

Universal Periodic Review– POLAND

Statement by COC Netherlands (NGO with ECOSOC Consultative Status)

United Nations Human Rights Council, Geneva, 20 September 2012

Speaker: Nori Spauwen

Madam President,

We would like to draw the Council's attention to issues related to the protection against discrimination in Poland.

Firstly it has to be recognized that, whilst some anti-discrimination provisions have been adopted, the lack of equal legal protection from discrimination for all people in all areas of life remains problematic. The Act of 3 December 2010 on the implementation of certain provisions of the European Union on equal treatment does not ensure sufficient equal treatment and has limited scope in relation to disability, age, sexual orientation, gender identity and religion or belief. There are certain areas of life – for instance health care – in which there is no protection for women, Lesbian, Gay, Bisexual, Transgender and Intersex people, persons with disabilities and older persons. We urge the Polish Government to revise and amend this Act so that it guarantees protection of all groups in all areas of life.

Additionally, following the recommendation made by Norway, we call upon the Polish Government to allocate sufficient financial resources for the Office of the Ombudsman in order to fulfill its obligations as an independent organ for equal treatment.

Secondly, it must be noted that although The Convention on the Rights of Persons with Disabilities was ratified by Poland, there was an interpretative declaration under art. 12 that does not guarantee the enjoyment of equal legal capacity for persons with disabilities in all aspects of life. The Polish Civil Code still contains provisions on incapacitation of people with mental disabilities which contradicts with the principle of equality of legal capacity laid down by the Convention. This means that the level of protection for people with disabilities against discrimination is reduced. We urge the Polish government to revise and amend relevant provisions regarding this issue and adjust them to the standard set up by the Convention.

Moreover, under the Convention on the Rights of Persons with Disabilities, the Polish Ombudsman was also granted new competences in terms of monitoring of implementation of the Convention. Therefore, we once again urge the Polish Government to ensure that the Ombudsman's office is adequately financed to fulfill its roles in this regard.

Thank you for your attention.