

**SECRETARIAT / SECRÉTARIAT**

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES



Contact: John Darcy  
Tel: 03 88 41 31 56

Date: 02/01/2019

**DH-DD(2019)1**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1340<sup>th</sup> meeting (March 2019) (DH)

Communication from the authorities (21/12/2018) in the case of GRABOWSKI v. Poland (Application No. 57722/12).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

\* \* \* \* \*

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1340<sup>e</sup> réunion (mars 2019) (DH)

Communication des autorités (21/12/2018) relative à l'affaire GRABOWSKI c. Pologne (requête n° 57722/12) **(Anglais uniquement)**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

---



Warsaw, 20 December 2018

**Republic of Poland  
Ministry  
of Foreign Affairs**

Plenipotentiary of the Minister  
of Foreign Affairs for cases and procedures  
before the European Court of Human Rights  
Agent for the Polish Government

DPOPC.432.151.2017 / 12

DGI

21 DEC. 2018

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**Mr Fredrik Sundberg  
Head of the Department  
for the Execution of Judgments  
of the European Court of Human Rights  
Council of Europe  
Strasbourg**

Dear Sir,

With reference to the 1310<sup>th</sup> CM-DH meeting (March 2018) and process of execution of the European Court of Human Rights' judgment of 30 June 2015 in the *Grabowski v. Poland* case (application no. 57722/12), I would like to present you the following information, in reply to the Committee's request to provide it with information on the progress achieved in the adoption of the relevant amendments to the Act on the Procedure in Juvenile Cases.

*The Team for analyzing the existing legal regulations in the matter of proceedings in juvenile cases, adjusting these regulations to the currently binding standards and developing new legal solutions, established within the Ministry of Justice to develop a new Act on the Procedure in Juvenile Cases, has concluded its work and prepared a draft Act on the Procedure in Juvenile Cases. Currently, the said draft is waiting to be included in the register of legislative activities of the Council of Ministers.*

The draft law provides for, inter alia, regulations concerning juveniles' placement and extension of stay in a juvenile shelter. The placement of a minor in a shelter shall be ordered by a court's reasoned decision. Such a decision shall also stipulate the duration of the juvenile's placement in the shelter, which shall not be longer than three months. The extension of the minor's stay in the shelter shall be possible only for a determined period, no longer than three months. The overall stay in the juvenile shelter, until the conclusion of the clarification proceedings (*postępowanie rozpoznawcze*), shall not exceed one year. In particularly justified cases, a regional court in whose jurisdiction a juvenile case is examined, will be able to extend the minor's stay in the shelter above one year – for a determined period, each time not longer than three months.

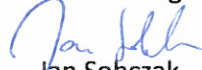
al. J. Ch. Szucha 23  
00-580 Warsaw

phone: +48 22 523 93 19  
fax: +48 22 523 88 06  
dpopc.sekretariat@msz.gov.pl

Furthermore, the draft law in question provides for an interlocutory appeal against the decision ordering placement of the juvenile in the juvenile shelter or extending his or her stay therein. Such an appeal shall be examined immediately.

Lastly, with regard to the draft amendment of the Juvenile Act prepared by the Senate of the Republic of Poland, which foresees a mandatory periodic review of the legitimacy of a minor's stay in a juvenile shelter, it should be noted that the legislative works in respect of that draft amendment are pending before the Sejm. The draft was sent to the Sejm on 18 April 2018, and on 8 May 2018 directed to the Sejm's Justice and Human Rights Commission for a first reading. On 3 August 2018 the Commission received the Government's opinion on the draft amendment, which was positive and recommended adoption of the proposed amendment.

With kindest regards,



Jan Sobczak

Government Agent