

The Office of the Commissioner for Civil Rights Protection of the Republic of Poland
The Criminal Executive Law Department

**NATIONAL PREVENTIVE MECHANISM IN THE REPUBLIC OF POLAND
IN THE FIRST YEAR OF ACTIVITY**

Ladies and Gentlemen,

On 18th January 2008 the Justice Minister officially designated the Commissioner for Civil Rights Protection of the Republic of Poland as National Preventive Mechanism (hereinafter NPM). Poland was obligated to maintain, designate or establish it under the Article 17 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (hereinafter OPCAT). Therefore, I would like to present the first months of the activities of this quite new institution in Poland.

First of all, it must be indicated that acting by the Polish Ombudsman as National Preventive Mechanism guarantees functional independence as well as the independence of its personnel. The employed persons who conduct preventive visits have adequate qualifications and professional knowledge because the visits of places of isolation have been conducting since 1988, when the institution of Polish Ombudsman was created.

Within the Office of the Commissioner for Civil Rights Protection of the Republic of Poland the assignments of the National Preventive Mechanism are conducted by 3 Departments: The Criminal Executive Law Department, The Public Administration Issues, Healthcare and Protection of Aliens Department and The Rights of Soldiers and Public Officers Department. However, the coordination of the activities of National Preventive Mechanism belongs to the Criminal Executive Law Department. Also the biggest number of places of isolation should be visited by this Department.

The preventive visits of the National Preventive Mechanism are conducted by the interdisciplinary team with gender balance. Moreover, we aim to cooperate with physicians or other health professionals according to APT's recommendations. If it is only possible they take part in preventive visits. Since the beginning of the next year we will also more intensively engage the employees of the Local Departments of the Office of the Commissioner for Civil Rights Protection which are situated in Gdansk, Wroclaw and

Katowice. It is necessary to conduct the visits regularly and more often than it takes place at the moment.

From the beginning of 2008 the National Preventive Mechanism in Poland has conducted 57 visits in different places of isolation. Taking into account the definition of places of detention indicated in the Article 4 of the Optional Protocol, there are about 1000 places in Poland that should be visited by the National Preventive Mechanism. Therefore, we are aware that still we do not meet the obligations of OPCAT in this case and APT's recommendations. However, we are planning to change this situation next year by hiring additional personnel of the NPM.

At the moment, we conduct 3-4 preventive visits in a month in different places of isolation and different parts of Poland. After each visit we prepare the report and make recommendations to relevant authorities. Its aim is to improve the treatment and the conditions of persons deprived of their liberty. The National Preventive Mechanism in Poland takes into consideration the Principles relating to the status of national institutions for the promotion and protection of human rights.

What is important, Polish Ombudsman and the representatives of the Departments which conduct preventive visits meet every 3 months with the "Agreement for the implementation of OPCAT", that was created in Poland at the end of 2007. It consists of NGOs which deal with the protection of human rights and they support the National Preventive Mechanism in its activities.

Moreover, the first annual report of activities of the National Preventive Mechanism in 2008 will be published till the end of March 2009. It will be also sent to the Subcommittee on Prevention of Torture.

To sum up, I would like to inform you that the information about the National Preventive Mechanism in Poland are systematically published on the website www.rpo.gov.pl in the fold Activities – National Preventive Mechanism. Especially it is possible to find there the list of all the places of isolation visited by the National Preventive Mechanism.