

Universal Periodic Review
(27th session, April-May 2017)

Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

POLAND

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

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

Cultural Heritage 2003				
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	17/08/2007 Accession	<i>Declaration of the European Community in application of Article 27(3)(c) of the Convention indicating the competences transferred to the Community by the Member States under the Treaties, in the areas covered by the Convention.</i>		Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. The Constitution of Poland of 1997¹ enshrines the right to education in its **Article 70** which provides the following: “1. **Everyone shall have the right to education. Education to 18 years of age shall be compulsory.** The manner of fulfillment of schooling obligations shall be specified by statute. / 2. **Education in public schools shall be without payment.** Statutes may

¹ Accessible at: <http://www.unesco.org/education/edurights/media/docs/f3d78b322a4ee203e3960c8b535b3f97e3d39004.pdf>, and http://www.wipo.int/wipolex/en/text.jsp?file_id=194980 and <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

allow for payments for certain services provided by public institutions of higher education /4. **Public authorities shall ensure universal and equal access to education for citizens.** To this end, they shall establish and support systems for individual financial and organizational assistance to pupils and students. The conditions for providing of such assistance shall be specified by statute. /5. **The autonomy of the institutions of higher education** shall be ensured in accordance with principles specified by statute."

2. Regarding **the minorities** living in Poland, **Article 35** states that: "1. The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. / 2. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity."

3. Concerning **the religion**, **Article 53** establishes that: "[...] 3. **Parents shall have the right to ensure their children a moral and religious** upbringing and teaching in accordance with their convictions. [...]4. **The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.** [...]"

4. **Article 32 (2)** states: "No one shall be discriminated against in political, social or economic life for any reason whatsoever."

5. Moreover, **Article 33 (2)** establishes that "Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations."

6. **Article 233 (2)** adds that "Limitation of the freedoms and rights of persons and citizens only by reason of race, gender, language, faith or lack of it, social origin, ancestry or property shall be prohibited."

7. "A ratified international agreement, as soon as it is published in the Journal of Laws of the Republic of Poland, becomes a part of the national legal order and is applied directly, unless it is required that an appropriate legislative act be issued (**art. 91 of Polish Constitution**)."²

1.2. Legislative Framework

8. The Act on the System of Education of 7 September 1991, last amended in August 2011: The education system in the country is governed by **the Act on the System of Education of 7 September 1991, last amended in August 2011**, as well as the relevant rules and regulations. The **1995 amendment to the Act** aimed at strengthening decentralization with simultaneous control and implementation of quality education in the framework of the pedagogical supervision ensured by governmental bodies. It also introduced the notion of core curriculum,

² Poland Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 3

which enables the identification of criteria for school-based assessment and examination requirements.

9. The **Act on the Implementation of the Education System Reform of 8 January 1999** (and subsequent amendments):it provides for the introduction of the new structure of the school system.

10. Specific law of 26 January 1982 on the status of the teaching profession, referred to as the Teachers' Charter. The law amending the Teachers' Charter was adopted by the Parliament on 18 February 2000. The Charter was further amended in 2003 and 2008.

11. The **Act of 28 November 2003 on Family Benefits** (article 8), the supplements referred to family benefits with the aim of e.g. partially covering the costs related to children's education, available for a mother or father, actual or legal guardian of a child, and also to learning persons are granted for education and rehabilitation of a child with disabilities, at the beginning of a school year and at the time of admitting a child for a school outside the place of residence. To be eligible for such supplements, it is necessary to be entitled to a family benefit which is granted to persons who meet the statutory income criterion.

12. Poland has established several regulations regarding the education, for instance the **Regulation of the Minister of National Education of 7 October 2009** on pedagogical supervision (further amended by the Regulation of 10 May 2013), **Regulation of 30 April 2013** on the rules for provision and organization of psychological and educational support in public nursery schools and schools and institutions, **Regulation of 11 October 2013** on the provision of early support for children's development, **Regulation of 23 December 2011**, on the classification of occupation for vocational education, **Regulation of 7 February 2012** on the outline timetables in public schools, **Regulation of 7 February 2012** on the core curriculum for vocational education, **Regulations of 11 January 2012** on continuing education in out-of-school settings

- Regulation of the Minister of National Education of 7 February 2012 on the outline timetables in public schools,
- Regulation of the Minister of National Education of 7 February 2012 on the core curriculum for vocational education,
- Regulation of the Minister of National Education of 11 January 2012 on continuing education in out-of-school settings,
- Regulation of the Minister of National Education of 11 January 2012 on extramural examinations.

13. Act of 29 December 2015 amending the School Education Act and some other acts, in particular provides for:

- a) compulsory schooling from the age of seven;
- b) parental right to decide whether children start primary school at the age of six;
- c) compulsory one year pre-primary education by six-year olds;
- d) abolishment of compulsory one year pre-primary education by five-year olds;

- e) extending the operation of preschool classes at primary schools until 1 September 2019;
- f) strengthening the role of school superintendents in the development of preschool networks and in planning school networks, including reinstating of the obligation to obtain a positive opinion from a pedagogical supervision body when closing a school or institution managed by a local authority;
- g) authorizing the minister competent for education to appoint and dismiss school superintendents and their deputies³.

14. **The Law on School Education of 16 March 2015 has been amended** and the most important among the vast scope of changes concern:

- general conditions and methods of assessment, qualification and promotion of students in public schools;
- general conditions of carrying out external examinations: 6th-grader test, lower secondary school exam, matriculation exam and exam confirming qualifications in a profession.

15. Compared to the current situation, the procedures will be subject to change for the exam paper annulment by the head of a regional examination commission and for the verification of the total number of points achieved by the student at the exam.

16. The amendment refers also to the following issues:

- duties and organizational structure of the Central Examination Board and a regional examination board (effective from 1 Jan 2016),
- improvement of pedagogical supervision,
- teaching in vocational schools,
- financial support of teacher training within projects and programmes covered partially by the EU funds,
- increase in ministerial restricted subsidy for textbooks as well as educational and training materials for students with disabilities,
- increase in the number of students over 25 in grades 1-3 of primary school (by max. 2) provided that an assistant teacher is employed,
- shorter procedure for recognition of school certificates issued abroad⁴.

A) Early Childhood

17. The **Act of 4 February 2011 on Care of Children up to the Age of 3:** provides the rules for organizing and functioning of childcare for children aged up to 3 years old, conditions for the services provided, qualifications of care-givers, rules for financing of childcare services as well as supervision over the conditions and quality of childcare services are set out.

³ See: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Poland:National_Reforms_in_School_Education

⁴ See: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Poland:National_Reforms_in_School_Education

18. As well as the Regulation of the Minister of National Education of 27 August 2012 concerning the core curricula for pre-school education and general education on individual types of school and the Regulation of 21 June 2012 about the approval of pre-school education on curricula, school curricula and textbooks for the use in school.

B) Higher Education

19. The **Law on Higher Education of 27 July 2005, last amended in March 2011**: it 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 in line with the Bologna process.”⁵

- The Act of 30 April 2010 on the Implementation of the Higher Education Reform
- The Act of 14 March 2003 on Academic Degrees and Titles and on Degrees and Titles in the Area of Art (with further amendments)
- The Act of 30 April 2010 on the Rules of Financing Research

20. The Act of 17 July 1998 on Loans and Credits for Students (with further amendments)

C) Access to Education

21. The **Act of 12 March 2004 on Social Welfare and the ESA**: which contains the conditions by which public authorities provide citizens with universal and equal access to education. To this end they establish and support systems with the aim of providing individual financial and organizational assistance to university and school students.

D) Minorities

22. Law on National and Ethnic Minorities and on Regional Language⁶ of 2005 regarding the rights of minorities and language rights, covers many areas concerning minorities, such as language, education, culture, specialized bodies and legislation. It thus governs all matters concerning the preservation and development of minorities’ cultural identity, regional languages, equality and the competencies of the Government at the central and local levels. **Article 6.1** of the Act on National and Ethnic Minorities and Regional Language prohibits discrimination against national and ethnic minorities. 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."

E) Persons with Disabilities

23. The Act of 18 March 2011 on Amendments to the Act on Higher Education, the Act on Academic Titles and Degrees, the Act on Academic Titles and Degrees in Art and

⁵ World Data on Education, 7th Edition, 2010/11, pp. 2-3, accessible at: http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Poland.pdf

⁶ Text available on : www.mswia.gov.pl/download.php?s=1&id=2327

Certain Other Acts introduced many changes in the provisions of the HEA in the scope of increasing access to higher education for persons with disabilities;

24. A new regulation has been approved by the Minister of National Education on the conditions for organising education and care for children and young people with disabilities, socially maladjusted and in danger of social maladjusting.

25. The regulation applies also to pre-school education and its other forms.

26. It includes among others the following measures:

- A requirement to employ additional teachers qualified for work with disabled pupils and students, specialists and assistants (in grades I to III of primary school) or supporting teachers in pre-school settings and mainstream schools where pupils with SEN statement are enrolled, in particular those with autism, Asperger syndrome or multiple disabilities.
- A possibility of reducing the number of children in an integration group or class in a pre-school or school in comparison with the limits stipulated for such groups/classes in the School Education Act.
- A detailed definition of rehabilitation activities which are to be included in individual educational and therapeutic programmes prepared for pupils with such disabilities as blindness, hearing and speech impediments as well as those with autism including the Asperger syndrome.

1.4. Policy Framework

i) General information

27. The Minister of National Education has declared the school year 2015/16 as the Year of the Open School. The Open school is understood as open to culture, art, sport and local community. It knows how to benefit from its environment.

28. The following key areas for educational policy have been also defined by the Minister for the coming school year:

1. Improving the safety of children and young people with particular emphasis on those with special educational needs in care centres, socio-therapy centres, special school and care centres and compensation and care centres for young people.
2. Improving the quality of teaching in upper secondary schools through the engagement of social partners' representatives in adjusting vocational education to the labour market needs.
3. Development of reading competences and promotion of reading among children and young people.

4. Mathematics and science in general education⁷.

ii) Education levels

29. Adjustment of content of the general education to the needs of persons entering the developing civic society and rapidly modernized economy is one of the key elements of the education system reform. For this reason the reform of core curricula for pre-school and general education has been prepared and implemented in two stages – since September 2009 in pre-schools, primary schools and lower secondary schools and since September 2012 in general upper secondary schools. Since September 2012 a reform of core curricula for vocational education (in particular occupations) has been introduced in parallel to the curricular reform in general education.

30. The new core curriculum for general education implemented in two stages has been formulated in terms of learning outcomes through defining requirements for the end of every stage of school education. This will allow for increased school autonomy in terms of organization of the educational process. More freedom and flexibility in organisation of school activities and more responsibility for precisely formulated learning outcomes can be pointed out as main aims of the introduced changes. The new educational offer stresses the development of self-reliance, creativity and responsibility for one's own learning process. While respecting the Polish educational tradition, the set of eight key competences agreed at the EU level has been adopted. In the framework of the new educational offer lower secondary school and upper secondary school levels are considered as a one consistent 6-year learning stage. This stage of learning contains a comprehensive education period consisting of lower secondary education and parts of upper secondary education, which gives, a solid foundation for further education based on key competences. The curricular reform of the education system envisages strengthening of the foreign language teaching –first compulsory foreign language starting at the beginning of primary education and second compulsory foreign language from the beginning of ISCED 2. (In parallel compulsory language education is being introduced in pre-school education)

➤ Primary education

31. In the first half of 2015 the curriculum reform implementation period in primary school (since 2009) and general upper secondary school (since 2012) has been completed. Accordingly, the 6th-grader test (taken at the end of primary school) and the matriculation examination which are organized, respectively, in April and May 2015 were implemented according to the new rules. The 6th-grader test covers knowledge and skills within three key areas: the Polish language, maths and a foreign language (to be selected from the following list: English, French, Spanish, German, Russian, or Italian).

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32. The matriculation examination is now focused even more on testing skills required from every HE student and every employee, such as processing multi-source information, including content analysis and juxtaposition, reasoning, generating and testing hypotheses and recognition and explanation of cause and effect. These universal, cross-subject skills are tested within tasks requiring substantial knowledge in particular subjects defined in the core curriculum.

33. Changes in the tests and exams are included in a wider reform referred to in the section on adjusting external exams to the reformed core curriculums.

➤ **Technical and vocational education**

34. Project *Improving the core curricula as the key to the modernisation of vocational training* (01.08.2008 – 31.12.2013). The main aim of the project is the improvement of the quality of vocational training through verification and modernisation of vocational core curricula with respect to their adaptation to the requirements of the knowledge-based economy.

➤ **Higher education**

35. In principle Poland shares the opinion that changes in **tertiary education are necessary** in the light of unfavourable demographic trends, which result in the decrease in the number of students and – as a consequence - in financial problems of universities, as well as challenges related to the quality and usefulness of education. Therefore, the following actions have been undertaken:

36. On 31 March 2015 on new rules on the rules and procedures for the recognition of foreign educational qualifications. Legislative changes have been drafted in cooperation with the academic community, which will improve the process of external assessment of the quality of education, which will facilitate quality enhancement rather than formal control to a much greater extent. The Central Council of Science and Higher Education approved the premises for changes in this area in February 2016. Amendments of relevant provisions aiming at de-bureaucratisation of the National Qualification Framework and the quality assessment system are envisaged for as early as 2016.

37. The Ministry of Science and Higher Education has undertaken efforts on designing assumptions of a new act on tertiary education. The new act is to be simplified in comparison to the present Law on Higher Education and at the same time respond to key challenges faced by Polish higher education system. The assumptions shall include: the system of higher education, the statutory structure of institutions in the higher education system, management, finance and property in the higher education system, the quality assessment system and issues related to studies, students, doctoral students and graduates. The formula chosen - development of draft assumptions by three research teams and their consultation with the academic circles -

will ensure involvement of stakeholders in drafting new regulations already at the stage of conceptual work. Implementation of tasks financed under the project should be completed by 31 January 2017⁹.

iii) Education content and quality

➤ Quality education

38. In October 2015, the Committee on the Rights of the Child expressed its concern about corporal punishment which is still used in schools, youth centres and alternative-care facilities despite its legal prohibition¹⁰.

39. The Ministry is planning an introduction of coding as a part of school curriculum at every educational stage. The pilot project is planned for 2016, and in 2017 all schools will offer coding within their curricula. Preparation of the teachers of coding will be implemented in cooperation with the Ministry of Digitalization and the Ministry of Science and Higher Education. The project will be initiated with a screening of schools in terms of access to computer equipment and Internet. Provision of broadband to all schools is the Ministry's immediate plan. The project will be supported with the funds from the **Digital Poland programme**¹¹.

iv) Education management

➤ Teachers

40. Under the project "Internet Multimedia Information Centres in School and Pedagogic Libraries", teachers and librarians participated in trainings for guardians of the school multimedia and information centre.

41. The Ministry of National Education under the SOP-HRD 2004 – 2006 implemented projects related to improvement of teachers' qualifications in use of modern information/communication technology. 42. Under the **project "Post-Graduate ICT, foreign languages and second subject Studies for Teachers"**, post-graduate studies have been organised, completed in two editions by 19982 teachers. The preparation, organisation and performance of post-graduate studies was entrusted to 17 universities. Access to studies was granted to teachers from all voivodships (provinces), and at recruitment to studies in the first edition, teachers from rural areas and small towns were privileged. The Ministry of National Education has also implemented the project "Preparation of teachers as professional consultants as part of post-graduate studies", of which one of the elements was improvement of teachers' practical skills in use of modern information/communication technology. These

⁹ National Reform Programme – Europe 2020, 20 April 2016, accessible at: http://ec.europa.eu/europe2020/pdf/csr2016/nrp2016_poland_en.pdf

¹⁰ Committee on the Right of Child, October 2015, para. 24 (b)

¹¹ Accessible at: [https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Poland:National Reforms in School Education](https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Poland:National_Reforms_in_School_Education)

studies were completed by 3737 teachers. The project was implemented by universities selected in a tender procedure. Another project designed precisely to improve teachers' qualifications in scope of applying information/communication technologies in the process of teaching, was the project "Improvement ICT Courses for Teachers". The courses were carried out in two phases throughout the country, under the guideline to stage courses as close to the teacher's place of work, as possible. Courses were completed by 16906 teachers.

43. Polish experience in the field of ICT in education shows that efforts to disseminate the use of information/communication technologies in the teaching process should focus on methodical support for teachers, to overcome the barriers in applying new technologies in the teaching process, as well as creation of educational e-resources broadly available to teachers and students alike, educational portals included¹².

V) Inclusive education

➤ Gender equality

44. The Committee CEDAW acknowledged the **reforms of national curricula for basic compulsory education, which include measures to advance equal opportunities for women and men**. However, it remains concerned about structural barriers negatively affecting the enrolment of girls and women in non-traditional educational and vocational fields; gender segregation in the educational system, as evidenced by the disparity in the number of schools for boys and schools for girls; the absence of mandatory, comprehensive, age-appropriate education on sexual and reproductive health in school curricula; and the low number of women in management positions in educational institutions and in professorship positions.

45. However, in this regard, the UN Committee on the Elimination of Discrimination against Women (CEDAW) presented its concern about the continued placement of Roma girls in special schools or classes, the high dropout rates of Roma girls from primary education and their low school attendance¹³.

46. CEDAW also presented its concern about the prevailing horizontal and vertical segregation between women and men in the labour market and the lack of counselling for girls and women on non-traditional educational and vocational choices and career options and non-implementation of the principle of equal pay for work of equal value¹⁴.

➤ Minorities

47. In October 2015, the United Nations Committee on the Rights of the Child presented its concern regarding the fact that there are occasions when children belonging to religious minorities are not offered classes in their own religion in public schools and have to participate

¹² Available at: http://ec.europa.eu/europeaid/education-poland_en

¹³ Committee on the Elimination of Discrimination against Women, November 2014, para. 30

¹⁴ Committee on the Elimination of Discrimination against Women, November 2014, para. 32

in Catholic religion classes instead. The Committee is also concerned that grades obtained in Islamic religion classes are not always recorded on school certificates¹⁵.

2. COOPERATION

48. Poland is **party** to the 1960 UNESCO Convention against Discrimination in Education since 15/09/1964.

49. Poland reported to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999)
- **Eighth Consultation** of Member States (covering the period 2006-2011)

However, Poland did not report to UNESCO within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005).

50. Poland reported to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008)
- **Fifth Consultation** of Member States (covering the period 2009-2012)

51. Poland reported to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- **First Consultation** of Member States (1993)
- **Second Consultation** of Member States (2011)

52. Poland is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. Constitutional and Legislative Framework:

53. Constitution guarantees freedom of press (Art. 14), freedom of expression (Art 25), and prohibits both preventive censorship and licensing of the press (Art. 54)¹⁶.

54. Media in Poland is regulated by Broadcasting Act and the National Media Council Act¹⁷, as well as by the Press Law¹⁸, the Telecommunications Act¹⁹ and a number of other regulations including National Media Council Act of 2016. The National Broadcasting Council regulates

¹⁵ Committee on the Right of Child, October 2015, para. 22

¹⁶ <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

¹⁷ <http://www.krrit.gov.pl/en/for-broadcasters-and-operators/legal-regulations/>

¹⁸ <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19840050024>

¹⁹ <http://en.uke.gov.pl/law-4>

the broadcast sector²⁰. The Office for Electronic Communication regulates the Polish telecommunications market²¹.

55. In early 2016 amendments²² (so called “Small Media Law”) to the Broadcasting Act were approved and entrusted the Treasury Minister of the Government of Poland to appoint members of the management boards of the public media companies – Polish Television (Telewizja Polska), Polish Radio (Polskie Radio), and the Polish Press Agency (Polska Agencja Prasowa).

56. The amendments empowering Treasury Secretary were scrutinized by the intergovernmental organizations, where Poland holds membership. The Commission of the European Union requested information on the situation *inter alia* concerning the changes in the law regulating the Public Service Broadcasters.²³ The OSCE Parliamentary Assembly’s Democracy, Human Rights and Humanitarian Questions Chairperson issued a statement calling on Poland to repeal the new law²⁴. The Council of Europe Commissioner for Human Rights expressed concern regarding the immediate termination of office mandates of management and supervisory board members and the elimination of pluralistic criteria of the composition of the boards (Art. 123)²⁵.

57. In July 2016 the law created the National Media Council (NMC) was allocated with powers of appointing the public media executives instead of the Treasury Minister. Three out of five members of the NMC are MPs of the ruling party.

58. In addition, new legislative proposals, so called “Big Media Law”, were drafted by the government in Spring of 2016. The Council of Europe published an expert opinion, calling for a number of changes to the draft law²⁶. The Council of Europe Commissioner for Human Rights in his report of June 2016 urged the Polish authorities to introduce safeguards to guarantee the independence of public service media from political influence and that this is reflected in the composition and selection mechanism of any public service media governance institution (Art.124)²⁷. The government postponed adoption of “Big Media Law”, with the exception of establishing the NMC.

59. The right to public information in Poland is guaranteed in Article 61 of the Constitution of the Republic of Poland of 1997²⁸, and in the Act on Access to Public Information of September 6, 2001. The Law on Access to Public Information allows anyone to demand access to public information, public data and public assets held by public bodies, private bodies that exercise public tasks, trade unions and political parties.

²⁰ http://www.krrit.gov.pl/krrit/bip/Portals/1/Documents/Broadcasting_Act.pdf

²¹ <http://www.uke.gov.pl/>

²² http://www.krrit.gov.pl/Data/Files/_public/Portals/0/angielska/Documents/tekst-ze-strony_ustawa_en.pdf

²³ http://europa.eu/rapid/press-release_MEMO-16-2017_en.htm

²⁴ <https://www.oscepa.org/news-a-media/press-releases/2429-osce-pa-democracy-chair-urges-repeal-of-poland-s-new-media-law>

²⁵ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2924182&SecMode=1&DocId=2376250&Usage=2>

²⁶ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168065e9eb>

²⁷ *ibid*

²⁸ https://www.constituteproject.org/constitution/Poland_2009#s98

60. Under Polish law, defamation is punishable by either time in prison or a fine. Under Article 226 and 236 of the Penal Code, defamation of a public official is punishable with varying punishments dependent on the context²⁹. Specific penalties can be found within Poland's penal code³⁰.

61. The current legal practice provides for legal protection for journalists' sources, though the new legislation on surveillance entails "serious threats to the protection of journalistic sources" in the view of the Council of Europe Commissioner for Human Rights (3.2.2)³¹.

2. Media Self-Regulation:

62. The Polish Chamber of Press Publishers (IWP) along with the two biggest professional journalism organizations, have formulated their own codes of professional ethics. Additionally, public broadcasters have formulated their own codes of ethics. The Commissions of Ethics observing these codes have no sanctioning powers, but act as advisory bodies to the Polish Television (Telewizja Polska), Polish Radio (Polskie Radio), boards of management.

3. Safety of journalists:

63. UNESCO recorded 1 killing of a journalist in Poland in 2015³².

III. RECOMMENDATIONS

64. Recommendations made within the framework of the second cycle of the Working Group on the Universal Periodic Review, considered in July 2012 (21st session)³³:

Latest observations reported on July 2012 - [view](#)

90. The recommendations formulated during the interactive dialogue and listed below will be examined by Poland:

90.39. Take measures to guarantee full access to education and to health to all vulnerable groups, including illegal migrants

90.111. Adopt measures to guarantee full access to education for all children in the country

90.112. Continue their efforts in supporting equal educational opportunities for children and young people with special educational needs

²⁹ https://www.imolin.org/doc/amlid/Poland_Penal_Code1.pdf

³⁰ https://www.imolin.org/doc/amlid/Poland_Penal_Code1.pdf

³¹ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2924182&SecMode=1&DocId=2376250&Usage=2>

³² <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists>

³³ Accessible at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/PLSession13.aspx>

90.115. Strengthen its efforts to fully integrate the Roma into society and to combat discrimination against them, so they can enjoy their economic, social and cultural rights, especially in education, employment and housing

90.116. Continue its efforts to support Roma-children education, including by increasing the availability of bilingual education

90.117. Ensure full implementation of the right to education of persons belonging to national minorities in particular to refrain from closing schools with minority language of instruction, to provide necessary funding for these schools, also to fully finance publication of textbooks in national minorities languages

90.119. Ensure basic services for children of irregular migrants, including education, health and medical care

65. Analysis:

Poland has, to the extent of our knowledge, taken measures to ensure the right to education. The efforts of the Minister of National education to improve the safety of children and young people with particular emphasis on those with special educational needs as well as the investments in ICT in education should be noted. Poland has nevertheless, as far as we know, not taken additional measures towards improving the inclusion of Roma students, specially girls, as well as other minorities groups. In addition, to the extent of available information, Poland has not yet taken concrete measures to prevent corporal punishment in schools.

66. Specific Recommendations:

1. Poland should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
2. Poland should be encouraged to continue deploying efforts with particular emphasis on students with special educational needs.
3. Poland could be encouraged to further implement equal access to education, especially for Roma girls and migrants.
4. Poland could be encouraged to implement and monitor concrete measures to prevent corporal punishment in schools.

Cultural Rights

67. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³⁴, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³⁵, and the Convention on the Protection and Promotion of the Diversity of

³⁴ Periodic Report available at: <http://www.unesco.org/document/136521>

³⁵ Periodic Report available at: <http://www.unesco.org/culture/ich/en/state/poland-PL?info=periodic-reporting>

Cultural Expressions (2005)³⁶, Poland is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Poland is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

68. Poland is further recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.

69. UNESCO urges Poland to consider the recommendations provided by the Council of Europe Commissioner for Human Rights³⁷ regarding media reform in Poland.

70. The Government is urged to continue to investigate and resolve the cases of the killed journalist. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.”

Freedom of scientific research and the right to benefit from scientific progress and its applications

71. Poland, in the framework of the 2015-2017 consultations related to the revision of the Recommendation on the Status of Scientific Researchers, as well as to its 2013-2016 monitoring exercise (November 2016 - April 2017) is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. Following-up to its 2011-2012 report on the implementation of the 1974 Recommendation, when replying to the 2013-2016 monitoring questionnaire, Poland is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. Poland is invited to complete the online questionnaire which has been prepared by UNESCO to guide and assist Member States with their reporting. It aims to collect, in a simplified manner, information on the extent to which Member States have mainstreamed the principles of the 1974 Recommendation in their STI and other relevant systems, focusing on issues of the promotion of respect for autonomy and independence of scientific researchers

³⁶ Periodic Report available at: <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-poland>

³⁷ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2924182&SecMode=1&DocId=2376250&Usage=2>

and respect for their human rights and fundamental freedoms. Responses to this questionnaire will be considered as the official national report for each Member State. The questionnaire can be completed and submitted online through the link which will be indicated in due course on the web page: <http://en.unesco.org/themes/ethics-science-and-technology>.