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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

POLAND 1/

[17 December 1982]

1/ The initial and second reports submitted by the Government of Poland (E/CN.4/1277/Add.15 and E/CN.4/1353/Add.11.) were considered by the Group of Three at its 1979 and 1981 sessions respectively.

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The Government of the Polish People's Republic reiterates once again that racial discrimination and apartheid are incompatible with the foundations of the socio-political system of Poland. Non-discrimination is one of the fundamental tenets of the socialist legal order. Also, as a former victim of Nazi nationalism and racism, Poland has a profound understanding for combatting racial discrimination and suppression of the crime of apartheid.

Since the submission of the second periodic report, there has been no change in the Polish legislation which would affect the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

The legal provisions relating to the subject dealt with by the International Convention on the Suppression and Punishment of the Crime of Apartheid are contained both in the Constitution of the Polish People's Republic and in the Penal Code.

The Constitution of the Polish People's Republic guarantees Polish citizens equal rights, without distinction as to birth, nationality and race in all spheres of political, economic, social and cultural life.

Article 67, para.2. "Citizens of the Polish People's Republic shall have equal rights irrespective of sex, birth, education, trade or profession, nationality, race, religion, social origin and status".

This principle is reaffirmed in Article 81, para.1 of the Constitution providing for equality of the rights of citizens in all fields of public, political, economic and cultural life. The same Article provides that infringement of this principle by any direct or indirect preferences or restriction of rights by reason of nationality, race or religion shall be punishable. On the other hand, Article 81, para. 2 of the Constitution states that spreading of hatred or contempt, provocation of disputes or humiliation on account of national or religious differences shall be prohibited.

Article 81, Sect.1. "Citizens of the Polish People's Republic irrespective of nationality, race or religion, shall enjoy equal rights in all fields of public, political, economic, social and cultural life. Infringement of this principle by any direct or indirect preferences or restriction of rights on account of nationality, race or religion shall be punishable.

Sect.2. "The spreading of hatred or contempt, the provocation of disputes, or humiliation of man on account of national, racial or religious differences shall be prohibited".

The provisions of the Polish Penal Code also reaffirm the principle of non-discrimination. Advocating discord on the basis of national, ethnic and racial differences (Art. 272 of the Penal Code, 19 April 1969, Journal of Laws, No.13, item 94 with subsequent amendments), including in particular the use of print or other mass media (art. 273, para. 2 of the Penal Code), storing, transportation, or transfer of written, printed material or other objects comprising a content specified in Art. 272 of the Penal Code, public insults, scoffs or degradation of an individual person or a group of people because of their national, ethnic or racial affiliation (Art. 274 of the Penal Code) is also punishable.

Article 270, sect. 2. "Whoever in public extols fascism or any of its variants, shall be subject to the same penalty / 6 months to 8 years'.

Article 272. "Whoever in public advocates discord on basis of national, ethnic, social or religious differences or in public extols such discord, shall be subject to the penalty of deprivation of liberty for from 6 months to 5 years".

Article 273, sect. 1. "Whoever does an act specified by Arts. 270-272 using press or other media of mass communication, shall be subject to the penalty of deprivation of liberty for from one year to 10 years'.

Sect. 2. "Whoever with the purpose of disseminating produces, stores, transports, transfers, or dispatches written, printed or other objects, comprising a content specified in Arts. 270-272, shall be subject to the penalty of deprivation of liberty for from 6 months to 5 years".

Article 274, sect. 1. "Whoever publicly insults, scoffs at or degrades a group of people or an individual person by reason of their national, ethnic or racial affiliation, shall be subject to the penalty of deprivation of liberty for up to 3 years".

Sect. 2. "Whoever commits an active assault against a human being for a reason specified in para. 1, shall be subject to the penalty of deprivation of liberty for from 6 months to 5 years".

The above quoted articles of the Polish Constitution and of the Penal Code confirm that the Polish People's Republic fully complies with the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Poland is a party to the Convention on the Prevention and Punishment of the Crime of Genocide which qualifies certain acts similar to those of apartheid, as a crime under the international law. Poland is also a party to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity which qualifies "inhuman acts resulting from the policy of apartheid" as crimes against humanity. Poland signed the said Convention on 16 December 1968 and was the first country to ratify it.

It should be also noted that according to Polish legislation, the crime of apartheid being a crime against humanity does not fall into the category of crimes to which the statutory limitations are applicable. Article 109 of the Penal Code: "The provisions concerning the periods of limitation do not apply to war crimes and crimes against humanity".

The legislation in force in Poland effectively prevents the manifestation of apartheid and racial discrimination in all its forms whereby the problem does not in fact exist in Poland.

Subsequently, during the period under the report no crimes of apartheid were committed in Poland and no court decisions were passed on such matters.

During the period under the report the Government of the Polish People's Republic continued to condemn at all international fora the policy of apartheid and racial discrimination in South Africa as well as those providing the inhuman South African regime with political, economic, military and other forms of assistance. As a member of the Security Council and other United Nations organs and bodies dealing with the policy of apartheid, Poland has voiced her strong support for the struggle against the abhorrent practices of apartheid and racial discrimination and has actively participated in all international actions aimed at suppressing crimes against humanity. Poland continues to lend its full support for United Nations resolutions against colonialism, racism and apartheid, providing as it does political, moral and material support to the national liberation movements and the peoples struggling for independence, against colonialism, racism, racial discrimination and apartheid.

The Polish People's Republic and public organizations concerned render their assistance to and full solidarity with the victims of the crime of apartheid.

In view of the Government of the Polish People's Republic, the existence of apartheid and racial discrimination is a flagrant violation of the Charter of the United Nations and an obstacle towards the realization of the noble goals set up therein. It endangers international peace and security.

The Polish mass media give wide publicity to the struggle against apartheid and racial discrimination and inform the public opinion in detail on the policy of terror and repression pursued by the South African regime. The text of the International Convention on the Suppression and Punishment of the Crime of Apartheid was published in the Polish language on several occasions and was given wide publicity in the mass media.