

*Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts*

Madame Chairperson, Distinguished Members of the Committee,

It is my honour and privilege to address today ~~to~~ the Committee ~~a report~~ on the implementation by the Government of the Republic of Poland of the provisions of the both Optional Protocols *Optional Protocol to the Convention on the Rights of the Child*, starting with *the Protocol on the involvement of children in armed conflict*.

Let me start by stressing the importance that Poland attaches to the promotion and protection of the rights of the child. This year marks the 20<sup>th</sup> anniversary of the Convention on the Rights of the Child. I am proud that Poland was its initiator; it remains one of the most important international Polish initiatives in the realm of human rights. In 1978 the Polish Government presented the Convention draft to the UN Commission on Human Rights, requesting the draft to be included in the Commission's agenda. My country's representative, Professor Adam Łopatka, headed the working group which prepared the text of the Convention. The General Assembly adopted it in 1989, and it came into force in record time. Today, the Convention is one of the few international instruments with almost universal recognition.

With regard to our report and replies to the list of issues we would like to offer a few additional explanations which we can further clarify our engagement in the full implementation of the provisions of the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*.

Allow me to start with providing you with information on the dissemination of knowledge of the provisions of the Optional Protocol to the Convention on the involvement of children in armed conflicts. Generally, it takes place within the popularization of international humanitarian law. The result of numerous actions was the increase of significance of military law in practical training of soldiers, intensification of trainings for commands and staff of military units, as well as preparation of military law instructors. Officers of the Polish Army started to participate systematically in international seminars and courses devoted to that area of law. New publications and teaching materials were prepared. Handbooks including, inter alia, information within the scope of international humanitarian law of armed conflicts were prepared for the participants of Polish Military Contingents.

Implementation of the international humanitarian law of armed conflicts in training practice, taking these issues into account during classes and performance of tasks related to peace and stabilization missions are very significant. The main purpose is to influence attitudes and habits of professional staff and soldiers of the

compulsory military service, which will exclude conduct in extreme combat situations that is inconsistent with the norms of international law.

Cooperation with the International Committee of the Red Cross is very important for the dissemination of international humanitarian law of armed conflicts. The National Defence Department participates in the organised annually by the Central Board of the Polish Red Cross - Polish School of the International Humanitarian Law of Armed Conflicts in Radziejowice (the School is funded from the Ministry of National Defence budget, some lectures are delivered by military specialists and moreover the classes are attended by 8 to 10 representatives of Armed Forces of the Republic of Poland).

In relation to amendments introduced in provisions of the Article 166 of the Act on universal duty to defend the Republic of Poland, a new subject "education for safety" was introduced in lower and upper secondary schools, from 2009/2010 school year. It will replace the subject taught so far in upper secondary schools "civil defence training". School students will become familiar not only with the functioning of civil protection and civil defence and the political and military conditions of state safety guarantee, but mainly with the origin and documents of the international humanitarian law. The curricular classes on education for safety will include, inter alia, knowledge of the basic legal acts of international humanitarian law, i.e., conventions, protocols and other international documents creating humanitarian law, as well as purposes and tasks of the Red Cross and Red Crescent Movement.

In the activity of the Centre it is possible to distinguish the following types of undertaking participated, inter alia, by the Ministry of National Defence, Ministry of National Education, Ministry of Internal Affairs and Administration, Ministry of Foreign Affairs: Polish School of the International Humanitarian Law of Armed Conflicts, seminars, scientific conferences, preparation of educational programme "Exploring humanitarian law" (approved by the Ministry of National Education on 27 February 2004) and carrying out cascade trainings preparing future programme trainers. In 2008 the Minister of National Education signed ordinance No. 32 (of 25 November 2008) concerning the appointment of a coordination team for the implementation and monitoring of the EHL programme in schools and education institutions.

Under art. 58 clause 1 of the Act of 21 November 1967 on the universal duty to defend the Republic of Poland (Journal of Laws 04.241.2416, as amended), compulsory military service as set forth in this law shall apply to Polish citizens: males, starting on the 1<sup>st</sup> January of the calendar year in which they complete 18 years of age and females with qualifications useful for the service, starting on the 1<sup>st</sup> January of the calendar year in which they complete 18 years of age.

Voluntary military service is regulated by the provisions of Article 83 and Article 32 of the Act on universal duty to defend Poland. Pursuant to these provisions, also persons subject to military classification who came forward to do the recruit military service are appointed to do the service. Pursuant to Article 32 of the cited Act, the military classification covers men who in a particular calendar year attained nineteen years of age, and may come forward as volunteers, including women irrespective of the qualifications and education if they have attained at least eighteen years of age. Moreover, for the recruit military service are appointed also men approved as capable of doing the military service who have attained eighteen years of age and came forward to do the service voluntarily.

According to the process of reorganization of the National Force of Poland, the target of which is to set up a military service of professional soldiers. Adequate changes were included in the draft law amending the law on universal duty to defend the Republic of Poland, which has been signed by President. The Act will come into force on 1 January 2010. The law stipulates that the President of the Republic of Poland will make a decision by means of a regulation about the resumption of mandatory military service. He will take into account the level of risk to the security of the Polish state. The draft Act defines compulsory military service in art. 55 and 55a, introducing a full list of ways to perform mandatory military service. The law likewise stipulates that the military service will be obligatory for Polish national starting on the day they turn 18 years of age.

The issue of age as of which it is possible to perform compulsory military service voluntarily was regulated similarly to the applicable Act on universal duty to defend Poland.

The Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland specifies the scope of assistance provided to foreigners seeking refugee status, including also assistance provided to minors. Article 62 of the Act quoted above provides that unaccompanied minors seeking refugee status are placed with a professional foster family unrelated to the child, acting as an emergency family care or educational care facility. In practice, all minors are placed in educational care facilities.

Children staying in a centre are provided with accommodation, food, pocket money for small personal needs, continuous financial assistance for the purchase of cleaning and personal hygiene products. Children up to three years of age and children attending preschools, primary schools, lower or upper secondary schools receive a cash equivalent of food. Medical care is ensured for all children on the same basis as to Polish citizens. In addition, a psychological care system is developed at centres for foreigners, which is also targeted at foreign minors.

Children of foreigners seeking refugee status are subject to compulsory school attendance on the same basis as Polish children.

The possibility was provided to employ in schools attended by such children, a teacher assistant from the same ethnic group as the children. A

provision was introduced which enables minors seeking refugee status to receive education in upper secondary schools on the same terms as Polish citizens.

At some centres, children take advantage of the opportunity to participate in educational and integration activities conducted by NGOs. In most of the centres, there are preschools adjusted to the children's needs, which are run by the refugees themselves under the supervision of the centre staff or by voluntary workers acquired by NGOs partnering with the Office for Foreigners on a permanent basis. There are no cases reported in the Polish refugee system of foreign minors seeking the refugee status, who were involved in armed conflicts, i.e. child soldiers. The foreign minors may include persons who have witnessed armed conflicts. I would like to draw your attention to the programme carried out by the Office for Foreigners within the framework of the EQUAL Community Initiative Programme and the European Asylum Curriculum. The basic objective of these projects undertaken is to stimulate the vocational and social activity of foreigners, including minors, seeking the refugee status. The programmes provide for organising legal and psychological assistance, work with minors and persons who have suffered traumatic experiences, delivery of vocational and computer courses, language classes and classes providing knowledge about Polish society.

This year, as part of the Polish Foreign Aid of the Ministry of Foreign Affairs a project has been implemented, addressed to a target group closely associated to the above, "Support to Social Reintegration of Internally Displaced Persons – Therapeutic and Recreation Workshops for Children IDPs from Armenia and Azerbaijan". We carry out also programmes in Sudan, Chad and Iraq.

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