

Legal Bulletin

CBOS: 40 pct of Poles for single-mandate constituencies

Two fifth of Poles (40 pct) support the introduction of single-mandates constituencies with only one sixth (16 pct) being for the maintenance of to-date proportional system of electing Sejm deputies, indicates a recent poll by CBOS. Nine percent said the nixed system would be the best solution. 21 percent of Poles said changes to the election law were not important to them and 14 percent had no opinion on the matter.

According to the poll the number of staunch advocates of single-mandates constituencies amounted to 34 pct of the pollees while 30 percent was "rather for" the solution. Negative opinions were issued by 3 pct of the pollees and 10 pct were „rather not" for it. 23 percent had problems with specifying their opinion on the issue.

Every second (51 pct) of the pollees opted for the liquidation of the Senate with 26 pct being firmly for and 26 pct „rather" for the liquidation. More than one fourth (27 pct) were against the liquidation of the upper chamber of the Polish parliament. 22 pct offered no opinion.

Eighty one percent of the pollees supported ther reduction of the number of Sejm deputies with 48 pct firmly supporting the solution and 33 „rather" supporting it. Against were two percent of the pollees, seven percent „rather" not supported it and for 10 pct the matter was unimportant.

Eighty seven percent of the pollees said Sejm deputies should not be protected by parliamentary immunity in certain situations. Nearly two third (62 pct) firmly supported the limitation of parliamentary immunity, 25 pct were „rather" for, two percent were against and one percent was „rather" against.

The CBOS poll show that one third of respondents (37 pct) were for amendments to the binding Constitution and 10 pct were against. One fifth (22 pct) had no opinion on the Constitution. The survey „Current Problems and Developments" was

Sejm and Senat for ratification of Lisbon Treaty

The Sejm and the Senate have agreed for the ratification of the Lisbon Treaty. Now the document has to be signed by the president.

Government draft amendment to law on public orders

The government has adopted an amendment to the law on public orders improving tender procedures, decreasing the number of rejected offers and annulled procedures in a move to adjust Polish regulations to the EU law.

Government okay ratification of Stockholm Convention

The government on Tuesday adopted a draft law on the ratification of the Stockholm Convention on persistent organic pollutants. The convention, signed in May 2001 took effect in 2004. The ministers decided that Poland met all necessary criteria.

Government adopts amendments to law on environment protection

The has adopted a draft amendment to the law on environment protection in a move to help finance the world conference on climate in Poznań from unused

run on March 7-10, 2008 on a representatives, random sample of 1,205 adult Poles.

Proposals of changes to the Penal Code

The Council of Ministers has adopted a draft amendment to the Penal Code in the part related to counteracting child pornography and Internet crimes.

The draft broadens the notion of pornography content by pornographic-in-nature computer pictures of virtual people including underage. The draft also envisages that a person sexually assaulted in childhood will have the opportunity to reveal the crime in five years after turning 18 (maturity age in Poland) which will result in penal proceedings.

Proposed were also other solutions helping counteract Internet crimes such as illegal Access to computer systems, illegal interference in said systems and data in computer systems as well as illegal access to information without breaking security systems or making difficult access to information in the computer.

Besides, the draft stipulates penalties and fines for residents of other EU countries.

In line with the draft law Polish court will be able to ask a EU state court where the convict resides for direct execution of binding court verdicts imposing i.e. fines in a move the prevent multiple sentences for a single crime.

Bodnar: law should guarantee more frequent child-parent contacts

Adam Bodnar of the Helsinki Human Rights Foundation (HFPC) believes that the need has arisen for legal solution allowing for effective execution of court rulings on child-parent contacts. Addressing a discussion organized by the foundation he said that a number of parents has problems with seeing their kids despite a binding court ruling allowing for contacts.

The discussion centred on type of solutions which could be applied to “2nd category parents,” the functioning of the system of executing court verdicts on contacts between a child and a parent.

environment protection funds. The 14th Conference of the Parties (COP 12) to the UN Framework Convention on Climate Change (UNFCCC) will be held in Poznań, western Poland, on December 1 and 12. Some 10-12 thousand delegates are expected to take part in it.

„This is a pressing problem and it affects fathers and mothers. It is all the more complex as it involved psychological factors as often parent do not get along. Bodnar cited one of the cases run by the foundation in which a defiant women deprived her child father of contact with the kid for five years.

The Polish legal system penalises contacts hindering, despite a binding court verdict with a fine. According to Bodnar this is ineffective all the mores o that court cases last long time. „There is a need to strengthen the protection of rights of parents who are unable to execute binding court verdicts and lose contact with a child as a result,” Bodnar said.

Michał Ziółkowski of HFPC unprecedented case programme said Polish complaints related to the execution of courts’ ruling concerning contacts with children are sent to the European Human Rights Tribunal in Strasburg and mostly focus on lengthy proceedings and ineffective verdicts’ execution system.

Former Ombudsman Professor Adam Zieliński of Warsaw Univeristy believes that the Polish law has measures allowing for effective verdicts’ execution but should be effectively used. . Judge Małgorzata Masiulanis, the inspector for family and underage in the district court in Warsaw believes that the present procedure of executing the verdict is too long and complicated and coercion measure are ineffective. Family law expert Attorney Anisa Gnacikowska of the Main Attorney Council said the way of executing verdicts on parents contacts with children falls short of reality.

„Procedures take too long, a fine is not a penalty that could force the observance of court verdicts. In practice everything depends on a parent granted the custody right, she said.