

Opening remarks by Ms. Grażyna Bernatowicz

Under-secretary of State at the Ministry of Foreign Affairs of the Republic of Poland

Human Rights Council – Universal Periodic Review of Poland

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Thank you, Madame/Mister President.

Excellencies, Ladies and Gentlemen,

1. First of all let me express, on behalf of the delegation of the Government of the Republic of Poland, my gratitude for the warm words of welcome. We are honoured to participate today in the Universal Periodic Review of Poland. Being among the first countries that undergo the review for the second time, we trust that this cycle will prove the real commitment of states to the implementation of recommendations received during the first cycle. Since 2008, the Polish Government has done its best to improve the situation of human rights by undertaking various activities, including adopting new legislation and launching a number of programmes and campaigns. We are sure that the process of follow-up to our review, that has been carried out over the recent years, has proved our continued commitment to the human rights agenda.
2. In preparation of the national report submitted to the Office of the High Commissioner for Human Rights, we have engaged in a wide-range consultation process, that included not only various governmental agencies, but also members of Polish Parliament and members of the civil society. They have been invited to present their views on the achievements but also on the challenges that Poland is facing in the field of human rights. We strived to reflect them all in our report.

Madame/Mister President,

3. I am pleased to inform you, that over the last four years Poland has made significant progress on the way towards adopting further international human rights instruments. The process of ratification of the UN Convention on the Rights of Persons with Disabilities is well advanced and it will have been finished by the end of 2012. Furthermore, the legislative works are ongoing so that Poland can sign the UN Convention for the Protection of All Persons From Enforced Disappearance this year. Also in the following months, we are going to withdraw the reservations to the Convention on the Rights of the Child, that were made by Poland on its ratification.
4. I would also like to take this opportunity, to reaffirm Poland's commitment to the cooperation with the Human Rights Council and all its mechanisms and instruments. We attach great importance to the functioning of Special Procedures and highly value

their work. Therefore, already in 2001 the Government of Poland has issued a standing invitation to all mandate holders of special procedures and since the first Universal Periodic Review of Poland, 3 special rapporteurs have responded to our invitation and visited our country.

Madame/Mister President,

5. Within Poland's human rights agenda, the rights of the members of the most vulnerable groups, including women, children and disabled, have been given the most attention.
6. With regard to children's rights, the amendment to the Prevention and Counteracting Domestic Violence Act, adopted on 10 June 2010, completely banned corporal punishment administered by persons who exercise parental authority or act as guardians or care for minors.
7. In order to promote women's participation in public life, quota system has been introduced in the electoral law. According to this amendment, neither the number of women candidates nor the number of male candidates, may not be less than **35%** of the total number of candidates on the ballots to municipal councils, poviats, voivodeship councils, the lower Chamber of the Parliament and to the European Parliament. If the quota is not met and the defect is not removed within a specified time, such ballot will not be registered.

To further promote gender equality and to improve the work-family life balance, the *Labour Code* was amended in 2010 to enable fathers, including adoptive fathers, to take paternity leave.

8. Numerous steps have been taken to enable disabled persons to fully participate in public and social life. In 2011, a law on sign language was enacted which guarantees deaf people the assistance of a free of charge sign language interpreter in contacts with, among others, public administration authorities and medical rescue units. Moreover, legal regulations were passed that ease the participation of persons with disability in democratic processes. Since 2010, disabled may vote through proxies, and since 2011, overlays on ballot cards in the Braille alphabet and a possibility for disabled persons to vote by post have been introduced.
9. In order to address the challenges in the field of human rights, including those reflected in recommendations received from the international monitoring bodies, the Polish Government has put particular emphasis on the following issues:
 - The improvement of prison and detention centers' conditions;
 - The decrease in length of court proceedings and pre-trial detentions;
 - The wide-range of human rights trainings to the law enforcement officers;
 - The fight with discrimination of minorities;

- The promotion of gender equality.

Madame/Mister President,

10. As our time is limited and I am not able to present all achievements in the field of human rights in Poland since 2008, at this point I would like to express gratitude to all the countries that have submitted advanced questions and give answers to some of them.
11. *The **United Kingdom** has asked about Government's activities to promote equality and inclusion for members of the underprivileged groups, including disabled and LGBT community.*

The Government Plenipotentiary for Equal Treatment, who coordinates the policy on equal treatment, including treatment on account of sexual orientation and disability, has been preparing in cooperation with all ministries and relevant offices, a National Action Plan for Equal Treatment for the years 2012-2017. The Plan includes a strategy, that sets goals and priorities regarding equal treatment in all spheres of social life, and indicates measures of counteracting intolerance based on sex, race, ethnic origin, nationality, religion, belief, disability, age and sexual orientation. Moreover, since 2011, the Plenipotentiary has been implementing a project called "Equal Treatment – a Standard of Good Governance" the purpose of which is to create a cohesive and effective system of counteracting discrimination on all grounds, at all levels of government administration. Within the framework of this programme, a national network of Coordinators for Equal Treatment in all ministries and certain public institutions has been created, comprehensive trainings on equal treatment and non-discrimination will be offered to public servants and public campaigns will be carried out to promote the equality and non-discrimination. The Plenipotentiary has also been preparing a series of trainings for the representatives of media – "Media of equal opportunities", co-financed by the European Union. Finally, Poland has engaged in a Council of Europe project "Fighting discrimination based on sexual orientation and gender identity", which will be implemented mainly in 2013.

12. ***Slovenia** has asked about the results of programmes that Poland has implemented in order to encourage participation of women in the labour market.*

The government gives priority to actions aimed at equalizing opportunities for men and women on the labour market. Particular emphasis has been put on the actions leading to an increase of labour market participation of women belonging to defavourized groups. Trainings, counseling and other types of assistance have been addressed to women returning to work after maternity or child care leaves, those whose professional skills are outdated or too low and to women over 50. Moreover, programmes supporting women's entrepreneurship, solutions for facilitating work-family balance, promoting active fatherhood lead to overcoming stereotypes in

perception of male and female roles in professional and social life. They result in increased economic empowerment of women and further reduction of difference in wages between men and women.

13. **Sweden and the United Kingdom** have put forward questions on measures taken by Poland to ensure that the current legal protection of children is commonly known and on measures taken to tackle domestic violence in Poland.

The greatest importance is attached to the protection of victims, especially children, on the one hand, and to the change of behaviours of perpetrators of violence, on the other. Extensive information campaigns, addressed to families and perpetrators of violence, include information on raising children without violence, consequences of domestic violence, ways of solving family problems. Corrective and educational programs are provided to perpetrators of violence, that include, i.a. issues of prohibited behaviours, identification of such behaviours, study on solving family problems without resorting to violence. Moreover, under the amendment to the Act on Countering Domestic Violence of June 2010, that introduced the ban on the use of corporal punishment of children, the Ombudsman for Children is obliged to submit to both chambers of the Parliament the report on the results of the act implementation. The Ombudsman has also been active in raising social awareness on corporal punishment, as an element of domestic violence. The Ombudsman was involved as co-organizer of campaigns such as "Corporal punishment is stupid", "Childhood without violence", "Bad touch", "Love don't hit", "Wise parents" and the Council of Europe's campaign "Raise your hand against smacking". It is also worth mentioning that the year 2012 is the Year of Janusz Korczak – Polish pre-war promoter of bringing up children without violence.

14. **Norway** has presented a question on measures taken to review the 1984 Press law in order to attune it to the new media reality.

The Ministry of Culture and National Heritage has been working on a project of amendment to the Press law, that includes a number of postulates put forward by the journalists, aiming at adjusting the law to the new media reality. The amendment includes i.a. an update in nomenclature, as well as a reduction in possible penal sanctions for chief editors and journalists. Also provisions on rights and obligations of journalists are to be specified, in order to adjust them to the new socio-economic circumstances. For example, journalists will be given more freedom in exercising their right to open and reliable public debate.

15. **Slovenia** has also asked about the human rights trainings for the police and their evaluation.

I would like to underscore, that even though the exact direct effects of those trainings have not been measured, indirectly they are reflected by social perception of the

police – and the rate of public trust towards the police has reached 70%.

16. *The **United Kingdom** has also put forward a question on steps that are being taken to counteract extensive pre-trial detentions and overcrowding of prisons.*

Indeed, at the beginning of 2010, the number of imprisoned persons exceeded the number of available places in detention facilities. However, as a result of the government's actions, the number of imprisoned has been constantly dropping, down to 95% of the capacities used. The reduction in overcrowding has been achieved partly as a result of wider application of alternative punishment, in particular of the electronic surveillance system. At the end of April 2012, the latter method of punishment has been applied to over 7000 of convicted persons. Poland comes second in Europe (after the UK) when it comes to number of people serving their sentence under electronic surveillance system.

17. ***Norway** has also asked what measures are being taken to review art.212 of the Polish Penal Code that criminalizes libel and slander.*

I would like to inform you, that possible penal sanctions for libel or slander have already been reduced in June 2010.

18. ***Norway, Sweden and Slovenia** have asked questions about women's access to sexual and reproductive rights. With regard to this issue, in recent years Poland has introduced a new right of the patient – the right to object to the doctor's opinion or judgment, if the opinion or judgment affects the patient's rights or obligations. The objection may be made to a special Medical Board within 30 days from the date the opinion or judgment was issued by a physician. Commission's task is to examine the merits of the opposition. Furthermore, when a doctor refuses to perform a procedure invoking the conscience clause, he or she is obliged to indicate the possibility of performing the procedure with another doctor or therapeutic entity, as well as to justify and record this fact in the medical documentation.*

Moreover, when it comes to penal sanctions for illegal termination of pregnancy, it is worth noting, that the Penal Code does not envisage any sanctions for women who have undergone this type of procedure. Such a legal solution protects women and helps avoid situations when women, out of fear of punishment, would be unwilling to search for professional medical health care at a hospital. Now women, who have illegally terminated pregnancy, are offered medical and psychological help.

19. ***Norway** has also asked about measures that are being taken in order for Poland to ratify Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms on Discrimination.*

The Polish Constitution in its Article 32 stipulates, that all persons are equal before

the law and all persons have the right to equal treatment by public authorities. As a result no one can be discriminated against in political, social or economic life for any reason whatsoever.

Protocol 12 touches upon many thematic issues, therefore more time is necessary for the Government of Poland to proceed with inter-ministerial consultations and to conclude whether Poland can accede to the Protocol.

20. We are looking forward to the interactive dialogue with interested delegations within this session of the working group on the Universal Periodic Review. We will do our utmost to respond to the remaining advanced questions as well as to the questions that are yet going to be posed by distinguished Members and Observers of the Human Rights Council during this meeting. However, we intend to communicate our detailed position on all recommendations received at this meeting after intergovernmental consultations, before the September session of the Human Rights Council.