

## **ADVANCE QUESTIONS TO POLAND (SECOND BATCH)**

### **CZECHIA**

- Could you provide information on the current status of the ratification process of the CED and the OP-CRC-CP both signed in 2013?
- How is ensured in practice the independent functioning of the Constitutional Court, free from political interference as a fundamental pillar of democracy, the rule of law and human rights protection?
- Does the Government consider revision of the Law on Prosecution of 28th January 2016 in order to separate again the functions of Prosecutor General and Minister of Justice?
- What specific legal provisions and measures are in place to prevent discrimination on the basis of sexual orientation and gender identity? Does the Government plan any legislative action in this regard?

### **SLOVENIA**

- What is your view on the expressed concern that so far, LGBTI persons and persons with disabilities had not been granted greater protection in the Polish anti-discrimination law?

### **SWITZERLAND**

- Far-reaching amendments to the Law on the Constitutional Tribunal have been enacted over the last months. These were analyzed by the Venice Commission of the Council of Europe and the United Nations' Human Rights Committee. In this context, what does the Polish government intent to do to ensure that the TC maintains its constitutionally defined role and is able to effectively adjudicate regarding the conformity of statutes and international agreements with the Constitution?
- The Code of Criminal Procedure and the Law on Prosecution have also been amended in a way that could jeopardize the protection of the right to a fair trial in criminal proceeding, the presumption of innocence and the right to defense. What is Poland undertaking to make sure that these amendments are in accordance with human rights norms and standards and that the rule of law is upheld?
- What safeguards have been introduced by the Polish authorities to guarantee the independence of public service media from political influence? How is the role of the National Broadcasting Council attributed by the Polish Constitution preserved in view of the broader reform of public service media that is currently underway?

### **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- What action is the Republic of Poland taking to ensure equal rights for women?

- What does the Republic of Poland plan to do to tackle discrimination on grounds of sexual orientation and gender identity, and will plans include allowing same-sex couples the right to register their relationships?
- How does the Republic of Poland plan to increase provision of support to victims of domestic violence and raise awareness of the issue?
- How does the Republic of Poland plan to ensure tolerance of diverse opinions, through safeguarding the independence of NGOs and the media?
- What action is the Republic of Poland taking to ensure the provision of comprehensive sexuality education in schools?

## **UNITED STATES OF AMERICA**

- The United States has expressed concern that recent changes to laws governing the procedures and composition of Poland's Constitutional Tribunal impair the Tribunal's independence and ability to function. More recently, the government has challenged the legitimacy of three justices appointed in 2010, preventing them from ruling on current cases, while another member of the Tribunal has been placed on long-term leave, preventing his participation in rulings. What steps is Poland taking to ensure the Tribunal can function unencumbered by government interference?
- The United States has expressed concern that criminal defamation laws in Poland restrict freedom of speech, including for the press, by discouraging speech, publications, and posting material on the internet critical of public officials. What protections will be provided to ensure that the draft legislation intended to criminalize the use of the (however incorrect) phrase "Polish Death Camps" and similar phrases does not restrict freedom of expression?
- Delays in the restitution of private property in Poland continue. No comprehensive law addresses the return of or compensation for private property for individuals. What is the government of Poland doing to make sure legitimate cases of restitution are adjudicated in a prompt and efficient way?
- Challenges posed by the arrival of increased numbers of migrants and refugees have often resulted in demonstrations against immigration with anti-Muslim and anti-Semitic messages. What steps is the government of Poland taking to ensure officials condemn hate speech and to help ensure civil society is educated about tolerance and improving interfaith relations?