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HELSINKI FOUNDATION for HUMAN RIGHTS

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Warsaw, 30 August 2006

The Honorable
Marek Bieńkowski
Commander-in-Chief of the Police
148/150 Puławska Street
02-514 Warsaw

Dear Mr. Commander-in-Chief,

We have received information that in the course of custodial action minors have been detained at the Police Remand Home for Children in Opole, although according to legally binding regulations they can only be placed in an emergency shelter for children.

Detaining someone at the Police Remand Home for Children (PID) is considered a form of imprisonment, whereas international standards do not provide for imprisonment due to lack of guardianship. The amendment of the Act on proceedings in cases involving minors (UPN) of 2000 has ultimately lifted Art. 102 of UPN, which allowed for the possibility to place minors at the PID, although only in the event that it was not possible to place this child in an emergency shelter for children.

To us these types of practices are incomprehensible, and therefore we approach you, Mr. Commander-in-Chief, with a request to immediately restore the state of observance of the binding law at the Police Remand Home for Children in Opole. We also ask you to examine whether similar practices are not taking place at other PID-s.

The appendix includes a copy of the speech made by Prof. Adam Zieliński, former Ombudsman, which was reason for the regulations' amendment.

With kindest regards,

/ signature /

Marek Antoni Nowicki