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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 9 March 2010 from the Permanent Mission of Poland to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Poland to the United Nations presents its compliments to the President of the sixty-fourth session of the United Nations General Assembly and, regarding the decision by the Government of Poland to present its candidature to the Human Rights Council at the elections to be held in May 2010, in accordance with General Assembly resolution 60/251, adopted by the General Assembly on 15 March 2006, has the honour to enclose an aide-mémoire on the pledges and commitments of Poland in the field of human rights (see annex).

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Annex to the note verbale dated 9 March 2010 from the Permanent Mission of Poland to the United Nations addressed to the President of the General Assembly

[Original: English, French and Spanish]

Candidacy of the Republic of Poland to the United Nations Human Rights Council for the period 2010-2013

Voluntary pledges and commitments on human rights, in accordance with General Assembly resolution 60/251

1. Poland is firmly committed to the promotion and protection of human rights and fundamental freedoms, both in domestic and foreign policy. Respect for and observance of all human rights is a guiding principle of all activities conducted by the Government of Poland. We also believe that the effective protection and promotion of human rights is not fully achievable without enhanced international cooperation.

2. The standards of protection of human rights and fundamental freedoms are set out in the Constitution of the Republic of Poland of 2 April 1997. They reflect the regulations incorporated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, referred to as the International Bill of Human Rights.

3. The Constitution (chap. II, “The Freedoms, Rights and Obligations of Persons and Citizens”) enumerates the individual, political, economic, social and cultural freedoms and rights, and specifies measures needed for their protection. According to article 91 of the Constitution, international agreements ratified by the Republic of Poland, upon their publication in the Journal of Laws, are part of the domestic legal order and shall be applied directly, unless their application depends on the enactment of a statute. In addition, an international agreement ratified upon prior consent granted by statute takes precedence over statutes if such an agreement cannot be reconciled with statutes.

4. The Commissioner for Civil Rights Protection (Ombudsman) is a constitutional body established in 1987 to safeguard the human and civil rights and freedoms and to investigate potential infringement of the law, community life and social justice standards. The Commission for Civil Rights Protection meets the requirements elaborated in the Paris Principles.

5. The constitutional body responsible for the protection of the rights of the child is the Commissioner for Children’s Rights, established by article 72, section 4, of the Constitution. The competence and procedure for appointment of the Commissioner for Children’s Rights is specified by statute of 6 January 2000.

International activity and human rights commitments

6. Poland is a State party to the core international human rights instruments and their optional protocols.[1] Poland attaches great importance to full cooperation with the treaty bodies by submitting national reports and striving to implement adopted recommendations. In 2009, the relevant treaty bodies examined Polish reports on the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Optional Protocols to the Convention on the Rights of the Child (CRC-OPAC, CRC-OPSC).

7. Poland recognizes the competence of the treaty bodies to receive and examine complaints by individual entities against violations of the relevant human rights instruments. This applies to the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women.

8. Poland is deeply devoted to the promotion and protection of human rights worldwide and firmly believes that civil, political, economic, social and cultural rights are universal, indivisible, interrelated, interdependent and mutually reinforcing.

9. Poland served as a founding member of the Human Rights Council from 2006 until 2007 and actively participated in the discussions on institutional building (IB) of the Council. Poland is convinced that the Council should become a more effective and credible intergovernmental forum whose mission is to strengthen the promotion and protection of human rights in the world. In order to achieve this goal, Poland is ready to cooperate constructively with countries from all regions, both within the Council and the Third Committee of the General Assembly. In this spirit, Poland will continue its engagement in the promotion of the good-governance concept, on the basis of a cross-regional resolution entitled “The role of good governance in the promotion and protection of human rights”. Poland is also committed to active participation in the 2011 review of the Human Rights Council.

10. Poland voluntarily submitted itself to the procedure of the universal periodic review (UPR) during its first session in 2008, and will continue to be actively involved in UPR debates and interactive dialogues on human rights issues.

11. Poland is committed to support the efforts of the Office of the United Nations High Commissioner for Human Rights to promote human rights around the world and is in favour of enhancing its effectiveness and independence.

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[1] International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1969), International Covenant on Civil and Political Rights (ICCPR, 1977), International Covenant on Economic, Social and Cultural Rights (ICESCR, 1977), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1981), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1989), Convention on the Rights of the Child (CRC, 1991), Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1, 1992), Optional Protocol to the Convention on the Elimination of Discrimination against Women (OP-CEDAW, 2004), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC, 2005), Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC, 2005), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT, 2006).

12. Poland has issued a standing invitation to all United Nations Special Procedures mandate holders. Accordingly, Poland has continued its cooperation with the United Nations special procedures by receiving visits, replying to communications and following up their recommendations. In 2009 alone Poland hosted the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on trafficking in persons, especially women and children.

13. Poland contributes to the advancement of human rights and democratic values at the interregional level through participation in the works of the Alliance of Civilizations and the Community of Democracies. The Permanent Secretariat of the latter has functioned in Warsaw since 2008.

14. Poland is also committed to the promotion and protection of human rights through regional organizations, including the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. Poland hosts the annual "Human Dimension Implementation Meetings", organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) based in Warsaw. As a member of the Council of Europe, Poland has been bound since 1993 by the Convention for the Protection of Human Rights and Fundamental Freedoms and has recognized the competence of the European Court of Human Rights to consider individual complaints against violations of the Convention. Poland also actively cooperates with the Commissioner for Human Rights of the Council of Europe.

15. The programme of Polish development assistance provides both for economic and social development of the beneficiary countries and also for the promotion of human rights, democracy and the civil society. In 2008, Poland allocated USD 372 million for development assistance. Last year that amount increased to USD 589 million. Poland is committed to the expansion of its development assistance in the coming years.

16. Poland signed the United Nations Convention on the Rights of Persons with Disabilities on 30 March 2007 and will move to ratify the Convention as soon as the necessary amendments are introduced to domestic legislation and ratification procedures are fulfilled.

17. Poland is committed to continue cooperation with United Nations human rights bodies mandated to receive individual complaints against violations of the respective core international human rights instruments. Such cooperation will consist, in particular, in the establishment of an effective mechanism for the implementation of the views of the respective committees.[2]

18. Poland is also committed to further work towards the implementation of the Durban Declaration and the Programme of Action (Durban I), as well as the Outcome Document of the Durban Review Conference adopted in Geneva in April 2009.

19. Poland will continue to support the activity of international bodies devoted to the promotion and protection of human rights by making voluntary financial contributions to them. In 2009, Poland made voluntary contributions, inter alia, to the Office of the High Commissioner for Human Rights (OHCHR), to the United

[2] Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture.

Nations Joint Programme on HIV/AIDS (UNAIDS), and to the International Committee of the Red Cross (ICRC).

20. Poland is also a contributor to the United Nations Democracy Fund (UNDEF), which seeks to strengthen the voice of civil society and expand democracy worldwide. In January 2010 Poland became a member of the UNDEF Advisory Board for a two-year term.

Internal action and commitments

21. In order to upgrade the coordination of efforts to ensure equal treatment and to counter discrimination for reasons of sex, race, ethnic origin, nationality, religion, political views or sexual orientation, the Office of the Government Plenipotentiary for Equal Treatment was established in 2008.

22. Poland will strengthen statutory regulations concerning equal treatment through systemic projects designed to improve the situation of women in the labour market and to introduce mechanisms facilitating the reconciliation of vocational activity and family life. Furthermore, Poland will intensify efforts to improve the situation of persons with disabilities by creating mechanisms facilitating the full participation of such persons in social life and ensuring their equal access to public services.

23. Building on experience gained in the process of implementing the national programme against racial discrimination, xenophobia and related intolerance (2004-2009), Poland is committed to continuing the implementation of a comprehensive plan of action for the coming years. Its priorities include integration of the Roma minority and anti-racist education of young people (i.a., in connection with preparations for EURO 2012 in Poland and Ukraine).

24. Poland will implement measures to ensure equal access of children to education. Assistance with the development of children is one of the priorities of the educational policy. It is implemented, among others, through broader preschool education and the lowering of the school age.

25. Poland is committed to the elevation of human rights standards by developing the national network of support for crime victims, the provision of free legal and psychological aid, the development of uniform standards of treatment of victims and training for law enforcement officers and members of the judiciary and social services to improve their professional skills. With a view to the above, in 2009 the Ministry of Justice established a Department for Human Rights, whose tasks include assistance to crime victims and coordination of aid for such persons.

26. Poland will campaign against domestic violence by ensuring effective legal protection and other countermeasures. This will be achieved by amending the act on countering domestic violence with provisions on assistance to victims, banning corporal punishment and training social workers.