




Permanent Mission
of the Republic of Poland
to the United Nations Office
at Geneva

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The Permanent Mission of the Republic of Poland to the United Nations Office at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights.

With reference to the joint communication sent by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on the right to privacy; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the human rights to safe drinking water and sanitation; and the Working Group on discrimination against women and girls of 26th of January 2021 the Permanent Mission of the Republic of Poland has the honour to transmit to the Office of the United Nations High Commissioner for Human Rights Poland's response to the questions posed in the abovementioned joint communication. Attachment enclosed.

The Permanent Mission of the Republic of Poland to the United Nations Office at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration. 

Geneva, 14 May 2021

**Office of the High Commissioner
for Human Rights
in Geneva**





Permanent Mission
of the Republic of Poland
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With reference to the joint communication from special procedures of the 26th of January 2021 (reference no AL POL 1/2021), the Republic of Poland hereby provides information on the questions contained therein.

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

Due to the suspension of the activities of the Embassy of the Republic of Poland in Damascus (it is temporarily based in Beirut) and, above all, the security situation in Syria, the possibility of ensuring consular assistance to Polish citizens residing in the region is extremely limited. We bring it to the attention and warn at the same time those who decide to stay in Syria or come to this country against recommendations of the Ministry of Foreign Affairs of the Republic of Poland.

The MFA monitors and analyzes the situation on an ongoing basis in terms of threats to the security of our citizens in the region. A warning campaign against traveling to countries where the security situation is the most difficult has been conducted for a long time.

For the few years now, we have the highest level (4. on a four-point scale) traveler warning for Syria:

“Due to the ongoing armed conflict and the total destabilization of the security situation, the Ministry of Foreign Affairs advises against all travel to Syria. Polish citizens who reside in this country should leave it immediately.”

The Ministry of Foreign Affairs is familiar with the case of two Polish citizens (an adult and a child) who are held in the Al-Hol camp. We acknowledge that in 2019 the family of a person staying in the camp came to the Ministry of Foreign Affairs. Nevertheless, the detainee did not contact the Ministry of Foreign Affairs directly seeking for help in organizing her return to Poland, nor did she request consular assistance in loco.

At this point, the situation around the Al-Hol camp, due to the complete destabilization of the security system in the region and the very difficult epidemiological situation caused by the COVID-19 pandemic, in fact makes it nearly impossible to provide consular assistance and consequently lead to the repatriation of our citizens. According to art. 35 of the Consular Law Act (Polish Journal of Laws of 2020, item 195, 1086), when planning possible consular activities, one should categorically take into account the element of threat to life or health.

- 2. Please provide any additional information and/or comment(s) you may have on the above-mentioned transfer of families to the newly extended camp in Roj and on the legal basis for their transfer and detention. Please provide any information you may have on the measures your Government has taken to maintain contact and ensure their well-being since the transfer.**

We have no information whatsoever on the transfer of our citizens to the Roj camp.

- 3. Please clarify whether your Government was informed about the registration, data-collection and relocation exercise and its purpose.**

The Government of Poland has not been informed about any actions whatsoever in order to register, collect data or relocate our citizens at any stage.

- 4. Please explain whether your Government has been informed by the authorities carrying out this exercise about the next step following their relocation to the other camp.**

As it was explicitly mentioned above, the authorities carrying out this exercise have not informed our government about any action undertaken in the camp.

- 5. Please explain whether your Government was in any way involved in requesting this exercise, or if the data collected or assessments made were communicated to your Government.**

The Government of the Republic of Poland was not involved in any way, nor was it informed about this exercise or its effects.

- 6. Please explain what data-protection measures are available in your national legal system to protect against the exploitation and use of such data collected, stored, and used by other State actors with whom data was shared as well as non-state actors against your national.**

In this regard, Poland complies with the EU mechanisms id est Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation; hereinafter GDPR).

The GDPR's primary aim is to give individuals control over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU.

- 7. Kindly also explain how the collection of biometric data has complied with medical ethics, the adequate provision of information and with people's right to informed consent.**

The Government of the Republic of Poland was not involved in personal data collection at the Al-Hol and Roj camps, nor did initiate such actions.

- 8. Please provide information on the actions taken by your government to protect the rights of children from your country being held in Al-Hol and Roj camps to prevent irreparable harm to their lives, health and security.**

As far as Polish authorities are concerned, there is only one Polish citizen with a child of unsettled citizenship status. So far that person did not report any situations in which the rights of this child could have been violated.

- 9. Please provide any information available on specific measures taken to protect women and girls against acts of gender-based violence they may face within the detention facilities and in the camps and to ensure their access to health services, specifically in relations to their reproductive health.**

Poland raised the issue of the living conditions in the Al-Hol camp among the EU Member states whose citizens are concerned at the EU Working Party on Consular Affairs assembly on the 23rd of October 2019 aiming to work on possible solutions for the citizens as well as to assess all the risks involved.

- 10. Please indicate the steps that your Excellency's Government has taken, or is considering to take, to ensure access to an effective remedy, including through domestic judicial mechanisms, for your nationals being held in Al-Hol and Roj camps who may be victims of human rights abuses, including trafficking in persons.**

Due to the suspension of the activities of the Embassy of the Republic of Poland in Damascus, and above all the security situation in Syria, the possibilities of providing consular assistance to Polish citizens residing in this region are very limited. We warn those who decide to stay in Syria or go to this country against recommendations of the Ministry of Foreign Affairs in this regard. In fact, we have no real possibilities to provide physical/remote help to the people detained in the camp.

- 11. Please provide any information you may have about the basis for the transfer of families from Al-Hol to Roj, and the measures your Government has taken to maintain contact and ensure that the rights of your citizens mentioned in this communication were respected in this exercise.**

Polish authorities were approached by and met with the family members of the one Polish citizen detained at Al-Hol camp upon their request. We were informed that most of the people detained are able to use mobile phones and remain in contact with their family members and other people, if willing to. This person has never directly contacted the Polish authorities, neither regarding her own well-being, nor her child's situation and status.

12. Please explain the measures that your government might have taken to ensure that the rights of your citizens mentioned in this communication were respected in this exercise.

We reiterate that our government has not been informed about any actions whatsoever in order to register, collect data or relocate our citizens at any stage. To our best knowledge our citizens were not relocated from Al-Hol camp. Providing consular assistance under the current security and epidemiological conditions is impossible without any hazard and harm to the consular officials health and well-being and would simultaneously violate our domestic provisions (art. 35 of the Consular Law Act (Polish Journal of Laws of 2020, item 195, 1086).