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National Preventive Mechanism

Ladies and Gentlemen,

In my speech I would like to sum up the National Preventive Mechanism tasks carried out in 2009 by the Human Rights Defender. The Polish Ombudsman fulfils this function since 18 January 2008. This year the second annual Report on the activities of the National Preventive Mechanism in Poland was published. The subject of today's panel is an occasion to present the basic points of the report.

The system of regular visits to places of detention is considered as one of the most effective measures for prevention of torture and other prohibited forms of treatment of detained persons. It supplements the court system, managed in this respect by the European Court of Human Rights in Strasbourg.

Between 18 January and 31 December 2009, the members of the National Preventive Mechanism carried out preventive visits in 106 various types of places of detention. The places were selected taking into account their type, size and location in the country. All available information on the problems of individual institutions was also taken into consideration.

It should be highlighted that no instances suggesting the use of torture were found in the territory of the Republic of Poland. In the detention places however there are situations that could be considered inhuman or degrading treatment or punishment.

Comments formulated after the inspection of penitentiary establishments concerned mainly the need to renovate living wards, furnish sanitary facility and to ensure intimacy to persons deprived of liberty. The prisons and pre-trial detention centres frequently had difficulties in recruiting doctors to work in the prison healthcare service. This situation, due to the growing number of cases lost before the

European Court of Human Rights, is of particular interest to the Human Rights Defender.

The evaluation of living conditions is related to the issue of overcrowding in penitentiary establishments. Entertainment rooms and infirmaries are adapted for living, and in individual cases even cells of disciplinary punishment of solitary confinement as well as cells for so called “dangerous” inmates. Additional places for inmates are obtained at the cost of a poor offer of cultural activities which could be attended by the majority of prisoners.

It should be underlined that the officers of the Prison Service generally treat the detained persons with respect for their human dignity. However, cases of charges of applying prohibited forms of treatment were reported.

For juvenile detention centres the most alarming fact was that unacceptable forms of punishment were imposed on minors that in some cases could be considered inhuman and degrading. Irregularities as regards placing minors in transition rooms were also common. In individual cases the charges of employing physical force against minors were brought against the employees of the establishments. The visits carried out under the National Preventive Mechanism to juvenile establishment revealed the need to take appropriate legislative action aimed at granting the minors specified rights. The majority of visited establishments were advised to display in a publicly accessible place the addresses of institutions that the minors could turn to should their rights be violated.

Irregularities in the functioning of rooms within the Police organisational units for detained persons were established as regards the obligation to inform the detainees about their rights. Moreover, the lack of the appropriate furnishing was frequently reported. It is worth noting however, that the detained persons generally did not raise charges against police officers with respect to their treatment.

Additionally, the irregularities occurred in the area of using direct coercive measures in psychiatric hospitals, social care centres and sobering stations.

As far as the future plans of the National Preventive Mechanism are concerned, it should be stressed that main objective is to complete the implementation of the Optional Protocol to the UN Convention against Torture. The 2009 experience proves

that the visits under the National Preventive Mechanism are important for prevention and should be intensified. It will be however possible only when the financial and human resources appropriate for the tasks are ensured. Additionally, in order to make the preventive visits be carried out on a regular basis to all kinds of detention places, it is necessary to separate the National Preventive Mechanism within the Office of the Human Rights Defender.

I also encourage you to read the entire "Report of the Human Rights Defender on the activities of the National Preventive Mechanism in Poland in 2009". The Report presents the conclusions from visits organised between 18 January and 31 December 2009, broken down by specific types of places of detention. Copies of the Report are on the tables in the hall. It is also available on the website of the Human Rights Defender (www.rpo.gov.pl) in the English language version, under the National Preventive Mechanism tab. I hope you will find it an interesting source of information.

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