



# General Assembly

Distr.: General  
7 September 2012

Original: English

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## Human Rights Council

Twenty-first session

Agenda item 6

Universal Periodic Review

### Report of the Working Group on the Universal Periodic Review\*

#### Poland

Addendum

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

Poland welcomes the recommendations made in the course of its UPR on 30 May 2012 and after careful consideration, is pleased to provide the following decisions, as well as some comments, to be included in the outcome report:

- 90.1. Accepted; the Polish Government is currently reviewing the legislation with a view to signing the Convention for the Protection of all Persons from Enforced Disappearance;
- 90.2. Partially accepted; Poland is going to finish shortly the ratification of the Convention on the Rights of Persons with Disabilities; once CRPD has been ratified, the Optional Protocol will be examined with a view to possible signature and ratification in due course;
- 90.3. Accepted;
- 90.4. At this point in time, the Polish Government cannot make a definitive statement on this recommendation; possible signature and ratification of the Protocol to the Covenant on Economic, Social and Cultural Rights will be examined in due course;
- 90.5. Accepted;
- 90.6. Accepted;
- 90.7. Partially accepted (see recommendation 2);
- 90.8. Accepted;
- 90.9. Accepted;
- 90.10. Not accepted; There are no immediate plans for Poland to ratify the Convention on the Protection of the Rights of all the Migrant Workers and their Families; however, the Polish Government remains fully committed to the protection of rights of members of all vulnerable groups, including migrants;
- 90.11. Not accepted (see recommendation 10);
- 90.12. Not accepted (see recommendation 10);
- 90.13. Not accepted (see recommendation 10);
- 90.14. Accepted; Poland is going to review its legislation with a view to examining its compliance with the provisions of the Convention and considering its ratification;
- 90.15. Not accepted (see recommendation 10);
- 90.16. Accepted;
- 90.17. Accepted;
- 90.18. Accepted;
- 90.19. At this point in time, the Polish Government cannot make a definitive statement on this recommendation; Poland will examine the Optional Protocol to the CRPD with a view to possible signature and ratification in due course;
- 90.20. Accepted;
- 90.21. Accepted;
- 90.22. Accepted;
- 90.23. Accepted;

- 90.24. Accepted;
- 90.25. Accepted;
- 90.26. Partially accepted; Poland ratified the Rome Statute of the International Criminal Court in 2001, having amended the Polish Penal Code (which penalizes in its article 117 the crime of aggression, including its planning, preparing, initiating or executing); Poland took part in the Kampala Review Conference in 2010 and is going to examine the possible ratification of the Kampala Amendment;
- 90.27. Accepted;
- 90.28. Accepted;
- 90.29. Accepted;
- 90.30. Accepted, in the course of implementation;
- 90.31. Accepted;
- 90.32. Accepted;
- 90.33. Accepted;
- 90.34. Accepted;
- 90.35. Accepted;
- 90.36. Not accepted (see recommendation 10);
- 90.37. Accepted, in the course of implementation;
- 90.38. Accepted, in the course of implementation;
- 90.39. Accepted;
- 90.40. Accepted;
- 90.41. Accepted, in the course of implementation;
- 90.42. Accepted, already implemented; Poland has issued a standing invitation to all UN special mechanisms and being fully committed to the promotion and protection of human rights has always highly valued and appreciated the work of the special procedures' mandate holders; thus we are ready to respond positively to any visit request from the special procedures;
- 90.43. Accepted, already implemented;
- 90.44. Accepted, in the course of implementation;
- 90.45. Accepted;
- 90.46. Accepted;
- 90.47. Accepted;
- 90.48. Accepted;
- 90.49. Accepted, in the course of implementation;
- 90.50. Accepted;
- 90.51. Accepted, in the course of implementation;
- 90.52. Accepted, already implemented;
- 90.53. Accepted;

- 90.54. Accepted;
- 90.55. Accepted, in the course of implementation;
- 90.56. Accepted;
- 90.57. Accepted, in the course of implementation;
- 90.58. Accepted, in the course of implementation;
- 90.59. Accepted, in the course of implementation;
- 90.60. Accepted, in the course of implementation;
- 90.61. Accepted;
- 90.62. Accepted;
- 90.63. Accepted;
- 90.64. Accepted;
- 90.65. Accepted;
- 90.66. Accepted;
- 90.67. Accepted, in the course of implementation;
- 90.68. Accepted;
- 90.69. Partially accepted; in 2011 and 2012 five projects of a new law on civil union contracts were put forward by the group of parliament members; however, the Government has not yet expressed its opinion on the projects;
- 90.70. Accepted;
- 90.71. Accepted, in the course of implementation;
- 90.72. Accepted, already implemented;
- 90.73. Accepted, in the course of implementation;
- 90.74. Accepted, in the course of implementation;
- 90.75. Accepted;
- 90.76. Accepted, in the course of implementation;
- 90.77. Accepted;
- 90.78. Accepted;
- 90.79. Accepted;
- 90.80. Accepted;
- 90.81. Accepted, in the course of implementation;
- 90.82. Accepted;
- 90.83. Accepted; the Government of Poland is particularly committed to the protection of rights of members of the most vulnerable groups of the society, including children; specific provisions protecting children are included in Polish legislation, for example in Penal Code;
- 90.84. Accepted;

- 90.85. Accepted, already implemented; the provisions regarding child prostitution, child pornography and sale of children are already included in the Polish Penal Code;
- 90.86. Partially accepted; the first part of the recommendation is considered to be already implemented (see recommendation 83 and 85);
- 90.87. Accepted;
- 90.88. Accepted;
- 90.89. Accepted;
- 90.90. Accepted;
- 90.91. Accepted, in the course of implementation;
- 90.92. Accepted;
- 90.93. Accepted;
- 90.94. Accepted;
- 90.95. Accepted;
- 90.96. Accepted, already implemented;
- 90.97. Partially accepted (see recommendation 69);
- 90.98. Accepted;
- 90.99. Accepted;
- 90.100. Partially accepted; The legal analyses have shown, that complete decriminalization of defamation and the removal of the art. 212 from the Polish Penal Code would be unjustified, as the responsibility of the state to respect the privacy of the citizens comprises also taking active measures to protect their privacy from the actions of third party. In cases of particularly drastic slander made in bad faith, penal sanctions are necessary to protect the dignity of the aggrieved person; However, amendments to article 212 were introduced already in 2010, with a view to liberalization of the sanctions and extending the number of circumstances excluding the legal responsibility under art. 212;
- 90.101. Accepted;
- 90.102. Accepted;
- 90.103. Accepted;
- 90.104. Accepted;
- 90.105. Accepted, in the course of implementation;
- 90.106. Accepted, already implemented;
- 90.107. Accepted, already implemented;
- 90.108. Accepted, already implemented;
- 90.109. Accepted, already implemented;
- 90.110. Accepted;
- 90.111. Accepted, in the course of implementation;
- 90.112. Accepted;

- 90.113. Accepted, in the course of implementation;
- 90.114. Accepted;
- 90.115. Accepted, in the course of implementation;
- 90.116. Partially accepted; Polish educational system guarantees full access to public education to Roma children; if necessary, additional, cost-free classes are organized in Polish language and other subjects for all children who need further help; moreover, schools can employ the so called “mediators for Roma education”, who facilitate the communication between the school and the parents of the Roma children, as well as employ teachers trained to work with multicultural children; the multiannual governmental programme for Roma community in Poland guarantees also help to Roma children offering free handbooks, grants and pre-school education. Although it is legally and technically possible to introduce bilingual education for Roma children, the Roma living in Poland do not want to enjoy this right, as their cultural system forbids them to teach the Roma language outside their communities;
- 90.117. Accepted, in the course of implementation;
- 90.118. Partially accepted; an amendment to the Law on Foreigners is being prepared in order to introduce a ban on detaining children under 13 in closed facilities; however, it is going to be applied only to children seeking to receive the status of refugees; a complete ban on placing minors and their guardians in closed facilities could lead to negative trend of using children by adults for migratory purposes as a safeguard against being placed in closed facilities;
- 90.119. Accepted, in the course of implementation;
- 90.120. Accepted, already implemented;
- 90.121. Partially accepted (see recommendation 118);
- 90.122. Accepted, in the course of implementation;
- 90.123. Partially accepted, in the course of implementation; full transparency with regard to the investigation is impossible due to the protection of classified data;
- 90.124. Accepted, in the course of implementation.
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