

Submission to the Universal Periodic
Review of the United Nations Human
Rights Council
4th Cycle – 41st Session

Country Review: Poland

March 2022

By **Annemeike Van Der Meer**
& **Xchina Cekani**

Broken Chalk is an Amsterdam-based NGO established in 2020 and focused on raising awareness and minimizing human rights violations in the educational field.

Together with our international sponsors and partners, we encourage and support the following activities/projects: removing obstacles in education; contributing to the achievement of peace and tranquility in the society through adaptation studies in an environment of intercultural tolerance; preventing radicalism and polarization; and eliminating the opportunity gap in education for all. Our goal is to work together with global partners to remove barriers to access to education and to take concrete steps to ensure universal access to education.



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0. Introduction

1. Broken Chalk is an Amsterdam-based NGO established in 2020 and focused on raising awareness and minimizing human rights violations in the educational field. Together with our international sponsors and partners, we encourage and support the following activities/projects: removing obstacles in education; contributing to the achievement of peace and tranquility in the society through adaptation studies in an environment of intercultural tolerance; preventing radicalism and polarization; and eliminating the opportunity gap in education for all. Our goal is to work together with global partners to remove barriers to access to education and to take concrete steps to ensure universal access to education.
2. Issues related to human rights have recently become an increasingly popular subject of discussion among international organizations such as United Nations (UN), the Organisation for Economic Co-operation and Development (OECD), the European Union (EU), the Council of Europe (CoE), and the International Labour Organization (ILO). The international community has developed a number of initiatives and has taken practical steps to specify the role and responsibility of individual actors in protecting and respecting human rights. Poland has been actively involved in the process of creating a new approach to this issue at both national and international levels.¹
3. Since Broken Chalk is an organization based on human rights on education, this report will be based to create an overview of the situation of human rights on education in Poland.
4. The EU has been actively engaged in the practical implementation of the Guiding Principles since the time of their inception, and each of its Member States is committed to the effective implementation of the principles of corporate social responsibility at the national level. Business and human rights issues have also been addressed in documents adopted by the Council of Europe, including Recommendation CM/Rec(2016)3 of the Committee of Ministers to Member States.
5. As a member of the European Union, Poland shares the values enshrined in the European Treaties such as respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of minorities.

¹

https://www.ohchr.org/sites/default/files/Documents/Issues/Business/NationalPlans/PolandNationalPlan_BHR.pdf

I. Review of 3rd Cycle

6. Although Poland is behind in some realms of the ultimate goals set forth by the Universal Periodic Review (UPR); the invaluable lessons and pressure that the Human Rights Council (HRC) and other Non-governmental organizations (NGOs) bring will hopefully, help to facilitate the process to diminish human rights violations in the current Polish culture, and in all UN states. The Republic of Poland struggles due to a government which is non-conformant, in part, due to history and its political structure. National standards of human rights protection are subsequently below the norm due to many factors, thus governmental reports are somewhat silent or hesitant on a number of significant changes that have been introduced recently.
7. A UPR Practical Guidance developed by OHCHR for Heads of UN Missions worldwide will be able to maximize the use of this HRC tools for engagement on human rights at their individual country level. It is essential to have a unilateral system to show the laws and practices with international standards. “Doing so systematically – especially as we move towards the 4th cycle” of the Universal Periodic Review- “will go a long way to advance prevention and success and sustainability of the Agenda 2030 and the SDGs” (ohchr.org).
8. In response to the request of the UN, the Polish government prepared a report on human rights protection in Poland. The report states that “the government points to the positive developments in the areas of justice, media pluralism or addressing racism and xenophobia” (liberties.eu). Unfortunately, there seems to be a cloudy vagueness or duality in some of the ultimate standards set out by the UN for human rights protection. Saying one thing and doing another seems to be an on-going obstacle when discussing some of the sensitive issues mentioned above.
9. The Polish government report reads: “There are solid foundations for the legal and institutional framework of the protection and advancement of human rights in Poland”. Concrete ideas &/or openness was lacking, however, in the sense that “a full version of the report was not disclosed to NGOs”; (liberties.eu). Comments were also Not included in the report’s final version. The Helsinki Foundation for Human Rights (HFHR) notes that many pieces of information presented in the report are, unfortunately, “imprecise or taken out of context” (liberties.eu).
10. The Ministry of Foreign Affairs in Poland has assumed the role of coordinator of the process of developing the Polish National Action Plan (NAP) with respect to the implementation of the United Nations Guiding Principles on Business and Human Rights.

II. Education

11. International assessments document large improvements in student outcomes over the last 20 years. In PISA, Poland has improved its performance from below the OECD average

level to above-average performance. The latest results from TIMSS and PIRLS also show improved outcomes in primary education. Finally, the PIAAC assessments of adults show that only the youngest cohorts perform at or above the OECD average. In Europe, Poland is currently among the top performers in international assessment rankings. The law states that education is obligatory for all children, including those with disabilities. Children with disabilities may attend schools where they are integrated with children without disabilities, or they may attend separate schools, depending on the significance of their disability.

Early Education Reform

- 12.** International comparisons clearly pointed to one key deficiency of the Polish education system—the relatively low participation rate in preschool education and the later starting of school education (and the later finishing of tertiary education as a result). Changes began in 2007, with support for preschool education from the European Structural Funds, which was followed in 2009 with a government guarantee for places for 5-year-olds in preschool education. This was then replaced in 2011 with compulsory preschool education for children at this age. The plan also assumed a shift in compulsory primary school arrangements, with the starting age changing from 7 to 6 in 2012. However, the latter change was postponed and never fully implemented due to protests and the change of government²
- 13.** Overall, Poland almost closed the gap in preschool participation in 2016, mainly due to regulations making preschool compulsory and thanks to additional support for local governments. In 2013, a law was passed that lowered the costs of preschool education for families thanks to grants from the central budget. The government also introduced a guarantee of preschool places for 3- and 4-year-olds that was financed by the central budget and introduced gradually. A recent small decline in preschool enrolment is the effect of the current government’s abolition of compulsory preschool for 5-year-olds, but still, the participation rates are now close to the EU average and much larger when compared to 2007 when the reform started.

CHILD LABOR

- 14.** Child Labor- is not allowed if the work may pose any threat to life, health, or physical and mental development of the child, or may conflict with the child’s education. The law prohibits all of the worst forms of child labor. The government effectively enforced applicable law prohibiting employment of children younger than 16, and penalties were commensurate with those of other serious crimes.

LGBTI RIGHTS

- 15.** During 2020, on August 25, minister of education Dariusz Piontkowski defended the education superintendent of Lodz Province for saying the “LGBT virus...of ideology” was

² https://link.springer.com/chapter/10.1007/978-3-030-59031-4_7

“much more dangerous” than COVID-19. On September 14, Law and Justice Party chairman and soon-to-be deputy prime minister Jaroslaw Kaczynski said “LGBT ideology” was a threat “to the very foundations of our civilization.” During the year local governments around the country adopted “family rights charters,” bringing the total number who had adopted such charters or separate declarations rejecting “LGBT ideology” to more than 90 since 2019. These legally nonbinding documents focused in varying degrees on preventing “LGBT ideology” in schools, called for protection of children against moral corruption, and declared marriage as a union between a woman and a man only.

Romani community

- 16.** Societal discrimination against Roma continued to be a problem. The 2011 national census recorded 16,723 Roma. Romani community representatives estimated that 30,000 to 35,000 Roma resided in the country. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, media, and education.
- 17.** During the year the government allocated 11.2 million zloty (\$2.88 million) for programs to support Romani communities, including for educational programs. The Ministry of Education helped finance school supplies for Romani children. The Ministry of Interior and Administration provided school grants for Romani high school and university students, postgraduate studies on Romani culture and history in Krakow, and Romani-related cultural and religious events.

Some difficulties that the system is facing include:

- 18.** During 2020 asylum seekers faced language and cultural barriers and had limited access to higher education. Children in centers for asylum seekers had free access to public education. There are different obstacles to accessing education in practice^[3]. The biggest problem is a language and cultural barrier. However, asylum-seeking children are supported by:
- 19.** Polish language courses that are organised in all reception centres – 446 children benefited from this assistance in 2020. However, courses have been temporarily suspended due to the pandemic COVID-19.^[4]
- 20.** additional free Polish language classes, that should be organised by the authority managing the school that asylum seekers are attending. Those classes are organised as long as it is needed, not less than 2 hours a week but maximum five hours per week for one child.
- 21.** Asylum-seeking children can also participate in compensatory classes:
- 22.** in reception centres – 139 children benefited from this support in 2020. However, classes have been temporarily suspended due to the pandemic COVID-19.^[7]
- 23.** in schools – assistance granted for a maximum of twelve months, max. five hours per week for one child

III. Recommendations and Conclusion

24. The Polish Government should implement solutions to stop the discrimination against Romani community especially in field of education.
25. Polish Government should give basic necessary supplies for refugees children's for them to learn Polish Language.



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