



**Optional Protocol to the  
Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,  
Inhuman or Degrading Treatment or Punishment**

**Visit to Poland undertaken from 8 to 19 July 2018:  
recommendations and observations addressed to the national  
preventive mechanism**

**Report of the Subcommittee\*\*\*, \*\*\***

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\* Reissued for technical reasons on 1 April 2020.

\*\* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the national preventive mechanism on 25 June 2019. On 6 February 2020, the national preventive mechanism requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

\*\*\* The annexes to the present document are being circulated as received in the language of submission only.



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## I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, carried out its first regular visit to Poland from 8 to 19 July 2018. Poland ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 26 July 1989, and its Optional Protocol on 14 September 2005.
2. The Subcommittee members conducting the visit were: Aisha Shujune Muhammad (head of delegation), Mari Amos, Marija Definis-Gojanovic, Daniel Fink, Petros Michaelides and Zdenka Perović. The Subcommittee was assisted by three human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR), two United Nations security officers and four interpreters.
3. The principal objectives of the visit were to:
  - (a) Visit a range of places of deprivation of liberty in order to assist the State party in fully implementing its obligations under the Optional Protocol to strengthen the protection of persons deprived of their liberty from the risk of torture and ill-treatment;
  - (b) Provide advice and technical assistance to the national preventive mechanism and to consider the extent to which the regional and national authorities were supporting its work and responding to its recommendations, taking account of the Subcommittee's guidelines on national preventive mechanisms (CAT/OP/12/5).
4. The Subcommittee held meetings with officials and other persons (see annex I) and visited places of deprivation of liberty (see annex II). Interviews were conducted with persons deprived of their liberty, law enforcement and detention officers, medical personnel and others. Meetings were held with members of the national preventive mechanism, which permitted the Subcommittee to examine the mechanism's mandate and working methods and to consider how best to improve its effectiveness. In order to better understand how the mechanism works in practice, the Subcommittee also visited, together with the mechanism, two places of deprivation of liberty, one chosen by the mechanism and one by the Subcommittee (see annex III). The first visit was led by a representative of the mechanism, with the members of the Subcommittee as observers, and the second visit was led by the Subcommittee, with the representative of the mechanism observing for the most part.
5. At the end of the visit, the delegation presented its confidential preliminary observations orally to the Government and the national preventive mechanism.
6. The present report sets out the recommendations and observations of the Subcommittee addressed to the national preventive mechanism of Poland. These recommendations are made in accordance with the Subcommittee's mandate to offer training and technical assistance and to advise and assist the mechanism, in accordance with article 11 (b) (ii) and (iii) of the Optional Protocol.
7. The Subcommittee will send a separate confidential report to the authorities in which it will make specific recommendations to the State party.
8. The present report will remain confidential until such time as the national preventive mechanism of Poland decides to make it public in accordance with article 16 (2) of the Optional Protocol. The Subcommittee firmly believes that the publication of the present report would contribute positively to the prevention of torture and ill-treatment in Poland.
9. The Subcommittee recommends that the national preventive mechanism of Poland request the publication of the present report in accordance with article 16 (2) of the Optional Protocol.
10. The Subcommittee draws the attention of the national preventive mechanism to the Special Fund established under article 26 of the Optional Protocol. Only recommendations contained in those Subcommittee visit reports that have been made public can form the basis of applications to the Fund, in accordance with its published criteria.
11. The Subcommittee wishes to express its gratitude to the national preventive mechanism for its help and assistance relating to the planning and undertaking of the visit.

## II. National preventive mechanism

12. Poland ratified the Optional Protocol on 14 September 2005, and it designated its national preventive mechanism three years later. On 14 January 2009, the Subcommittee was notified that as at 18 January 2008, the Commissioner for Civil Rights Protection (the ombudsperson) was designated as the national preventive mechanism of Poland.<sup>1</sup>

13. During the first year of its operation the representatives of the newly designated mechanism carried out preventive visits in 76 various types of detention facilities. They included penal institutions, remand centres, police detention centres, police emergency centres for children, emergency detoxification centres, places for the care or social rehabilitation of young people, juvenile detention centres, juvenile reform schools, military disciplinary detention centres, psychiatric hospitals, guarded centres for foreigners and deportation centres.<sup>2</sup>

14. According to the information provided to the Subcommittee in 2009, some 30 staff members of the office of the ombudsperson were involved in discharging the mandate of the national preventive mechanism, including visits to the places of detention.<sup>3</sup> However, according to the annual report of the mechanism for 2009, the tasks of the mechanism were performed mainly by six employees of the office of the ombudsperson, delegated to carry out the tasks of the mechanism. Other members of the office (eight persons, including the director) participate in the preventive visits of the mechanism where necessary.<sup>4</sup> Since 2011, the mechanism's activities have been carried out by a visiting team comprised of eight persons, including the director and a secretary. According to the annual report of the mechanism, in 2016, the composition of the mechanism team decreased by 2.5 full-time positions, and the actual number of employees of the mechanism visiting team was reduced to seven. The ombudsperson has repeatedly emphasized that the small size of the team has made it impossible to perform the tasks arising from the Optional Protocol to the full extent.<sup>5</sup>

15. Since 2016, the advisory council, which is composed of 25 experts of various backgrounds, also supports the national preventive mechanism in carrying out its mandate, mainly by proposing and disseminating ideas about torture prevention and facilitating communication with the authorities.

16. The Subcommittee notes that the designation of the office of the ombudsperson as the national preventive mechanism of Poland has not been followed by the allocation of the appropriate additional resources necessary for undertaking this additional mandate. The expenses related to the activities of the mechanism are covered by the State budget allocations given to the office of the ombudsperson. Since its first year of operation in Poland, the mechanism has experienced financial problems, which have prevented it from properly implementing the assigned tasks. Despite entrusting the ombudsperson of Poland with the tasks of the mechanism, the Government did not allocate the resources necessary for the execution of tasks related to the proper implementation of the Optional Protocol.<sup>6</sup>

17. The Subcommittee further notes that the mandate of the mechanism is not clearly separated from the rest of the mandate in the office of the ombudsperson. The mechanism is

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<sup>1</sup> Notification letter available at [www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland.pdf](http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland.pdf).

<sup>2</sup> Commissioner For Civil Rights Protection, "Report of the Commissioner for Civil Rights Protection on the activities of the national preventive mechanism in Poland in 2008", Bulletin of the Commissioner for Civil Rights Protection 2009, No. 5 (Warsaw, 2009), pp. 18–19. Available at [www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland\\_2008FirstAnnualReport.pdf](http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland_2008FirstAnnualReport.pdf).

<sup>3</sup> Notification letter available at [www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland.pdf](http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland.pdf).

<sup>4</sup> Human Rights Defender, "Report of the human rights defender on the activities of the national preventive mechanism in Poland in 2009", Bulletin of the Human Rights Defender 2010, No. 4 (Warsaw, 2010), p. 18. Available at [www.ohchr.org/Documents/HRBodies/OPCAT/NPM/NPM\\_Poland\\_AnnualReport2009.pdf](http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/NPM_Poland_AnnualReport2009.pdf).

<sup>5</sup> Office of the Commissioner for Human Rights, "Report of the Polish Commissioner for Human Rights on the activities of the National Mechanism for the Prevention of Torture in 2016", Bulletin of the Commissioner for Human Rights 2017, No. 4 (Warsaw, 2017), p. 12. Available at [www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland2016.pdf](http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Poland2016.pdf).

<sup>6</sup> Commissioner For Civil Rights Protection, "Report of the Commissioner for Civil Rights Protection on the activities of the national preventive mechanism in Poland in 2008", p. 16.

a department of the office of the ombudsperson; as a result, it does not have a separate, dedicated budget for its work. The Subcommittee observes that there are no explicit provisions in the mechanism legislation regarding earmarked funding. It is also not expressly indicated that the mechanism can accept earmarked donations from external donors.

### **III. Recommendations addressed to the national preventive mechanism**

#### **A. Recommendations relating to institutional and structural issues**

##### **1. Institutional framework and independence**

18. The Subcommittee notes that the national preventive mechanism of Poland does not have an identity distinct from the office of the ombudsperson, not only with respect to its own resources but also in relation to its institutional framework and guarantees of independence. While the Optional Protocol does not prescribe a unique structure for a mechanism that is compliant with its provisions, it is imperative that the mechanism be able to carry out its mandate in accordance with the principles of the Optional Protocol, as reflected in the Subcommittee's guidelines on national preventive mechanisms.<sup>7</sup>

**19. The Subcommittee emphasizes that the national preventive mechanism should complement rather than replace existing systems of oversight and its establishment should not preclude the creation or operation of other such complementary systems. In this connection, the Subcommittee recommends that necessary steps should be taken to ensure that the mechanism can perform its activities and functions in a clearly differentiated way from those of the rest of the office of the ombudsperson.**

**20. The Subcommittee also recommends that the mechanism, in close cooperation with the relevant authorities, review the legal framework in which it operates so as to bring it into full conformity with all the relevant international norms and guidelines, with a view to solving existing or potential issues that may hinder the mechanism from carrying out its mandate effectively and independently. In reviewing its framework, the practical needs and the operability of the mechanism also have to be taken into account. Furthermore, enhancing the capacity of the advisory council has to be taken into consideration in order to make the mechanism more autonomous and effective.**

##### **2. Human and financial resources**

21. The Subcommittee observes that although the office of the ombudsperson has been designated as the national preventive mechanism, sufficient additional resources have not been allocated for this purpose, which presents a major obstacle to the effective and efficient functioning of the mechanism. The Subcommittee is concerned that the necessary resources have not been allocated because the authorities do not consider that the mechanism needs additional resources in order to carry out its mandate effectively. The current budget allocations are correlated with the number of visits undertaken by the mechanism, which has resulted in a spike in the number of visits by the mechanism, leading to a compromise in fulfilling its preventive mandate, whereas the sole function of the mechanism is not merely conducting visits.

22. The Subcommittee stresses that without the proper resources, including in terms of staffing and wider professional competence and expertise, the mechanism cannot fulfil its preventive mandate properly and adequately. These concerns were already raised during the meeting that was held in Geneva on 19 November 2015 between Jerzy Bauriski, Minister Counsellor of the Permanent Mission of Poland; the head of the Subcommittee regional team for Europe; and the Subcommittee country rapporteur for Poland.

23. The Subcommittee is concerned about the low number of staff assigned to perform mechanism activities. The Subcommittee notes, however, that the limited staff working in the mechanism have a reasonably good understanding of preventive work but are not able

<sup>7</sup> CAT/OP/12/5, para. 11.

to function effectively owing to the low number of staff members and the disproportionately large workload. An effective system of regular visits to all the places of deprivation of liberty in Poland cannot function properly with such a limited number of staff, especially taking into consideration the number of places of deprivation of liberty in the country.

24. The Subcommittee reiterates that the mechanism must be provided with a budget sufficient for accomplishing all of its mandated tasks, in addition to granting it the institutional autonomy to use its resources. This funding should be provided through a separate line in the national annual budget referring specifically to the mechanism.<sup>8</sup> This funding must be at a level that allows the mechanism to carry out its visiting programme, engage outside experts as and when appropriate, increase its human resources and regularly participate in training, in accordance with its own workplan.

25. **Recalling the requirements of article 18 (1) and (2) of the Optional Protocol, the Subcommittee recommends that the national preventive mechanism ensure that its staff have the diversity of background, capabilities and professional knowledge necessary to enable the mechanism to properly fulfil its mandate.<sup>9</sup> This should include relevant legal and health-care expertise, also giving due consideration to gender parity.**

26. **The Subcommittee recommends that the mechanism evaluate its financial needs in order to more effectively fulfil its mandate under the Optional Protocol and that it submit proposals to the governmental authorities concerning its needs for additional financial and human resources.**

27. **In order to ensure its functional and operational independence, the mechanism is encouraged to pursue a constructive dialogue with the relevant State authorities with the aim of identifying the additional needs required to properly fulfil its mandate in accordance with the provisions of the Optional Protocol.**

### 3. Mandate and visibility

28. According to the information received by the Subcommittee, the mechanism did not visit all types of places of deprivation of liberty as prescribed by the Optional Protocol. In this connection, the Subcommittee emphasizes that pursuant to article 4 of the Optional Protocol, the State must enable and ensure visits to any place under its jurisdiction and control where persons are or may be deprived of their liberty. Therefore, any place in which a person is or may be deprived of liberty – in the sense of the inability to exercise freedom of movement – should fall within the scope of the mechanism.

29. **In determining what constitutes detention and a place of deprivation of liberty, the Subcommittee recommends developing an expansive approach that maximizes the preventive impact of the mechanism.<sup>10</sup> In addition, the mechanism needs to have the legal authority and practical capacity to access any place where the mechanism has information that people are or may be deprived of liberty, in accordance with articles 4, 19 and 20 of the Optional Protocol.**

30. The Subcommittee notes that during its first 10 years of operation, the mechanism has been focused primarily on detention-monitoring activities, having carried out around 1,000 monitoring visits. Hence, the mechanism has mainly been perceived as a visiting body and not as a preventive one. The Subcommittee emphasizes that the activities of the mechanism should not be limited only to visiting places of deprivation of liberty. Among other functions, the mechanism needs to have a legal competence to submit proposals and observations concerning relevant draft legislation and to undertake other preventive activities. In this connection, the Subcommittee welcomes the social campaign called “State free of torture”, which was launched by the mechanism in September 2018.

31. **The Subcommittee recommends that the mechanism focus not only on visiting places of deprivation of liberty but also on other preventive activities, such as commenting on draft legislation, awareness-raising and training activities, in accordance with article 19 of the Optional Protocol and paragraph 9 of the analytical**

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<sup>8</sup> CAT/C/57/4, annex, paras. 11–21.

<sup>9</sup> CAT/OP/12/5, para. 20.

<sup>10</sup> CAT/C/57/4, annex, paras. 1–3.

**assessment tool for national preventive mechanisms (CAT/OP/1/Rev.1). The Subcommittee recommends that the mechanism develop an annual plan of work, which should include all preventive activities. In this connection, the mechanism needs to formulate short- and long-term strategies in order to strengthen the protection of persons deprived of their liberty.**

32. During the joint visits with the mechanism, the Subcommittee noted that the staff members of the office of the ombudsperson were well perceived by the police officers, and that the staff members had access to all the premises and to all the information they requested. In the course of joint visits and during the meetings with the relevant authorities, however, it was revealed that little was known about the mechanism per se. The mechanism lacks visibility and there may be a lack of understanding of its role vis-à-vis the office of the ombudsperson. The Subcommittee notes that there is very little knowledge of the mechanism among relevant stakeholders, including persons deprived of their liberty, public authorities and other State-monitoring bodies and civil society actors.

33. The communication and coordination between the mechanism and civil society representatives also needs to be improved. Taking into consideration that the mechanism only has limited resources and given the vast number of places of detention in Poland, the mechanism is encouraged to cooperate more often with representatives of civil society.

34. **The Subcommittee recommends increasing the visibility of the mechanism as a body undertaking preventive work, including through activities that raise awareness of the Optional Protocol and the mechanism's mandate. The mechanism should undertake activities to increase the awareness of the general public, and especially persons deprived of their liberty, about its mission and mandate, making it clearly distinct from the mandate of the office of the ombudsperson. The mechanism should also engage in legislative processes and advocacy, which mechanisms are encouraged to undertake under article 19 of the Optional Protocol, as this will increase its overall visibility. The Subcommittee also recommends that the mechanism engage in outreach activities and other events, as appropriate.**

35. **The Subcommittee further recommends elaborating and distributing additional materials on the mandate and activities of the mechanism to personnel and detainees in places of deprivation of liberty and to civil society at large in order to increase the visibility of the mechanism and enhance understanding about its mandate.**

36. **In addition, the Subcommittee recommends that the mechanism engage more directly and independently with civil society organizations, including, at a minimum, through the increased participation of civil society organizations in visits and internal training of the mechanism and in dialogues held by the mechanism with the authorities.**

## **B. Recommendations on methodological issues relating to visits**

### **1. Preparation and carrying out of visits**

37. The Subcommittee noted that the joint visit had been well organized: a detailed methodology had been prepared and shared with the Subcommittee delegation, and the objectives seemed to have been identified in advance. The initial and final talks with the administration of the police station were well structured and were conducted in a constructive environment. The mechanism handed out to the administration of the police station relevant papers regarding the collecting and handling of personal data in a professional manner.

38. The Subcommittee noted, however, that the visiting team had not actually followed the prepared plan or the methodology. The Subcommittee is aware of the fact that it was the first visit of the mechanism to this type of institution; however, the team should have spent less time talking to the officers and moving around with the whole team, answering questions about general issues that could have been clarified before the visit. Furthermore, the representatives of the office of the ombudsperson should have dedicated more time to conducting interviews with detainees rather than obtaining information from the officers. The mechanism needs to be more tactical and reactive in relation to the information provided by the police officers, such as about movements and transfers, and to take

required action if needed. For instance, a police officer reported that each case of coercion by police officers was recorded in a note or in a special report; however, such documents were never requested by the mechanism. Furthermore, even though it was reported that there were seven adults and one juvenile in the facility in the morning, no attempts were made to clarify their location with a view to talking to them. During the tour of premises many important things were not checked, including the list of available free legal assistance, lawyers' rooms and toilets for detainees. No questions were asked about the interpretation arrangements in place, despite the fact that, during the visit, there were some foreigners in the police station who did not speak Polish.

**39. The Subcommittee recommends that the mechanism be more operational during the detention visits in general, and that it split into smaller groups in order to be able to monitor different areas and talk to as many detainees as possible. All the visits require strategic planning and need to be planned step by step. All members of the team should be fully aware of their respective roles and be able to proceed swiftly. In order to carry out more activities that involve actual monitoring, the rules and regulations of the place of deprivation of liberty should be studied carefully before each visit.**

40. During the joint visits, the Subcommittee delegation observed that the members of the mechanism did not always introduce themselves as being from the mechanism. As a result, they were often perceived to be representatives of the office of the ombudsperson, because the latter was a more widely recognized and better-known institution. This could lead to confusion about the separate mandates of each institution, both among the detention authorities and the detainees. Furthermore, the Subcommittee delegation noted that the members of the mechanism were not clearly identified as such, and did not explicitly explain their mandate more concretely, including by making a clear distinction between the activities and obligations of the mechanism and those of the office of the ombudsperson.

**41. The Subcommittee recommends that all members of the national preventive mechanism, including external experts, introduce themselves as representatives of the mechanism. The Subcommittee is of the view that an appropriate and complete presentation builds trust with the interviewees and facilitates communication and information-sharing. In addition, the visiting team should be clearly identified as the mechanism, for example, by wearing badges or vests, and should provide an information leaflet to the authorities as well as to the detainees.**

## **2. Confidentiality and risk of reprisals**

42. The Subcommittee noted that some exchanges of information with detainees were conducted in the presence or in hearing distance of detention officers. In this connection, the Subcommittee reiterates that the location where the individual interviews are conducted should be carefully chosen in order to ensure that the content of the interview remains confidential and that the "do no harm" principle is applied, without exception. The interviewers should also indicate that the interviewees can report to them any reprisals that occur subsequent to the visit of the mechanism and encourage them to do so. If necessary, follow-up visits should be conducted. The Subcommittee underlines the need to always seek ways to protect those interviewed from possible reprisals, even when there appears to be little risk. During the visit carried out jointly with the mechanism, the Subcommittee noted that at the final debriefings, the staff of the mechanism had failed to mention to the authorities at the place of detention that any form of intimidation or reprisal against persons deprived of their liberty constituted a violation of the State party's obligations, in accordance with article 13 of the Convention and article 21 of the Optional Protocol.

**43. The Subcommittee recommends that the national preventive mechanism always consider that there is a risk of intimidation, sanctions or reprisals, and therefore take steps to address that risk. In addition to the precautions mentioned above, the mechanism should clearly inform the authorities that a reprisal of any kind is impermissible and will be reported to the respective authorities and followed up by the mechanism. This is done with the clear intention of ensuring that those responsible for such reprisals are promptly investigated and, if found guilty, receive appropriate penalties. The mechanism should also, inter alia, develop a strategy on the prevention of reprisals and undertake preventive follow-up visits thereto.**



44. While noting the high professionalism of many of the members when conducting interviews with the detainees, the Subcommittee recommends that all members of the mechanism participate in regular training, including on interviewing techniques, visiting procedures and skills to detect signs and risks of torture and ill-treatment. Such training should be undertaken with a view to developing working methods and a comprehensive visiting methodology that will highlight institutional and systematic challenges, including those affecting vulnerable populations in places where persons are deprived of liberty. Experienced staff members should train other staff members and external experts on interviewing techniques and should organize regular internal meetings to discuss working methods and experiences based on visits.

### **3. Reporting and follow-up**

45. The reports of the national preventive mechanism are part of the annual reports of the office of the ombudsperson. However, there needs to be greater awareness of the reports of the mechanism and, in particular, of the degree to which the recommendations contained in the reports are implemented. The Subcommittee notes that there is no clear policy concerning the systematic follow-up and dialogue procedure between the mechanism and the relevant authorities.

46. The Subcommittee recommends that the mechanism develop a strategy for following up on the recommendations contained in its reports and using the report as a platform for dialogue with the authorities of the place of detention visited as well as with relevant stakeholders.

47. The Subcommittee further recommends that the mechanism meet with the relevant public authorities directly to discuss the implementation of its recommendations, in accordance with article 22 of the Optional Protocol. Finally, the mechanism should disseminate its annual reports, including by transmitting them to the Subcommittee, for the purposes set out in the Optional Protocol.

## **IV. Final recommendations**

48. In conclusion, the Subcommittee is aware that the national preventive mechanism of Poland is facing challenges regarding its institutional and structural framework. It recommends that the mechanism take a proactive attitude and submit to the authorities a proposal to revise its institutional and structural framework within the office of the ombudsperson and to submit proposals on how to secure the necessary human resources, further to a thorough internal evaluation of the level of financial resources needed to adequately fulfil its mandate under the Optional Protocol.

49. In the light of the scarcity of human and financial resources available to the national preventive mechanism, the Subcommittee recommends that the mechanism also increase its cooperation with the representatives of civil society organizations and other stakeholders, such as academia, and regional and international organizations, to reinforce its capacity. The Subcommittee also recommends that the mechanism continue to develop its capacity by increasing cooperation with the Subcommittee, as well as by engaging with other national preventive mechanisms and appropriate mechanism networks.

50. The Subcommittee regards its visit and the present report as the beginning of a constructive dialogue with the national preventive mechanism of Poland. OHCHR stands ready to provide technical assistance and advice to the mechanism to reinforce its capacity to prevent torture and ill-treatment in all places of deprivation of liberty in Poland and to make the common goal of prevention a reality.

51. The Subcommittee recalls that the prevention of torture constitutes an ongoing and wide-ranging obligation of the State party, the likelihood of whose achievement is greatly enhanced by an efficient national preventive mechanism. The Subcommittee encourages the mechanism to review and strengthen its working methods and to avail itself of training courses to improve its ability to discharge its responsibilities under the Optional Protocol,

including through the assistance of OHCHR, with its follow-up on the present recommendations.<sup>11</sup>

52. **The Subcommittee requests that the national preventive mechanism submit a reply to the present report within six months from the date of its transmission.** The reply should respond directly to all recommendations and requests for further information made in the report, giving a full account of action already taken or action that is planned (including timescales), in order to implement them. The reply should include details concerning the implementation of institution-specific recommendations and also concerning more general policy and practice, and it should conform to the guidelines concerning documentation to be submitted to United Nations human rights treaty bodies established by the General Assembly.

53. **The Subcommittee recommends that, in accordance with article 12 (d) of the Optional Protocol, the national preventive mechanism of Poland enter into dialogue with the Subcommittee on the implementation of the Subcommittee's recommendations. The Subcommittee also recommends that the mechanism initiate discussions with the Subcommittee on the arrangements for such a dialogue at the time of the submission of its reply to the present report.**

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<sup>11</sup> National preventive mechanisms can request technical assistance from OHCHR after a visit of the Subcommittee. Requests for such assistance should be made in writing and addressed to the Director of the Human Rights Council and Treaty Mechanisms Division, copying the coordinator of the treaty body capacity-building programme and the Secretary of the Subcommittee.

## **Annex I**

### **List of officials and other persons with whom the Subcommittee met**

#### **Ministry of Foreign Affairs**

Piotr Wawrzyk, Undersecretary of State for Parliamentary, Legal and Treaty Affairs, the United Nations and Human Rights

Daria Wołosiuk, Deputy Director, Department of the United Nations and Human Rights

Karina Węgrzynowska, Department of the United Nations and Human Rights

Karolina Kasprzak, Department of the United Nations and Human Rights

Magdalena Smenda, Department of the United Nations and Human Rights

#### **Ministry of Justice**

Łukasz Piebiak, Undersecretary of State

Krzysztof Masło, Director of Department of International Cooperation and Human Rights

Paweł Kaczor, Department of International Cooperation and Human Rights

Piotr Charkiewicz, Department of International Cooperation and Human Rights

#### **Ministry of the Interior and Administration**

Renata Szczęch, Undersecretary of State

Dariusz Minkiewicz, Deputy Director, Department for Public Order

Marek Stodolny, Deputy Director, Department for Analysis and Migration Policy

Joanna Sosnowska, Department for Analysis and Migration Policy

Milena Tomczak, Department for Public Order

Joanna Długołęcka, Department for International Affairs

#### **Ministry of Health**

Dariusz Poznański, Deputy Director, Department for Public Health

Dagmara Lebiecka, Department for Public Health

#### **Ministry of Family, Labour and Social Policy**

Anna Prekurant, Department for Social Assistance and Integration

Zofia Puchlerska, Department for Social Assistance and Integration

Marzena Bartosiewicz, Department for Social Assistance and Integration

#### **Ministry of National Defence**

Aneta Ślusarczyk, Department for Military Foreign Affairs

Maria Derecka, Department for Military Foreign Affairs

### **Ministry of National Education**

Katarzyna Tyczka, Department for Inclusive Education

### **Bureau of the Commissioner for Patients' Rights**

Grzegorz Saj, Director, Department for Mental Health

Martyna Bagińska, Commissioner for Psychiatric Hospital Patients' Rights

Jarosław Malik, Commissioner for Psychiatric Hospital Patients' Rights

### **Central Board of Prison Service**

ppłk Zbigniew Gospodarowicz, Director of Defence Office

ppłk dr n. med. Alicja Kozłowska, Director of Health Care Office

plk Andrzej Leńczuk, Director of Prison Office

Piotr Gomułka, Prison Office

plk Roman Wiśniewski, Director of Information and Statistics Office

Michał Zoń, Director of Legal Office

mjr Anna Świtek-Bąk, Senior Specialist in the Office of General Director of Prison Service

### **Office for Foreigners**

Marlena Orzeł, Senior Specialist in the Department for Social Care

Agnieszka Iwaćkowska, Department for Refugee Proceedings

### **General Police Headquarters**

nadkom. Wiesław Pietrzak, Head of the Transport Division of the Prevention Office

kom. Anna Karpińska-Ciepieniak, Counsel in the Transport Division of the Prevention Office

### **Polish Border Guard Headquarters**

plk SG Andrzej Jakubaszek, Director of the Board for Foreigners

plk SG Tomasz Lipski, Representative for Human Rights Protection and Equal Treatment

ppłk SG Iwona Przybyłowicz, Counsel in the Board for Foreigners

### **Military Gendarmerie Headquarters**

Roman Wykurz, Head of Prevention Division

### **Regional Court**

Katarzyna Capałowska, Judge, VIII Criminal Division, Regional Court in Warsaw

Jana Kruckowska, Civil Department

President of the Regional Court for Wola and Warsaw

### **National Public Prosecutor's Office**

Grzegorz Kulon, Prosecutor

Krzysztof Lipiński, Prosecutor

Cezary Kłos, Prosecutor, Bureau of International Cooperation

### **National Preventive Mechanism, Office of the Commissioner for Human Rights**

Dr. Adam Bodnar, Commissioner for Human Rights

Dr. Hanna Machińska, Deputy Commissioner for Human Rights

Stanisław Trociuk, Deputy Commissioner for Human Rights

Przemysław Kazimierski, Head of National Preventive Mechanism

Justyna Józwiak, Senior Specialist

Marcin Kusy, Senior Specialist

Justyna Zarecka, Senior Adviser

Rafał Kulas, Senior Adviser

Klaudia Kamińska, Adviser

Tomasz Górecki, Adviser

Aleksandra Osińska, Adviser

Grażyna Kalisiewicz, Secretary

### **United Nations**

Office of the United Nations High Commissioner for Refugees Representation in Poland

### **Civil society**

Association for Legal Intervention

International Humanitarian Initiative Foundation

Helsinki Foundation for Human Rights

Polish Centre for Rehabilitation of Victims of Torture

Warsaw Bar Association

## **Annex II**

### **List of places of deprivation of liberty visited by the Subcommittee**

#### **Correctional institutions**

Płock Prison  
Wrocław Prison I  
Wronki Prison  
Kielce Remand Prison  
Krakow Remand Prison  
Piotrków Trybunalski Remand Prison  
Warszawa – Białołęka Remand Prison

#### **Police detention**

Regional Police Command (KRP), Warsaw II – KP Ursynów  
Regional Police Command (KRP), Warsaw IV, District Police Headquarters  
Regional Police Command (KRP), Warsaw VI, District Police Headquarters  
Regional Police Command (KRP), Warsaw VII, District Police Headquarters  
Regional Police Command (KRP), Warsaw VII, District Police Headquarters  
Regional Police Headquarters (KWP), Krakow  
District Police Command (KPP), Garwolin  
District Police Command (KPP), Otwock  
District Police Command (KPP), Piaseczno  
District Police Command (KPP), Sieradz  
Police Department (KP) Poznań – Nowe Miasto, Poznan  
City Police Command (KMP), Kalisz  
City Police Command (KMP) in Opole  
City Police Command (KMP) in Wrocław  
Police-operated detention facility for minors in Krakow  
Police-operated detention facility for minors in Warsaw

#### **Juveniles**

Youth correctional centre, Sadowice  
Youth correctional centre, Trzemesznie  
Institute of Psychiatry and Neurology, Forensic psychiatry unit, Warsaw  
National Centre for Juvenile Forensic Psychiatry, Garwolin

## **Annex III**

### **List of places of deprivation of liberty visited jointly by the national preventive mechanism and the Subcommittee**

Metropolitan Police Command (KSP) Wydz. Konwojowy, Warsaw

Regional Police Command (KRP), Warsaw I

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