paid employment increased respectively 9,5% and 6,4%. This favourable tendency is observed also in 2005. According to data of 30 June 2005, the employment of prisoners increased to 20.924 persons.

The present legal state requires further legislative works on increase of prisoners employment. The project of amending the law on employment of persons deprived of liberty is supposed to change the situation.

Regardless of what was said earlier, the steps are taken to make a common practice employment of prisoners. These tasks must be carried out by the district directors of the Prison Service, so the establishments were give 70 more vacancies to organize the employment outside the penitentiary unit.

Measures are taken to find more employers who can employ prisoners, and to increase the paid rate of prisoners employed in the prison workshop.

The prison service takes steps to make prisoners work on behalf of public administration, local self-government, and also for charity. The co-operation of penitentiary units with the mentioned organizations creates a positive situation. In 2004, 25 000 prisoners worked for 2,3 million hours for the social purposes.

Other undertakings which give the possibility to employ prisoners are also invited, like charity tasks, rendering services, etc.

The prison service is not interested only in economic aspect of the prisoners employment. Persons deprived of liberty need the source of correction and social activity.

The other value of the organized time in the penitentiary unit is education which have positive influence on sentenced and prisoners on remand. Education purposes are carried out by the prison staff and with support of social organizations. In 2004 38,500 prisoners took part in 634 programmes, the introduction of the programmes was supported by 461 organizations. The emphasis was put on education, culture, society, prevention of aggression and violation, prevention of drug-addiction, prevention of HIV/AIDS, healthy style of life, vocational activity, sport in life.

During the school year 2003/2004 there were 61 schools in prisons. Education comprised of 4 levels: elementary, gymnasium, basic vocational and secondary. The schools in prisons guarantee that sentenced juveniles have access to education, as well as persons who are self-motivated to go to school.

The process of adapting the prison education to changes in the system of public education causes that small or not properly equipped places must be removed. In their place the 4 education centres are created called permanent education centres. The equipment is at a good standard. This year two other centres will be open.

Every year about 4 000 prisoners go to school. Among them 38% are juveniles, 28% sentenced for the first time, 34% habitual offenders.

Education of sentenced is aimed at vocational aspect. Usually they complete the vocational schools to become a mechanic, painter, cook, tailor, electrician, etc.

Prisoners can also take part in higher courses of vocational training, can inscribe to a university or to complete the education started before staying in prison.

- the Polish authorities should take urgent steps to improve prison staffing levels
(paragraphs 66 and 70 of the report)

In 1995 the Council of Ministers accepted conclusions of the report on the state of prison establishments. It was assumed that the staff number of 21285 is too low. The report indicated that it is necessary to reinforce the prison staff by 2,500 employees by 2000 year.

In 2004 the state of vacancies in the Prison Service significantly increased. The budget means were meant for 660 officers and 100 employees. In 2005 next 500 officer vacancies will be organized.

The increase of the prison population and the lack of posts for new officers and prison employees as well as the tasks of the Prison Service enlarged, in result the same number of officers had to deal with more tasks and overtime. In 2004 with new staff the overtime started to decrease.

The Ministry of Justice always makes efforts to ensure the human resources in the Prison Service, how many employees can find their posts in the prisons is decided by the parliament in the budget law. For 2006 the needs of the Prison Service amounts to 2890 vacancies for officers and 59 for employees.

Ill-treatment

recommendations

- **the CPT recommends that the management and staff of Wołów Prison exercise continuing vigilance and make use of all the means at their disposal to counter the negative impact of prison subculture and prevent inter-prisoner violence and intimidation.**

(paragraphs 69 and 151 of the report)

The ground to counteract against negative phenomena of the prison subculture is the Regulation No 2 of the General Director of the Prison Service of 24 February 2004 concerning detailed rules of managing and organization of the penitentiary work, the range of tasks of officers and therapeutic and penitentiary employees.

The management of Wołów Prison pays special attention to prevention of negative symptoms of the prison subculture. The prison has its own agenda and modified instructions for officers who are on duty.

Agenda and instructions are modified according to observed changes in the subculture. The training of the employees on counteracting against violent behaviour among prisoners and attempts of intimidation are organized at the specified periods of time.

The problem of safety in the establishment and mutual relations between prisoners are discussed at least once a month during penitentiary-security meetings. The members of the meetings: director of the unit, managers of penitentiary departments and security, educators, psychologists, chief of a shaft and inspector of the security department.

The Wołów Prison introduced a programme of counteracting against fights, and aggressive behaviour. The basic aspect of the programme is to recognize the psychophysical features of prisoners who can become victims and prisoners who can behave in an aggressive way.

- **in the light of the remarks made in the paragraph 72 it is recommended that the Polish authorities reconsider their approach to control and restrain prisoners.**

(paragraphs 72 and 152 of the report)

The Polish legal provisions precisely stipulate when means of restraint can be used to a prisoner. Application of the means of restraint is the object of constant consideration of the management of Prison Service. The information on their use, and on the range of use are collected.

In 2004 the system solution was introduced to have more control over the means of restraint. The usual practice was to inform the administration body about using the means of restraint, registration and putting into achieves on audiovisual carrier when the persons was in a security cell. It was also recommended to make a film with the video camera in order to register the whole action.

Presumably, the taken steps decreased the number of cases of using the means of restraint in previous year.

The number of means of restraint used to prisoners in all prison establishments in Poland since 1999 is presented below:

1999 year – 1977 cases; 2000 year – 2195 cases; 2001 year – 2559 cases; 2002 year – 2414 cases; 2003 year – 2009 cases; 2004 year – 1399 cases; 2005 January to June – 471 cases.

In Wołów Prison in 2004 the means of restraint were use 27 times through 9 months, then 7 times in the next 9 months, and in 2005 only twice.

The data shows that since 2002 the tendency to use means of restraint decreases, and there are less cases when it is necessary to use means of restraint although the occupancy rate increases. The officers in prisons are more aware of the fact that the means are used in extremal situations.

comments

- the means of restraint additional to placement in a security cell should rarely need to be applied for more than a few hours, unless there is a medical condition requiring this. The latter cases should be fully under the control of a doctor called upon to assess the need for restraint and not to certify fitness for restraint. Means of restraint should be removed at the earliest opportunity; they should never be applied, or their application prolonged, as a punishment.

(paragraphs 71 and 152 of the report)

We share the opinion of the Committee that the means of restraint should not be used longer than needed, it means it should be removed when the situation is under control. It is obvious that means of restraint should not be used as a punishment which is reflected in legal provisions of the Polish penitentiary law.

Using additional means of restraint to a person placed in a security cell is a situation that needs special attention. It should be noted that in 2004 such cases were not so numerous. For example in 2003 the combined means of restraint were used in 563 cases, in 2004 were used 432 times, and in 2005, during the first 6 months it happened 112 times. The belt was used respectively 130, 106 and 43 times.

The measures taken by the Polish authorities, also monitoring, are connected with what was established by the visits of the CPT. The time of applying a restraint means is shorter now, in 2004 they were used up to 24 hours 1035 times, more than 24 hours but shorter than 48 were used 213 times, longer than 48 hours were used 151 times. In 2005 during 6 months the number of such cases is respectively 416, 43 and 12.

The opinion on this problem states that professionals with special competencies can evaluate whether it is necessary to continue using the restraint means. Therefore, we consider to change the rules on using the means of restraint in such a way that the opinion of a doctor, psychologist and educator each time presented the evaluation whether it should be prolonged. The application of the means of restraint could be under more control. It goes further than the suggestion of the CPT when the prisoner was in a security cell.

requests for information

- **in respect of all prisons in Poland for 2004 and the first half of 2005:**
- **the number and type of complaints of ill-treatment lodged against prison staff;**
- **an account of disciplinary and/or criminal sanctions imposed following such complaints.**

(paragraphs 67, 68 and 150 of the report)

Currently the legal deed which concerns the complaints of prisoners is the Regulation of the Minister of Justice of 13 August 2003 on the way of taking decisions in cases of applications, complaints, requests of persons detained in prisons and remand prisons. The Regulation states that in a particular and justified cases the complaint is to be heard at the place when it happened by the representatives of the higher organization. In particular it concerns the complaints of battery, ill-treatment, illegal use of means of restraint. In practice such cases are always heard at the place where it happened by the appropriate body. Furthermore, the general director of the Prison Service ordered the district directors to apply this regulation whenever the complaint indicates illegal behaviour of officers of other staff of Prison Service, especially in cases of battery of apprehended persons.

In 2004, in total 2937 complaints on inappropriate attitude of officers and other staff of Prison Service were lodged. 2499 complaints were heard by prison service organizations. 46 complaints concerned use of means of restraint, 77 for battery, 231 for verbal aggression. The justified complaints were 22.

Remaining 438 complaints comprised complaints directed to other bodies and institutions. 21 were decided to be justified (1 of using means of restraint, 3 of battery, 1 of verbal aggression, 16 were related to other forms of inappropriate treatment of prisoners).

2145 complaints concerned other forms of inappropriate treatment of prisoners (20 were decided to be justified, none was concerned with battery of prisoners).

Since 1 January to 1 July 2005 1479 complaints on inappropriate treatment of prisoners by officers and other prison staff were lodged. 35 concerned battery, 16 illegal use of means of restraint and 206 concerned verbal aggression. Data considers cases subjected to prison organizations as well as sent through other bodies.

In 2004, since the complaints proved to be justified, on 190 prison service officers and employees a disciplinary punishment had to be imposed. 4 disciplinary means concerned managers of organizations, 17 – managers of departments and their assistants, 13 – chiefs of shafts and their vic-chiefs, 151 – officers on duty, 11 – civil employees.

In 2005 one officer was rebuked, official consequences were the disciplinary means imposed on other 54 officers.

Prisoners classified as "dangerous" ("N" status)

recommendations

- **the single cells be either enlarged, with a view to ensure that they measure at least 6 m² and that there is 2 m or more between walls, or withdrawn from service.**
(paragraphs 75 and 156 of the report)

At the end of May and the beginning of June in the Prison in Wołów the steps were undertaken to connect the cells in such a way that after rebuilding the single cells have the living space of about 9 m² and the width of about 2,75 m. Due to carrying out the project the "N" unit will have 6 such cells, the unit IV D will have 14 cells of the living space of 9,5 m² and the width of 2,75 m.

When the conception to rebuild and change the ward for "N" status prisoners, the technical project will be worked out and on its basis other investments will be made. The conversion of the building can take place in 2007 and 2008. At the moment there is no need to place "N" prisoners in cells in question since the occupancy of the ward is very low.

- **it is recommended to end the practice of interviewing the "N" status prisoners while placed in the cage in the Wołów Prison.**
(paragraph 75 of the report)

The management of Wołów Prison undertaken steps to make a higher standard of the room where "N" status prisoners talked to other people, the condition must provide protection to a person in contact with a prisoner.

The legal provisions of the penitentiary law state that management of prison should have rooms providing protection to persons who have contact with "N" prisoner, however, in our opinion the standard of this place in Wołów Prison is doubtful.

- **the Polish authorities are called upon to review the regime applied to ``N" status prisoners, in the light of the above remarks made in the paragraph 77.**
(paragraphs 77 and 153 of the report)

In the light of the Polish penitentiary law there are no significant differences in rights of ``N" status prisoners and other prisoners. For example the period of time spent outside, times of taking shower, visits with relatives, telephone contacts, shopping, access to health-care. For the safety sake, certain forms of activity of ``N" status prisoners are different. The legal provisions state that they can study, work, go to a mess, take part in religious meetings or cultural, educational meetings, sport activities only in the ward where they stay. They move around the unit only if it is necessary.

The legal regulations concerning ``N" status prisoners do not raise special doubts, however, the efforts must be made to influence this category of people. In 2004, having in mind this problem the Central Management of Prison Service worked out recommendations how to treat ``N" status prisoners. The many-sided stimulation of these persons prevents degradation of their personality and at the same time keeps the proper social relations.

Wołów Prison introduced the comprehensive programme of penitentiary-educational stimulations, including culture and sport. ``N" status prisoners take part in cultural activities or sport meetings. The social room of the ward was adapted to recreation exercises.

Considering the remarks of the Committee, Cracow Remand Prison also introduced a programme for ``N" status prisoners. The crucial point of the programme is to transmit to ``N" prisoners information about culture, science and religion.

- **it is recommended that the Polish authorities review current practice with a view to ensure that ``N" status is only applied and maintained in relation to prisoners who genuinely require to be placed in such category.**
(paragraphs 78 and 153 of the report)

In 2004 in Polish prisons were held on average 409 ``N" status prisoners. In 2005, until the end of May, the average number was 348 persons. Last year 170 prisoners were given ``N" status, for 244 persons the ``N" status was withdrawn. In 2005 until May, 74 prisoners were given ``N" status, in 84 cases the ``N" status was withdrawn. Since December 2003 the number of ``N" status prisoners decreases, although the qualification rule is unchanged. In practice we observe how qualification changes, and also the significant fluctuation in this group.

It cannot be sure that for a certain group the ``N" status will be kept for a prolonged time. This situation does not concern most part of cases. Thus it can be said that the ``N" status was used to certain prisoners in an adequate way for a period of time necessary to provide safety in the penitentiary unit.

The important element whether ``N" qualification is legitimate or well-founded is to bring the decision of the prison establishment to the Penitentiary Court. The Court has the power to annul the groundless decision. Such situations are rare.

Material conditions

recommendations

- **the steps to be taken at Cracow Remand Prison:**
- **reduce the occupancy rate of the establishment, the objective being to provide a minimum of 4 m² of living space per prisoner. This will involve:**
- **removing the third tier of the bunk beds;**
- **ensuring that no more than one prisoner is accommodated in the establishment's cells measuring 6-7 m² (save in exceptional cases when it would be inadvisable for a prisoner to be left alone);**
- **refurbish the remainder of the prisoner accommodation;**
- **discontinue the practice of placing adult and young prisoners in the same cell. Young prisoners should be held in a quite distinct detention facility; the staff assigned to such a unit should be carefully chosen and, more specifically, be persons capable to guide and motivate young people.**

(paragraphs 80, 81, 82, 83, 87 and 154 of the report)

On 11 October 2004 the Cracow Remand Prison held 771 prisoners, on 13 June 2005 there were 840 prisoners. The capacity of this establishment provides 680 places. The occupancy rate at this moment is higher than it was during the visit of the Committee and it has the increasing tendency. In this situation it is not possible to remove the third bed, the prison staff is aware of difficulties, therefore the cells occupancy rate is checked and solutions are tried to be found.

Also because of the high occupancy rate it is not possible to meet the recommendation that one person should stay in a cell of 6-7 m². It will worsen the living conditions of other prisoners.

Cracow Remand Prison does not consider to reduce the high occupancy rate by placing prisoners in other penitentiary units. Prisons in Cracow district have the same situation and such operation can only worsen the living conditions.

Cracow Remand Prison continues repair works, the department III is supposed to be completed in September 2005. Since November 2004 the surgery department of the prison hospital has been modernized, it will be complete at the end of 2005.

The Polish penitentiary law states that adult prisoners and juveniles are placed separately. In exceptional cases, the law allows to place with juveniles an adult who has a proper attitude to life and who stays in prison for the first time. The decision is taken by the penitentiary commission after evaluating the progress in social contacts of the adult prisoner, in case of a person who is on temporary stay in prison, the director of the prison makes the decision.

The practice to educate juvenile prisoners by placing in their group a properly chosen adult can be beneficial. There are no reports on using younger prisoners by adults or cases of domination.

We agree with the Committee that placing young and adult prisoners cannot be a usual practice. Prison management takes steps to put limits to such situations.

Prison staff for juveniles is chosen with particular care. They must have a special education and professional experience, they must also show character features which qualify them to work with juvenile prisoners.

- the strenuous efforts should be made to develop the regime of activities for prisoners at Cracow Remand Prison, in the light of the consideration made in paragraph 91. In this connection, steps should be taken to ensure that all prisoners are provided with access on a regular basis to the indoor gym and recreation rooms.

(paragraphs 89, 90, 91 and 154 of the report)

Before the visit of the Committee, the Cracow Remand Prison carried out 8 programmes aimed at education, sport, recreation and creating proper social relations. Taking under consideration the recommendation of the Committee, the prison staff introduced 4 new programmes. Two of them are addressed to juvenile prisoners – under 18 years old and stresses the creation of socially accepted forms of behaviour etc. The second programme creates proper social relations and teaches how to behave in difficult life situations. The third programme shows how to organize time for "N" status prisoners. The last of the new programmes has diagnostic functions and preventive to prisoners with addiction problems.

The management of the Cracow Prison made efforts to use efficiently the place meant for sport and recreation activities. At present 87 groups of prisoners that is about 500 persons take part in such activities. If the establishment occupancy rate could be lower the access to sport activities would be wider.

- the outdoor exercise facilities in the Cracow Remand Prison should be improved, in the light of the remarks made in paragraph 88.

(paragraphs 88 and 91 of the report)

The management of the prison intend to build to 2006 over the three yards which are situated above the visit room.

Considering the architecture aspects it is not possible to widen the yards in this establishment. Therefore, in order to ensure adequate conditions during the outdoor activities, the number of prisoners in groups is limited.

- **the recommendation to reduce the occupancy rate at Cracow Remand Prison made in paragraph 87 refers also to the diagnostic unit.**
(paragraph 93 of the report)

The remarks made as the answer to the recommendation in the paragraph 87 refer as well to the problem of the diagnostic unit in Cracow Remand Prison.

- **Warsaw-Mokotów Remand Prison:**

- **strenuous efforts should be made to reduce the cell occupancy rates, the objective being to provide a minimum of 4 m² of living space per prisoner;**
- **the cell refurbishment programme should be completed as a matter of priority;**
- **the shortcomings observed as regards the cells' ventilation and access to natural light should be remedied;**
- **the iron grilles in the former cells for ``N'' status prisoners in Blocks II and III should be removed at the earliest opportunity.**

(paragraphs 95, 96, 97, 98, 101 and 155 of the report)

On 4 July 2005 Warsaw-Mokotów Remand Prison held 963 prisoners although this prison establishment capacity is meant for 797 places. The occupancy rate was 120,8% and trespassed slightly the Poland average level. In this situation it is not possible to decrease the number of persons in cells neither it is possible to meet the requirement of 4 m² of living space per prisoner.

The state of occupancy in the establishment is monitored. Every month the analyses are made whether sentenced or on temporary stay prisoners should be directed to other prison establishments.

Since the last year, all corridors of the Block II and 4 corridors of the Block III have been refurbished. 27 cells in Block II and 22 cells in Block III have been refurbished. At the end of 2005 the windows will be widened and their frames will be changed, thus the cells will have more natural light. The end of repair works is meant for the end of 2007.

The repair works will be made also at the hospital wards. Since May 2005 the cells at psychiatric ward are renovated. The hospital should be repaired till the end of 2006.

Each year, in Autumn, ventilation installation is checked, spotted shortcomings are removed at once.

We share the opinion of the Committee as for the bars on doors is not justified. However, since the prisoners population is specific it is reasonable to leave these construction in case more ``N'' status prisoners must be placed in prison. The cells with bars in doors will be limited to indispensable minimum.

- **the Polish authorities are recommended to strive to develop further the programme of activities for prisoners – both remand and sentenced – at Warsaw-Mokotów Remand Prison. In this context, the authorities should seek to make broader use of the approach followed in Block I. Further, the outdoor exercise facilities should be improved, in the light of the remarks made in paragraph 102.**

(paragraphs 102, 103, 104, 106 and 155 of the report)

After the visit of the Committee which took place at the moment of completing the repair works in the Block I at Warsaw-Mokotów Remand Prison, the recreation activities for the detained on remand have started. They have access to the social room every day before noon.

The programme called "workshop with stress for juveniles in temporary detention" was set in motion and it is carried out in sessions of 2 hours for groups of 10 persons. The programme of group therapy is also introduced to persons on remand who come from families with alcohol problems.

The juveniles on remand have possibility of individual education programme at the level of gymnasium.

Considering the purpose of the prison, in particular, the number of groups that need to be kept separately, high occupancy rate, at the moment it is not possible to apply all recommendations of the Committee.

One of the yards of 100 m² was adapted to play basket ball. The prison management plans to improve conditions on other yards. During the repair works the shelters will be added.

- **the steps to be taken at Wołów Prison:**

- **substantially reduce the occupancy rate of the establishment, the objective being to provide a minimum of 4 m² of living space per prisoner;**

- **enlarge the establishment's single cells, with a view to ensure that they measure at least 6 m², and that there is 2 m or more between walls; failing that, the cells in question should be withdrawn from service;**

- **enlarge the shower facilities;**

- **review the laundry arrangements for prisoners' own clothes;**

- **refurbish the kitchen.**

(paragraphs 108, 109, 110, 111 and 156 of the report)

On 4 July 2005 Wołów Prison that has the capacity of 1021 places accommodated 1324 prisoners. The occupancy rate amounted to 129,7%. In this situation it is not possible to reduce the number of persons in cells and attain the objective of 4 m² of living space per prisoner recommended by the Committee.

Answers to the remarks on the width of the cells were given to the recommendation made in the paragraph 75.

The management of the Wołów Prison prepared technical documents and received a permission to convert the production workshop out of use into logistics complex. It is planned that the second shower facility with 24 places will be build. The time of transforming the place is meant for 3 years. The number of shower places will increase also when the single cells are enlarged. Each of these cells should have a sanitary facility to take showers.

Prisoners wash their own clothing in the cells. In justified cases the prisoners have the right to ask to wash in the communal laundry. Considering the rate of occupancy of the prison establishment, lack of washing machines, at the moment it is not possible to arrange in accommodation wards the adequate logistic space. However, it is intended to separate such space from the laundry.

When the logistics complex is in use there will be the kitchen build according to all standards. The localization of the old kitchen make it impossible to be modernised.

- the shortcomings in the exercise yards of Wołów Prison referred to in paragraph 112 should be remedied.

(paragraph 112 of the report)

Currently, in Wołów Prison the project of the Community Initiative "Equal" is going to be launched. The programme provides total rebuild of places for staying out door. They will have shelters in case of rain and will be equipped with sport and recreation apparatus. The surface of the yards will be hardened. The project should start in 2006 but the prison management make efforts to start the works earlier.

comments

- the management of Wołów Prison is encouraged to continue the efforts to engage more prisoners in work and other purposeful activities (in particular education and vocational training).

(paragraphs 113, 114, 115, 116 and 156 of the report)

In reply to the recommendation of the Committee concerning development of education and vocational trainings for prisoner at Wołów Prison the steps to enlarge the centre of permanent education were taken. At present the building which is meant for a school has been adapted, and the class rooms were doubled, in this way more prisoners can have access to education. Currently, in 7 school departments there are 150 prisoners, it is twice as much as in 2004. For the remaining prisoners the vocational courses and foreign languages courses are organized.

During holidays, in the school workshops the vocational training meant to improve the skills will be conducted.

To enrich the education offer the programme: "Black sheep – sentenced to environment protection" is carried out within the Community Initiative EQUAL. The project, except for prison invites Fund for Global Environment GEF/UNDP, Polish Society of Environment Friends "pro Natura", Wrocław District Inspectorate of Prison Service, and partners from other countries like Italy, Portugal. The purpose of the undertaking is to organize a series of trainings which give prisoners the competitive skills for the work market after their release. The project will start in August 2005 and is meant for 3 years. It is evaluated the it comprises of about 1000 prisoners.

The management of the Wołów Prison has also undertaken the action to enlarge the rate of employment of prisoners. In 2005 the prison company in co-operation with the Spanish Alecop company started production of electric wires. The objective is employment of about 100 prisoners.

Health-care issues

recommendations

- **the steps to be taken at Wołów Prison:**
- **to reinforce the health-care team and, in particular, substantially increase the nursing staff resources (as a first step, by the equivalent of at least two full-time nursing posts);**
- **to ensure that someone qualified can provide first aid, preferably with a recognised nursing qualification, is always present on the prison's premises, including nights and weekends.**

(paragraphs 121 and 157 of the report)

We share the opinion of the Committee that it is necessary to reinforce the medical team, in particular to increase the number of nursing staff, and provide the 24 hours nursing care in Wołów Prison. At present, in view of the fact that the Prison Service lacks vacancies it is not possible to solve this problem. If the Prison Wołów receives more vacancies for employment, the health-care staff issue will be taken under consideration following the recommendations of the Committee.

- **to take the measures to ensure that all newly arrived prisoners at Wołów Prison are seen by a health-care staff member within 24 hours since their arrival.**

(paragraphs 124 and 157 of the report)

According to law in force the initial medical examination of each newly arrived person should be made without delay after the arrival and not later than within three days. A dental check-up should be made within 14 days.

In practice, the terms of medical examinations are observed, and the legal rule concerns only persons in temporary detention and sentenced coming from home. The prisoners transported are regarded as persons who must be still under control and under medical care (in an urgent case the doctor treats the patients without delay), it means that they do not need another initial medical examination. The Wołów Prison do not take persons from home (liberty)

- **to take the steps to bring in practice that the confidentiality of medical information is generally respected in the case of "N" status prisoners, as it was noted in the paragraph 125.**
(paragraph 125 of the report)

The Polish penitentiary system provides the confidentiality rule during the medical treatment of prisoners. Breaking this rule happens rarely and concerns prisoners who are physically danger for medical staff. Such exceptional limits put on the confidentiality rule, in practice means that only the most dangerous prisoners are guarded during the medical examination. For example, in Wołów, the cases of guarding "N" status prisoners during medical treatment are limited to indispensable minimum.

- **it is recommended to develop and implement a comprehensive policy for the provision of care to prisoners with drug-related problems, in the light of the remarks in paragraph 126.**
(paragraphs 126 and 157 of the report)

The Polish penitentiary system of working with drug-addicted prisoners is coherent. It comprises of: psychological care, medical care, therapeutic programmes, addiction preventive programmes and support groups for persons with drug-related programmes.

Since the moment of the initial medical examination, the newly arrived persons who have drug-related problems are offered aid such as detoxification, taking part in therapeutic programmes and in few cases substitution.

In penitentiary units the detoxification can be made in 11 wards of prison hospitals. The new programme of exchanging needles and syringes is prepared. Three methadone substitution programmes have been carried out.

We agree with the opinion that the number of prisoners with drug-related problems treated with methadone is not sufficient. It is the result of small range of such programmes in the outside prison groups. The treatment with methadone which can start in prison hospital should be continued outside, and here it is not guaranteed.

The prison health-care units started the wide-range information action. The persons in prison are given brochures on reduction of damages made by drugs. The local radio programmes on health and drug prevention are prepared

The psychological care for prisoners includes about 300 psychologists employed in the prison service. Their tasks are as follow: diagnostics of addiction, sending addicted persons to therapeutic wards, motivation to undertake the therapy, working out and implementing programmes on prevention of drug-addiction, and taking care after the therapy.

The therapy for drug-addicts is conducted in 12 hight specialized wards for prisoners. They are found in the whole country.

The supplemental preventive programmes are carried out outside the therapeutic wards/units. In 2004, the penitentiary units implemented 25 programmes for drug prevention and 35 programmes for prevention of any addiction, which concerned drugs and alcohol.

At the same time, in prison there were 141 support groups, 4 clubs of total abstinence and 13 education groups. The meeting of self-support groups usually have place once a week and 12 to 17 prisoners take part, as well as persons from outside.

Prisoners with drug-related problem are treated also outside therapeutic units and usually these are persons who do not have all symptoms to be diagnosed. Also prisoners who in a short time will be released cannot be treated in the appropriate ward. For these kind of prisoners, groups, clubs and meetings are the only way to meet their re-socialising needs related to their addiction.

The penitentiary system of care over drug-addicted persons is closely related with co-operation with the non-governmental organization MONAR. Due to this organization the prisoners after being released can continue the therapy. The co-operation is signed by the General Director of the Prison Service.

- **steps should be taken to ensure that an individualised approach is followed as regards patients' clothing in the forensic psychiatry ward at the Hospital at Cracow Remand Prison .**
(paragraphs 129 and 157 of the report)

Patients who stay at the forensic psychiatric ward in Cracow Remand Prison they can use their own clothing on the permission of the director of the prison. Refusal is usually caused by the sanitary state of clothes or the lack of proper clothing.

- **the steps should be taken in the forensic psychiatric ward at the hospital of Warsaw-Mokotów Remand Prison to:**

- **introduce a more therapeutic material environment;**

- **develop a broader range of psycho-social therapeutic activities for patients, in particular for those who remain in the ward for extended periods.**

(paragraphs 132 and 157 of the report).

The forensic psychiatry ward at the hospital of Warsaw-Mokotów Remand Prison works on orders of bodies that order forensic psychiatric observation. The therapy is not carried here.

Patients who are medically treated at this ward take part in therapy which is broadened with the individual therapy like psychotherapy conducted by psychologists and psychiatrists. The elements of manual therapy are included, the prisoners can watch TV programmes.

The situation could be better if the other floor is built in the hospital. The management of the prison has taken steps to prepare the investment which can improve the observation conditions and therapy for patients.

The situation remarked by the Committee at the ward is caused by high rate of occupancy, and on the other hand it is not possible not to detain prisoners. In result the living conditions are questionable, the therapy and education courses are limited, as well as the time of observation is prolonged.

comments

- **consideration might usefully be given to reinforcing the nursing staff at Warsaw-Mokotów Remand Prison.**

(paragraph 120 of the report)

We agree with the Committee that the nursing staff at Warsaw-Mokotów Remand Prison should be reinforced. At present, since the Prison Service has not enough vacancies only one person can be employed.

In the opinion of the management of Warsaw-Mokotów Remand Prison the nursing staff should be doubled. It is possible to get one post in near future but employment of another nurse requires the unit to obtain additional vacancy.

- **the Polish authorities are invited to review the practice observed at Wołów Prison, in the light of the remarks made in paragraph 122.**

(paragraph 122 of the report)

The remarks of the Committee on medical examination of the prison staff by the prison doctor are the result of misunderstanding. The Prison health-care staff is meant to take care of persons deprived of liberty. The legal rules in force do not provide possibility of prison officers of prison employees being under the health-care of the prison medical staff.

The employees of the health-care Unit in Wołów Prison do not treat regularly the officers and prison employees. It can however happen that such medical aid is given for the sake of an acute state of illness dangerous to health and life. Therefore, this medical treatment has the features of the first aid in urgent cases and cannot disturb the plan of treatment of persons deprived of liberty, this results from the rules of medical ethics.

- **a dental check-up of newly arrived prisoners at Cracow Prison is commendable practice which should be extended to other prison establishments.**

(paragraph 124 of the report)

According to the law in force each person newly arrived to prison is given a dental check-up within 14 days since the arrival.

- **the Polish authorities are invited to develop further the psycho-social therapeutic activities for patients in the forensic psychiatric ward at the Hospital of Cracow Remand Prison, in particular for those who remain there for extended periods.**

(paragraphs 129 and 157 of the report)

The forensic psychiatric ward at Cracow Remand Prison implemented the programme meant for prisoner who are under observation and treatment, the aim of the programme is to reduce aggressive behaviours, education and preventive treatment of addictions, stressing the motivation to combat against the habit. The courses are conducted by psychologists and an educator. It should be expected that the range of stimulation of prisoners included in the programme will be modified.

requests for information

- **please clarify the possibilities of transferring prisoners to hospital facilities outside the prison system for treatment or consultation.**

(paragraph 123 of the report)

The Polish penitentiary law provides possibility of rendering services to prison health-care staff by the outside health-care units. It is the result of the obligation to provide to prisoners the adequate medical care conditioned by their state of health. The prison health-care service use proper procedures which are adequate to needs. In particular, it concerns the cases of urgent medical aid for the sake of life or health put in danger, needs for specialistic medical examination, treatment or medical rehabilitation of prisoners. It refers also to prisoners who are on temporary release (parole).

In 2004, as for prison outside health-care, out-patients' departments rendered medical services 17 496 times, put in hospital 710 persons deprived of liberty during 1686 days, 235 surgeries were made.

- **the Polish authorities are invited to offer comments on the matter of delays in transferring patients from the forensic psychiatry ward at Warsaw-Mokotów Remand Prison to maximum security hospitals.**

(paragraph 132 of the report)

At present, 4 patients at the forensic psychiatry ward in Warsaw-Mokotów Remand Prison have been waiting for transfer to maximum security hospitals outside the penitentiary system. In cases when the forensic psychiatric opinion is given indicating that it is necessary to detain a prisoner in specialistic hospital, the usual practice is to transfer a patient to a common health-care unit. The decision of a court can be carried out after it comes into force. The limited number of places makes patients wait for transfer.

Other issues related to the CPT's mandate

recommendations

- **the Polish authorities are called upon to review arrangements concerning contacts with the outside world for remand prisoners, in the light of the remarks made in paragraph 134.**
(paragraphs 133, 134 and 158 of the report)

- **the shortcomings referred to in the paragraph 136 on material conditions in the disciplinary cells at Cracow Remand Prison and Warsaw-Mokotów Remand Prison should be remedied.**
(paragraph 136 of the report)

The temperature in disciplinary cells at the Cracow Remand Prison is not lower than 20 degrees centigrade. During the visit of the Committee the heating installation was at the point of technological setting in motion which had influence at that time on the temperature in the disciplinary cells.

As for Warsaw-Mokotów Remand Prison, the disciplinary cells have been refurbished. The walls were painted, the new floor was laid down and all sanitary equipment was changed. In the near future windows will be enlarged and the window frames will be changed, so the prisoners in these cells will have access to natural light.

- **the effective steps should be taken to preserve the confidential character of complaints and to ensure that the lodging of complaints does not have adverse consequences for prisoners.**
(paragraphs 137 and 158 of the report)

The procedures applied in the Polish penitentiary system ensure confidentiality of complaints lodged by prisoners. It is guaranteed by the Polish Constitution as well as by other laws. The Criminal Executive Code provides that a sentenced has right to "lodging motions, complaints and requests to an appropriate body and to present them without presence of other persons, to the management of the prison, to managers of units of Prison Service, to a penitentiary judge, to a prosecutor and to the Commissioner for Civil Right Protection". Furthermore, "...sentenced and their counsellors and appropriate non-governmental organisations have rights to lodge complaints to the bodies appointed on the grounds of international agreements ratified by the Republic of Poland. Correspondence in cases of persons deprived of liberty should be sent to the addressee without delay and is out of censorship..."

To keep confidentiality of the person lodging the complaint as well as the matter of the complaint during the hearing procedure is almost impossible. One of the elements of checking the complaint is to question/or give a chance to speak to a person who is the subject of the complaint. Since this rule cannot be changed, the problem is to ensure the complaining person does not cope with the negative consequences of this action. The law in the Code of Administration Procedure states that "...no one can be put into danger or charged for the reason of lodging a complaint or bringing a motion, or for the reason of supplying materials with features of a complaint or a motion which are supposed to be published if the action is taken within limits ensured by law..."

The Prison Service management pays attention to effective implementation of these rights. Although in practice there are cases bringing negative consequences to a prisoner, it happens only incidentally. Aware of such dangers, the prison management organizes and conducts trainings for prison staff concerning problems of protecting rights of persons deprived of liberty, and emphasises these aspects of the penitentiary system which can cause special problems or dangers.

- **the fact that the judge carried out inspection visits in all places for inmates in Cracow Remand Prison and that the inmates were able to meet him in private is a good example of practice which should be extended to all inspection visits by penitentiary judges in Poland**
(paragraph 138 of the report)

According to the Regulation of the Ministry of Justice of 26 August of 2003 on methods, range and way of penitentiary inspection (Journal of Law of 2003 No 152 Sec., 1496), the penitentiary judges are obliged to perform the inspections by visiting prison establishments at least once per year.

Furthermore, every time during the visit and executive meeting, the judge accepts complaints.

INFORMATION

Having taken cognizance of the report after the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) we inform on steps taken by KWP/KSP

On 22 June 2005 all offices of KWP/KSP received the letter from Marek Hebda, the Deputy Chief Commander of the Main Police Command containing the order: to make precise analysis of the after visit report of the CPT, checking anew the real state of affairs in subordinated unites to be sure whether the incorrect behaviours mentioned in the report can be confirmed, then, if there are such cases the order to undertake steps to remove them.

The Office of Tactics to Combat against Crime of KGP made the analysis of the feedback information within this range from KWP/KSP ; the information shows the results of undertaken steps taken by the units in order to improve premises for apprehended persons or for not sober persons (PDOZ), detention facilities for foreigners awaiting deportation (AD), police establishments for children (PID) situated in subordinate Police units.

The undertaken steps include:

PROVINCES:

1. Dolnośląskie

UNDERTAKINGS:

- during the official meeting of KWP the managers of the Police units in this Province were ordered to make a detailed analyses of the CPT report and then check the state of units subjected to them. The shortcomings were ordered to be remedied (removed and repaired)
- the Commission to check cells of apprehended persons was called into existence. The Commission task is to check the living conditions in the premises mentioned in the report.
- the shortcomings and other incorrect issues mentioned in the CPT report such as technical state of PDOZ will be removed and repaired during the refurbishment at the end of this year.

2. Kujawsko-Pomorskie

- premises for apprehended persons: to the end of the year it is planned to use a new KPP building in Brodnica, where the cells meet the requirements ,
- KPP Inowrocław and KPP Golub Dobrzyń the premises for apprehended persons underwent general refurbishment,

- the second part of the year is meant for repair works in KPP Żnin and KPP Mogilno,
- in connection with the remarks made by penitentiary judges who checked the cells, the appropriate order to remove shortcomings was sent to commanders of: KPPTuchola (on technical state and equipment of cells), KPP Nakło and KPP Świecie (errors in documents),
- KMP Włocławek, in deportation jail the new inside rules were worked out for foreigners,
- KMP Toruń and KMP Bydgoszcz completed the general refurbishment in the establishments for children.

REMARKS:

7 PDOZ Police units meet the requirements stipulated in the regulations. The remaining: lack of medical rooms, lack of rooms to give meals, lack of storage rooms for objects put in deposit.

3. Lubelskie

- premises for apprehended persons:
- the agenda of building and assembling works has been prepared,
- the call alarm installation system was installed in all PDOZ Police units in the Province,
- KPP Opole Lubelskie and KP Piaski have been refurbished,
- the refurbishment in PDOZ KMP Zamość continued,
- - the documents for public tender for repair works in Łuków and Parczew were worked out,
- it has been planned to make new premises in Świdnik, radzyń Podlaski, Lubartów, Lublin and Terespol,
- to modernize and adapt to new regulations the PDOZ
- the shortcomings of the sanitary state, and cleanliness of the premises were secured,
- the deportation jail in Lublin underwent the general modernization.

4. Lubuskie

- the letter sent to the commander officers it was reminded that any non-standard items which can suggest to apprehended or questioning persons that they are put in danger must be removed,
- currently, the repair works and modernizations are conducted to remove all shortcomings and to make a secure technical installation.

5. Łódzkie

- the training was organized for heads of KWP on correct management of premises for apprehended, deportation jails and police establishment for children,
- Managers of the units are reminded to solve problems concerning respect of human rights for education purposes the incorrect behaviour is discussed,
- in Police unit in Sieradz the supplementary course on race discrimination police was organized,
- the premises for apprehended persons are systematically under repair,
- the motion was brought to arrange the budget to refurbish the detention prison at KMP Piotrków Trybunalski,
- the General Police Command received a letter concerning needs to put under repair the police establishment for children in Łódź.

REMARKS:

- among 23 Police units, 8 of them do not meet the living condition requirements

6. Małopolskie

- the management of the subjected police units were ordered to remove the shortcomings mentioned in the CPT report,
- the Supervision Commission for detention cells, deportation jails and police establishments for children is called up
- to remove the metal cage in the duty office for apprehended persons in KMP Kraków.
- the works on investment programme to modernize the police and deportation cells started,
- the storage of material evidence was checked and the list of item was made.

7. Mazowieckie

- the premises for apprehended persons;
- the following Police units were checked in Pułtusk, Maków Maz., Szydłowiec and Sochaczew, the policemen on duty were checked for their knowledge on human rights of apprehended persons, the way of keeping documents, improving qualifications, in Radom the department for transfer of prisoners was checked,

- the found shortcomings were said to be removed,-
- the professional training for policemen of transport department was organized,
- the premises for apprehended persons were refurbished in Maków Mazowiecki,
- in Żuromin the Police premises started to be modernized,
- the premises in Płońsk and Łosice have been adapted,
- the building in the Guarded Centre for foreigners in Lesznowola was repaired.

8. Opolskie

- the present state of detention jail, premises for apprehended and for children were checked,
- it was recommended that the senior officers check how the means of restrain are used, observing the human right of apprehended persons
- as for the cells for apprehended persons
- the Provincial Commission for the issues of cells was called and its tasks were specified,
- at the moment the police units in Głubczyce, Kluczbork and Strzelce Opolskie are repaired.
- The deportation jail localized at Opole Police unit was put out of use and is meant to undergo the general refurbishment.
- After the general repair works the police establishments for children in Opole have started to operate.

REMARKS:

among 13 police units, 5 do not meet the living conditions requirements

9. Podkarpackie

- the training is organized for policemen who take part in transferring prisoners,
- the documents for general repair in Mielec and Lubaczów are prepared,
- the Police premises in Jarosław and Sanok are continued to be adapted,
- in premises which need current repairs and maintenance, the shortcomings are removed at once

10. Podlaskie

- the order and policy for the subjected police units were worked out, in particular, concerning the respect of apprehended person, respect for their rights, education and training for policemen to prepare the documents in a proper way, disciplinary rules to police officers who infringes the obligations of proper supervision of convoy and protection police service,
- the police vocational improvement training was organized for policemen from different units on the issues of human rights, their protection and combating against race discrimination,
- the representative was appointed and the team for Protection of Human Rights was called up,
- the documents in different languages were prepared informing on their rights,
- as for the premises for apprehended persons in Białystok:
 - the technical state and equipment were checked,
 - the shortcomings were removed during the repair works,
 - the undertakings which need more financial support were discussed with Investment, Logistic and Repair department – the old cells in Białystok need general modernization, etc.
- the refurbishment plan for 2005 included modernization of cells in Kolno, Mońki, Hajnów and Bielsko Podlaskie.
- the deportation jail in Suwałki:
 - the shortcomings were removed,
 - the yard for staying in the open air is planned to be widened,
 - the social room equipped with audiovisual apparatus is going to be prepared, the room will be also used as a chapel (room for prayers),
 - foreigners are given for free stamps and envelopes,
 - the medical staff has a permanent access,

- foreigners have access to documents in different languages informing about the inside rules of the deportation jail,
- the co-operation with the Caritas Organization in Białystok Archidecanat was established , in this way the support in organizing proper living conditions and needs of foreigners was gained,
- the schedule of plans of repair works in 2005 includes also deportation jail in Suwałki.

11. Pomorskie

- the trainings to improve professional attitude and eliminate negative practice in behaviour of policemen working at convoy and protection,
- the Police unit premises aimed at conducting proceedings are checked in order to avoid incidents mentioned in the CPT report.

12. Śląskie

- the Provincial Commission for Premises for apprehended persons was called up, its tasks are: reviewing the cells, deportation jails and police establishments for children. The subjected units organized teams to monitor whether apprehension is legal and whether the means of restraint are used,
- the premises for apprehended persons:
 - in Katowice the repair works started,
 - in Bielsko-Biała the tender procedure for refurbishment takes place,
 - the project and financial documents were worked out in Częstochowa and Lubliniec,
 - the most need works were made in Częstochowa (painting walls), Dąbrowa G. (painting, changing of bars, changing the floor, added equipment), Jastrzębie Zdr. And Racibórz (refurbishment of rooms), Wodzisław Śl. (painting of walls, alarm system was repaired), Rybnik (equipment was added),
- the errors in documents were removed,
- organization of improving professional qualifications for officers transferring prisoners,
- the police establishments for children:
 - the equipment was improved,
 - the errors in keeping documents were removed,
 - the police staff at service in the establishment for children is systematically trained to improve their qualifications.

13. Świętokrzyskie

- general refurbishment in Kielce,
- rebuilding of premisses in Busko Zdr. And Opató,
- in Ostrowiec Świętokrzyski the Police establishment started to be build,
- in Kazimierz Wlk. the premises were equipped with new kitchen furniture,
- in Pińczów, the main door with enforced construction were installed,
- in the remaining units the equipment of premises is complete step by step.

14. Warmińsko-Mazurskie

- the steps to improve the living conditions were taken,
- currently the knowledge of human rights of apprehended is monitored,
- it was ordered not to allow to put in duty offices items or equipment which is not a standard one or is not for everyday use.

15. Wielkopolskie

- the commission reviews all premises for apprehended persons, and the shortcomings report is given to the chairman of the commission for evaluating premises for apprehended, deportation jails, and co-ordination of repair waorks,
- all commanders were obliged to monitor the knowledge on use of means of restraint, state of respect of human rights, correct keeping of documents and detailed registration of material evidence and deposits,
- the undertaken measures were evaluated and in cases the shortcomings were found the units were given a support in removing them,
- the training/courses of instruction are conducted for middle management and for policemen in service of convoy and protection.

REMARKS:

- among 28 police units, 8 of them do not meet the required conditions.

16. Zachodniopomorskie

- the repair work was completed and the modernization of 4 cells,
- the tender procedure for refurbishment in Łobez was finished,
- the tender procedure for refurbishment of premises in Kamień Pomorski was initiated,
- in the agenda of works for 2005 the repair works in Pyrzyce, Dębno and Świdwin were included.

17. KSP

- the managers of the units mentioned in the CPT report were obliged to remove all noticed shortcomings,
- commanders of appropriate Commands were ordered to inform the policemen with the convoy (transfer) and protection rules, monitoring the level of knowledge about using the means of restraint, observe the human rights even for apprehended persons, keeping the documents in proper order and register precisely the material evidence and items put in deposit.
- the premises for apprehended persons:
- the general refurbishment were made in premises in 7 units subjected to Capital Police Command,
- the repair works were planned in other three units,
- Cells from the Police Command in Pruszków will be moved to Piastów,
- the deportation jail in Warsaw Bemowo was put in a good state of repair,
- as for the establishments for children, the modernization works are continued in Warsaw, Wiśniowa 44.

Some of the Police units benefited of the financial aid other than the one offered by the department and aimed at repair or refurbishment of apprehended persons or persons who are not sober, deportation facilities and police establishments for children, the examples:

- Police Provincial Command in Gorzów Wielkopolski – the financial aid used in the following projects:
3. in order to enlarge the Police Command in Gorzów Wlkp the new premises for apprehended persons and the police establishment for children were build with co-financial aid of the **municipal authorities,**
 4. the County Police Command Międzyrzecz repainted premises for apprehended persons – financial means supplied by the **local self-government,**

5. the County Police Command Żagań repainted premises for apprehended persons – works were done by unemployed who were recommended by the **Labour Office**,
6. the County Police Command Żary – the building for apprehended persons is under repair which is co-financed by the **local self-government**.

ci. Police Provincial Command Katowice the financial aid was used in the following projects:

3. the police establishment for children in the Police Command in Będzin was equipped with sport facilities and audio-visual items – the financial contribution was given by the **county self-government**,
4. Pszczyna Police Command was equipped with monitors' system – financed by the **county self-government**
 - Police Provincial Command in Łódź used the financial aid from the **Municipal Office** Skierniewice aimed at modernization of facilities for apprehended persons in the local Police Municipal Command.
 - Police Provincial Command in Olsztyn
 - the **County Office** offered help in financing refurbishment of facilities for apprehended persons in the Police Command in Szczytno, the **Municipal Office** co-financed the repair of premises in the Police Command in Mrągowo,
 - the Police Command in Pisz intends to use the financial aid of the **community self-government** in order to install video monitoring system.
 - Police Provincial Command in Szczecin – used the financial aid for repair and modernization of premises in
 - Police Municipal Command in Świnoujście – financed by **Municipal Office**,
 - Police Command in Wałcz – co-financed by **Community Office and County Office**,
 - Police Command in Stargard Szczeciński – co-financed by **Municipal Office**,
 - Police Command in Kamień Pomorski – co-financed by **Municipal and Community Offices**.

Police Provincial Commands in Białystok, Kielce, Kraków, Lublin, Opole, Poznań, Wrocław and the Metropolitan Police Command in Warsaw did not so far use the financial aid from other sources than the department.

The main reason of the difficulties in implementing the requests of the specified regulations to adapt the detention facilities is lack of financial means and tender procedures taking long time.

The analysis of the documents received from KWP/KSP shows the tendency to general improvement of living condition, technical security and equipment of PDOZ, AD and PID in comparison to November of the previous year, however, the results are still far from satisfied and need further repair measures.

Signed and stamped by:

Roman WOJTUSZEK

INSPECTOR

HEAD of STANDARIZATION DEPARTMENT

OFFICE of COMBATING AGAINST CRIME

POLICE GENERAL COMMAND

Signed and stamped by:

Grażyna KUŻMA-WISNIEWSKA

INSPECTOR

COUNSELLOR of STANDARIZATION DEPARTMENT

OFFICE of COMBATING AGAINST CRIME

POLICE GENERAL COMMAND

Please find enclosed the Police Information concerning the measures taken by the police.

