

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-second session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT**

**Concluding Observations of the Committee on the
Rights of the Child: Poland**

1. The Committee considered the initial report of Poland (CRC/C/OPAC/POL/1) at its 1436th and 1437th meetings (see CRC/C/SR. 1436 and 1437), held on 22 September 2009, and adopted, at the 1453rd meeting, held on 2 October 2009, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report under the Optional Protocol as well as the written replies to its list of issues (CRC/C/OPAC/POL/Q/1/Add.1). The Committee nevertheless regrets the brevity of the State party's report which, furthermore, did not follow the guidelines for reporting under the Optional Protocol, and the brevity of the State party's replies to the list of issues.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with the concluding observations adopted on the State party's initial report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 2 October 2009, contained in CRC/OPSC/POL/CO/1.

Positive Aspects

4. The Committee notes with appreciation the provision in Polish law (article 4, section 1 of the Act of 21 November 1967 on the universal duty to defend the Republic of Poland) which provides that persons under the age of 18 will not be subject to compulsory recruitment.
5. The Committee also welcomes the ratification by the State Party of the Optional Protocol on the sale of children, child prostitution and child pornography in February 2005.

I. General measures of implementation

Coordination and evaluation of the implementation of the Protocol

6. The Committee notes that the Ministry of Education is the body responsible for carrying out implementation of the Optional Protocol. Nevertheless, the Committee is concerned that the Ministry may face challenges in taking account of the wide range of juridical and military aspects of the provisions under the Optional Protocol.
7. **The Committee recommends that the State party ensure that its Ministry of Education establishes an effective coordination body that involves all actors concerned with the implementation of the Protocol, including civil society. The Committee further recommends that the Ministry of Education develop a periodic evaluation mechanism to evaluate compliance with the Optional Protocol.**

Dissemination and training

8. The Committee notes the efforts being made by the State party to increase awareness of the Optional Protocol, including through the use of seminars, the publication of handbooks and cooperation with the International Committee of the Red Cross. The Committee is, however, concerned that awareness of the Optional Protocol among the general public remains low.
9. **The Committee recommends that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public, including children.**

II. Prevention

Voluntary recruitment

10. The Committee welcomes the information provided during the dialogue with the State party that the minimum age for voluntary recruitment will be raised to 18 years in accordance with a draft law amending the Act of 21 November 1967 on the universal duty to defend the Republic of Poland.
11. **The Committee recommends that the State party expedite the process of this bill so as to increase the minimum age of voluntary recruitment thus ensuring that persons under the age of 18 do not serve in the Armed Forces of Poland.**

Public Awareness and peace education

12. The Committee welcomes the fact that the Optional Protocol is included in an obligatory curricular subject on “Education for Security” in the lower and upper secondary schools where it is integrated in learning about international and humanitarian law. The Committee is concerned, however, that this subject may not find the weight it should have in human rights education and that the general public is not aware of the Optional Protocol.

13. The Committee recommends that the State party, in collaboration with civil society organizations:

- (a) Develop a methodological approach to ensure that consistent and comprehensive information about international law and policy for conflict resolution and peace is provided at all levels of the educational system;**
- (b) Develop and implement training programmes and campaigns to promote the values of peace and respect for human rights; and**
- (c) Strengthen its efforts to raise the awareness of the public with regard to the principles and provisions of the Optional Protocol.**

III. Prohibition and related matters

Criminal legislation and regulations in force

14. The Committee notes that article 142(2) of the Penal Code partly implements the provisions of the Optional Protocol, providing for the prohibition of recruitment of children into armed forces. The Committee is concerned, however, that there is no explicit legal prohibition of such recruitment and of the involvement of children in hostilities.

15. The Committee recommends that the State party provide an explicit provision in the Penal Code to criminalize violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities and that it include a definition of direct participation in hostilities.

IV. Protection, recovery and reintegration

Assistance for physical and psychological recovery

16. The Committee regrets the paucity of information on measures to identify children who may have been involved in armed conflict abroad.

17. The Committee recommends that the State party establish an identification mechanism for children, including asylum-seeking and refugee children, who may have been involved in armed conflict abroad. The Committee further recommends that the State party take measures to provide these children with appropriate assistance for their physical and psychological recovery and their social reintegration.

V. International assistance and cooperation

International cooperation

18. The Committee notes with appreciation the State party's active contribution to United Nations peacekeeping operations.

19. The Committee encourages the State party to continue ensuring that its personnel are fully aware of the rights of children involved in armed conflicts and that military contingents are aware of their responsibility and accountability.

VI. Follow-up and Dissemination

- 20. The Committee recommends that the State party take all measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to relevant Government Ministries, the Parliament and to all relevant national and local authorities, for appropriate consideration and further action.**
- 21. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

VII. Next Report

- 22. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**
