

**Universal Periodic Review  
(13<sup>th</sup> session, 21 May - 1 June 2012)**

**Contribution of UNESCO**

**POLAND**

**I. Background and framework:**

**1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

**A. Table**

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	15/09/1964	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	Not ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	29/06/1976			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	16/05/2011			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	17/08/2007			Right to take part in cultural life

## **II. Promotion and protection of human rights on the ground**

### **1. Right to education<sup>1</sup>**

#### **A. Normative Framework**

##### **i. Constitutional framework**

1. The Constitution of Poland of 1997 enshrines the right to education in its Article 70 as well as in article 35 (rights of minorities) and in article 53 (religious education and freedom of parents).

##### **ii. Legislative framework**

2. The basic principles of the Polish education system are included in the *School Education Act of 7 September 1991*.

3. The *Act of 25 July 1998 amending the School Education Act of 1991*, establishes compulsory education until the age of 18.

4. The *new Act on the Implementation of the Education System reform of 8 January 1999* provides for the introduction of the new structure of the school system.

5. The new *Law on higher Education of 27 July 2005* applies to public and private higher education institutions (non-university institutions and universities) and provides a basis for the implementation of the three-cycle structure of degree programmes on line with the Bologna process.

6. As regards rights of minorities and language rights, the *Law on National and Ethnic Minorities and on Regional Language* has been adopted in 2005. In *Chapter 3 on Education and culture, Article 17* mentions that "The exercise of the right of persons belonging to the minority to learn or to be instructed in the minority language, and also the right of these persons to education of the minority history and culture shall be performed in accordance with the principles and procedures specified in the Act of 7 September 1991 on the system of education."

#### **B. Policy measures**

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##### <sup>1</sup> Sources:

- Constitution of Poland of 1997: <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>
- World Data on Education, sixth edition, 2006-07, [http://www.ibe.unesco.org/fileadmin/user\\_upload/archive/Countries/WDE/2006/CENTRAL\\_and\\_EASTER\\_N\\_EUROPE/Poland/Poland.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/CENTRAL_and_EASTER_N_EUROPE/Poland/Poland.pdf)
- Eurydice, Structure of education and training system in Europe, Poland, 2009/10, [http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/structures/041\\_PL\\_EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/structures/041_PL_EN.pdf)
- National report submitted to UNESCO in 2009 within the framework of the fourth consultation of Member States on the measures taken for the implementation of the UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974) (covering the period 2005-2008).

7. The *Initial Draft of the National Development Plan for the years 2007-2013* points out three areas for activities related to the priority of "Knowledge and competencies":

- a. Better access to education;
- b. Support to openness of the youth information system;
- c. Training and in-service training of persons working with youth.

**i. Education of Human Rights**

8. Poland is involved into the incorporation of human rights issues into the *New Core Curricula for General Education*. Moreover a Committee for the European Year of Citizenship Education was set up and a website [www.polska-izrael.edu.pl](http://www.polska-izrael.edu.pl) has been created.

9. In the years 2006 – 2008 in many educational projects, a greater attention was focused on the themes of cultural, ethnic and religious diversity and the rights of minorities, tolerance. By creating new educational materials and establishing e-learning platform it is intended to deliver new ideas about ways of sharing knowledge about human rights in Polish schools.

10. The works on the government's program project *Safe and Friendly School*, started in December 2007, focused on the social dimension of the school climate that plays an important role in the improvement of the safety in schools through, among others, increasing the autonomy of students in schools. Issues related to the human rights education will surely be an important part of it. The program was approved by the Council of Ministries in August 2008 and since then it has been implemented due to the cooperation of Ministry of Justice, Ministry of National Education, Ministry of Labour and Social Affairs, Ministry of Health, local authorities, science and research institutions, youth organizations and associations, etc.

11. In 2008, a budget of about 51.100.000 PLN was allocated for the realization of Safe and Friendly School program.

**C. Cooperation**

12. Poland did not report to UNESCO within the framework of the seventh consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2000-2005).

13. Poland reported to UNESCO in 2009 within the framework of the fourth consultation of Member States on the measures taken for the implementation of the *UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms* (1974) (covering the period 2005-2008).

**2. Right to take part in cultural life<sup>2</sup>**

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<sup>2</sup> Sources : <http://culturalpolicies.net>

## **A. Normative Framework**

### **i. Constitutional framework**

14. The constitution of the Republic of Poland, as adopted on 2 April 1997 recognizes the right to take part in cultural life (Art. 6, and especially Art. 73 “The freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone.”).

### **ii. Legislative framework**

15. This includes the Act on the Protection of Monuments and the Guardianship of Monuments, ensuring legal, organizational, and financial conditions of protection and maintenance on national and regional levels as well as by site owners.

## **B. Institutional framework**

16. The Ministry of Culture is the main responsible entity. The National Centres for Culture and for Historical Monument Studies and Documentation and the Voivodeship (regional) Monument Protection Offices are responsible for inventories, conservation, investigation and dissemination of knowledge on cultural heritage. Heritage conservation is institutionally integrated.

17. Concerning the 2005 Convention on the Protection and Promotion of the diversity of Cultural Expressions, Poland has designated a point of contact to be responsible for sharing information on the Convention and promoting it within its territory. In addition to acting as communication channels through which this information can be disseminated to relevant Ministries and public agencies, the point of contact can also respond to queries about the Convention from the general public.

## **C. Policy measures**

18. Among the most important governmental strategic policy documents and established structures is the National Culture Development Strategy Supplement for 2004-2020, which is the main cultural policy framework.

19. Since 2006, Poland has embarked into designing new cultural policy priorities to promote “creativity through support to artists and students”, make “capital investments in cultural Infrastructure”, promote “Polish culture abroad”, “local Initiatives and creative activities”, as well as “improve reading habits, increase access to library collections, support for publishing houses and book distribution networks, translations of works etc.” Those policy measures support the implementation of the 2005 Convention on the protection and promotion of the diversity of cultural expressions.

## **D. Cooperation**

20. Poland concluded several bilateral and multilateral agreements with neighbouring countries, including a new agreement to be signed with Belarus, and as such cooperates actively in heritage safeguarding initiatives in the region. It participates in and hosts numerous international training courses and seminars. Polish experts are

active among the networks of European professionals.

**E. Work with civil society**

21. Civil society organizations, the private sector, local communities, individuals and NGOs are involved in the cultural life of Poland and are increasingly active and engaged, undertaking initiatives that support the implementation of the three major cultural conventions of UNESCO, thereby supporting their principles.

**F. Achievements, best practices, challenges and constraints**

22. Poland served on the World Heritage Committee from 1976 to 1978. The Increased interest and awareness of the society on the importance of heritage values has brought additional funds for their protection against the pressures of development.

23. However, the growth of tourism remains a threat to heritage. Educational programs should be enhanced and are insufficiently coordinated.

**G. Capacity-building and technical assistance provided and/or recommended by UNESCO**

24. Poland cooperates actively with UNESCO, which supports the organization of seminars and expert meetings and facilitates restoration, safeguarding, management, promotional and awareness-raising activities.

**3. Freedom of opinion and expression**

**A. Achievements, best practices, challenges and constraints**

**i. Legislative framework**

25. The Polish constitution guarantees freedom of the press and prohibits both preventive censorship and licensing requirements for the press. It also proclaims that the main task of the National Broadcasting Council (KRRiT) is to safeguard the freedom of speech, the right to information and the public interest in radio and TV.

26. However, defamation law is still under Poland's Criminal Code and, crucially, it is still employed. This may result in journalistic self-censorship.

27. In December 2010, the Polish Supreme Court decided that all electronic press in Poland must be registered. The Court also decided that media that publish stories before cited sources have had a chance to reread them will be liable for fines, in October 2008.

28. The National Broadcasting Council also has the power to impose fines on broadcasters. However, the criteria for penalties are not clearly spelt out, which may cause irregularity in procedure.

29. The politicization of the National Broadcasting Council has been cause for concern. Its extensive competences — especially direct nominations of Supervisory Councils of public radio and TV — allow the governing forces significant influence over audiovisual media.

30. Defamation is judged by using the criminal law

**ii. Media Self-regulatory System**

31. The Polish Chamber of Press Publishers (IWP) along with the two biggest professional journalism organisations, formulated their own codes of professional ethics and established a system of interior courts. The Press Freedom Monitoring Centre reports cases in which media freedom has been violated in Poland.

32. Additionally, public broadcasters formulated their own codes of ethics. The Commissions of Ethics observing these codes have no sanctioning powers, but act as advisory bodies to the TVP and PR boards of management.

33. In 1995 Polish media owners and professionals adopted the Media Charter and established the Conference of Media, which in turn appoints the Council of Media Ethics. The Council is an advisory body; it adjudicates on issues involving the Charter.

**III. Recommendations**

**1. Right to education**

34. Poland should be encouraged to report to UNESCO within the framework of the eighth consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2006-2011).

**2. Right to take part in cultural life**

35. Poland is encouraged to develop international cooperation, increase education in heritage, and promote regional training and exchange among experts and personnel in the country and the sub-region.

**3. Freedom of opinion and expression**

35. UNESCO recommends:

- a. Defamation law should be decriminalized and made part of the civil code.
- b. The independence of the National Broadcasting Council should be reinforced.