

Marcin Kusy, specialist  
Office of the Human Rights Defender  
National Preventive Mechanism

**Ladies and Gentlemen,**

I would like to focus in my speech on recapitulating the implementation of the tasks of the National Preventive Mechanism by the Polish Human Rights Defender.

We are all aware that independent monitoring of places of detention is a key tool for guaranteeing the protection of detained persons against unacceptable treatment. The activity of national preventive mechanisms complements the measures taken by international organisations. Thanks to a dialogue with national authorities, the mechanisms have to a considerable extent contributed to the implementation of European and international standards.

It should be highlighted that the Mechanism is very important and much needed in Poland. The effective functioning of the National Preventive Mechanism allows each and every person to feel that they are living under the rule of law which ensures the protection of their dignity and human rights and freedoms.

The Polish National Preventive Mechanism frequently encountered situations having the potential to result in inhuman or degrading treatment or punishment.

For example, in one sobering station the representatives of the Mechanism had reservations about the rather aggressive way of walking an arrested person into the sobering station by the Police officers and of accompanying the person into the room by the station's personnel. During the check-in, the patient was thrown on the floor, undressed, pulled or even dragged into the room, where the person was kept without clothing. The representatives of the Mechanism found the behaviour recorded by the monitoring to constitute inhumane treatment.

In another case, it was found that a psychiatric hospital had two observation rooms with transparent walls resembling cages, which were used for, among others, applying direct coercive measures. The glass patient rooms and observation 'cages' raised serious doubts of the visiting employees since their use was against the obligation to safeguard the inherent and inalienable dignity of patients as human beings and to respect their right to privacy and protection of image.

I have cited only two examples of difficult situations encountered during visits under the Mechanism. The preventive visits allow to identify weak points in the functioning of certain institutions and of the system as a whole. Despite the fact that the Mechanism in Poland has only been functioning for 3.5 years, the measures taken have already produced significant results.

The first and foremost outcome of the Mechanism's operation in Poland is the raised awareness of the society and the management of the establishments visited as regards broadly understood protection of human rights and rights of persons deprived of their liberty. Year after year, both directors of the units inspected 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 the 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 under the Mechanism and the standards that the establishments visited should strive to achieve.

The National Preventive Mechanism also initiates a dialogue and discussion with persons responsible for the functioning of various places of detention in Poland. In addition, the preventive visits allow for noticing many other problems as regards the observance of the detained persons' rights. When these 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.

To sum up, I would like to encourage you to read the NPM's full report on the activities in 2010. You can find copies of the report lying on the tables in the hall. It is also available on-line, on English version of the Ombudsman's Office website ([www.rpo.gov.pl](http://www.rpo.gov.pl)), under National Preventive Mechanism. I hope it will serve as a source of valuable information.

Prepared on 26 September 2011