

Warsaw, 22nd of September 2016

UNIVERSAL PERIODIC REVIEW 27TH SESSION: POLAND

Submission to the UN Office of the High Commissioner for Human Rights

Submission of the Polish Council of Youth Organizations (PROM)

Key words: the ombudsman of civil rights, racism,

Introduction

In the recent decades, Poland has made significant progress in ensuring the human rights protection for all the citizens. The standards of protection of human rights and freedoms formulated in the Constitution of the Republic of Poland have been set to a high standard. Though, Poland is still considered as young democracy what puts it at risk of political influences in the way of working of the bodies that should ensure following human rights.

As an umbrella NGO organization gathering 38 youth organizations representing together more than 250 000 young people, Polish Council of Youth Organizations considers itself to be an important observer of the public institutions and their respect to the human rights, as their are crucial for the hopeful state of affairs for development of future generations.

The Civil Rights Ombudsman

90.32. Continue to allocate sufficient financial and human resources to the human rights institutions in order for them to be able to fulfill their mandate (Morocco)

90.34. Provide the Ombudsman with the necessary material resources in compliance with the Paris Principles (Spain);

90.35. Ensure the Office of the Ombudsperson is sufficiently resourced to carry out anti-discrimination functions (Australia)

The Office of Civil Rights Ombudsman is continuing to gain trust from society due to its ability to solve the legal problems of individual citizens and the provision of necessary assistance that ensure protection of the civil rights. However, the financial resources that are currently provided for the office of Ombudsman have recently been significantly reduced by the Ministry of Finance. That, in turn, have caused a risk of undermining the effectiveness and scope of the actions taken by the Ombudsman. As per the mid-term progress report for the 25th session of Human Rights Council, the allocated expenditure of the Ombudsman of Civil Rights between 2008 and 2012 was on the rise. However, the draft Budget Act for 2016 assumed the limitations to the

financial resources granted for the ombudsman office down for about 10 millions PLN compared to previous cycle¹. That means that the level of public financing for the office of Ombudsman is currently back to the level from 2011 budget. The aforementioned amendments pose serious risk of a number of adverse consequences regarding actions undertaken by the Ombudsman and is against the provided recommendations 90.32, 90.34 and 90.35.

Recommendations:

- To reinstate funding available to the Office of the Ombudsman of Civil Rights to at least the previous levels,
- To provide the Ombudsman with encouraging environment to execute human rights,
- To provide further legal frames for the Ombudsman to have more power in protecting the rights of young people in access to human rights.

The problem of racism

90.45. Redouble its efforts to address racially motivated hate crimes by ensuring that all such incidents are thoroughly investigated and that perpetrators are brought to justice, and to continue to raise awareness of its people on this issue (Malaysia);

90.46. Adopt additional measures in order to avoid the crime of incitement to hate and to promote the fight against discrimination and racism (Peru);

90.47. Strengthen measures to prevent racist violence, hate crimes and discrimination against foreigners, especially Muslims, Roma and the people of African origin (Republic of Korea)

90.52. Consider establishing in its domestic legal system norms that strengthen the fight against discrimination (Argentina);

90.53. Further strengthen its policies and programmes aimed at combating discrimination and intolerance and ensure that incidents are subject to prompt and independent investigation and effective prosecution (Austria);

Poland is the most homogenous country in Europe which automatically puts the citizens in danger of not understanding diversity of religious views or nationalities, other than the ones Poles display. In the aftermath of the multiple crisis that Europe is dealing with some negative discriminatory and racist attitudes are growing in power. Sadly, Poland has recently displayed a number of adverse behaviors such as verbal and physical violence being an effect of discrimination happening in a number of public locations such as means of public transport and streets. In addition to this type of discrimination, online hate and racism are on the rise, too. To counteract this trend it is particularly crucial for the state to ensure that the strict reaction for the racist-fuelled behaviors is in place.

As per article 257 of bidding polish Penal Code, anyone who publicly discriminates or prejudice the body integrity of a group of people or an individual due to their nationality, ethnic, racial or religious background, or due to lack of religious views, is subjected to 3 years of imprisonment.

¹ <https://www.rpo.gov.pl/pl/content/oswiadczenie-rpo-zmniejszenie-budzetu-rzecznika-praw-obywatelskich-dotknie-obywateli>

However, alarmingly, lack of reaction from the state in the recent months has been visible. There is a serious risk of further development of racist behaviors due to the fact that the government has not strengthened the preventive measures to educate the society in order to avoid the crimes based on racist background. Ensuring that the fight against discrimination is undertaken by the state bodies is a significant element of following the human rights principles.

Recommendations:

- To strengthen the measures to prevent racist violence by the state
- To engage youth as agents of change for anti-racism policies and stop hate movements
- To raise awareness of society that someone of other background does not automatically pose danger and that beauty lies in diversity
- To promote the positive images of discriminated society members as integrated parts of community
- To introduce policies and programmes that prevent intolerance and promote open and tolerant society To streamline the process of sentencing people and make the consequences of discriminatory behaviors more strict