

Marcin Kusy

Prepared on: 13 September 2012.

National Preventive Mechanism

Office of the Human Rights Defender

Ladies and Gentlemen,

In 2011, the National Preventive Mechanism carried out 89 preventive visits. Attention was paid mostly to detention rooms in Police organisational units (27 units). Unfortunately, due to the lack of statutory regulations on access to sensitive data, the team of the Mechanism ceased to visit psychiatric hospitals and social care centres (only 2 visits). Only in November 2011 was the Act on Human Rights Defender amended by adding the authorisation for the Mechanism to process personal data.

In the course of its activity the Mechanism identified important issues that require systemic changes, long-term actions or significant financial outlays on the part of the state. These are:

- > Overpopulation in penitentiary institutions – despite having curbed the overcrowding, heads of penitentiary units still face difficulties placing the prisoners. The lack of overcrowding is purely statistical, and the factual situation shows that this result has been achieved by applying many improper practices. Among others, recreation rooms, patient rooms, isolation rooms or transition rooms were used to accommodate persons deprived of liberty. Due to the fact that recreation rooms are used for accommodation purposes, the cultural and educational offer is limited;
- > Poor material conditions in Police units and penitentiary establishments (exposed sanitary areas, the need of immediate renovation due to humidity, mould, blocked ventilation systems or insufficient lighting);
- > The need to improve skills as regards interacting with detained minors on the part of some employees of establishments for juveniles. It is crucial that educators do not repeat the negative patterns characteristic of the juveniles' original environment

(unfortunately, such practices are still in place – e.g., punishment in the form of physical and verbal abuse or collective responsibility).

The activities taken by the Mechanism have brought about significant results:

- The first and foremost outcome is the raised awareness of the society and the management of the visited establishments as regards broadly understood protection of human rights and rights of persons deprived of their liberty. Year after year, both directors of the inspected units and their supervising ministries have become increasingly open to the recommendations of the Mechanism and willing to engage in a dialogue aimed at improving the situation of detained persons. The readiness to cooperate is demonstrated, among others, by the fact that representatives of the Mechanism are invited to conferences and meetings attended by persons working directly with detained persons. Such meetings provide an excellent occasion for presenting the activities taken by the Mechanism and the standards that the visited establishments should strive to achieve.
- The National Preventive Mechanism would also like to incite dialogue and discussion with persons responsible for the functioning of various places of detention in Poland. For instance, I would like to mention the meeting with the representatives of the Chief Police Headquarters aimed at elaborating a satisfactory solution to two issues: the presentation of rights available to detained persons and the prolonged detention of juveniles in Police emergency centres for children.
- In addition, preventive visits allow for noticing many other problems as regards the observance of the detained persons' rights. When these problems are exposed and defined, the Defender can address general motions to the relevant state bodies or apply to the Constitutional Tribunal for providing detained persons with effective legal protection.

You are kindly invited to acquaint yourselves with the contents of the report of the National Preventive Mechanism presenting results from visits carried out in 2011. The English version of the report can be found on tables in the hall, as well as on the English-language website of the Human Rights Defender, in the “National Preventive Mechanism” section.