



36th SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

22 September 2017

Item 6

UPR outcomes-Poland

Statement

of the

Commissioner for Human Rights of the Republic of Poland

Delivered by Zuzanna Rudzińska-Bluszcz, Chief Coordinator for the Strategic Litigation, Office of the Commissioner for Human Rights

Thank you, Mr Chairperson.

Distinguished delegates, Your excellences,

This statement is made on behalf of the Commissioner for Human Rights, Poland's "A-status" national human rights institution.

The Commissioner welcomes the Government's response to the recommendations aimed at improving compliance with Poland's human rights obligations. Nonetheless, Government's increasingly visible control of key institutions, pointed out by the High Commissioner for Human Rights at the opening of this session, might in our view impede the human rights protection in Poland.

In this respect, the Commissioner welcomes the Government's acceptance of recommendations on protecting the independence of the judiciary. Unfortunately, we perceive the recent changes on the ordinary courts not only as aiming at complex justice reform but also subordinating the courts to the political power. Similarly, the Commissioner is concerned about the Government's statement that the integrity and independence of Constitutional Tribunal is protected. In fact, there is a serious doubt concerning the independence of the Constitutional Tribunal stemming from its current composition. This poses a serious threat to the rule of law, democracy and human rights protection.

The Commissioner reiterates its concern about the political control over media. Due to changes adopted in 2016 the governing majority gained wide competences with respect to appointing the management of the public broadcasters, while the National Broadcasting Council, the constitutional organ, has been deprived of its competences. In the light of

above, Government's statement that it has no influence over the programme content presented by public media seems to be imprecise. In the Commissioner's opinion, this poses a real threat to the freedom of speech and independence of media.

A common concern of UPR recommendations was strengthening the fight against hate speech and discrimination. The Commissioner welcomes the Government's acceptance of recommendations to criminalize hate crimes on the ground of age, disability, sexual orientation and gender identity. Nonetheless, the Commissioner expresses its regret that the Government does not see the need to change the Equal Treatment Act.

Distinguished delegates, Your excellences,

I would like to express our hope that the accepted recommendations will be properly analysed and implemented. The Commissioner is committed to working with the Government in the future to ensure that all UPR recommendations are met fully and are subject to transparent and continuing monitoring processes.