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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

[10 February 1978]

The Polish People's Republic from its very inception both in its internal as well as foreign policy stands firmly against any form of racism and racial discrimination. This position stems among other things from historical experience of Poland the population of which had suffered immense losses as a result of fascism and nazism, which are the forms of racial policy very close to that of the crime of apartheid.

Moreover, the acceptance in Poland of socialism as a basis of political, economic and social system excludes the possibility for apartheid to be promoted as ideological concept or practiced in any form in the State policy.

These basic assumptions can be illustrated by examples of some provisions of Polish laws, i.e.:

- The Constitution of the Polish People's Republic, enacted by the Legislative Sejm (Parliament) on 22 July 1959, declares in article 59:

- "1. Citizens of the Polish People's Republic, irrespective of nationality, race or religion, enjoy equal rights in all spheres of public, political, economic, social and cultural life. Infringement of this principle by any direct or indirect granting of privileges or restriction of rights, on account of nationality, race or religion, is punishable by law.
2. The spreading of hatred or contempt, the provocation of strife or humiliation of man on account of national racial or religious differences are forbidden."

- The Decree of the President of the National People's Council of 13 June 1946, on particularly dangerous offences during the reconstruction of the Polish State providing penal law for all forms of racial and national discrimination declares:

"Art. 30. Whoever publicly incites strife on grounds of national, racial or religious differences or commends such strife is liable to a term of imprisonment of up to 5 years.

Art. 31, para.1. Whoever publicly insults, derides or traduces a group of population or an individual person on account of their national, religious or racial affiliation, is liable to a term of imprisonment of up to 5 years or detention.

Art. 31, para.2. The same penalty shall be incurred by whoever commits a physical assault and/or inflicts injury on a person on account of the person's national, religious or racial affiliation.

Art. 32. Whoever commits a crime directed against a group of population or an individual person on account of their national, religious or racial affiliation, if such a crime resulted in a fatal outcome or severe injury, or violation of public order, or impairment of public security is liable to a term of imprisonment of up to 3 years, life sentence or death penalty.

Art. 33. Whoever participates in an agreement aimed at committing a crime referred to in Art. 31, para. 2, or Art. 32, or takes part in a riot which jointly commits such a crime, is liable to a term of imprisonment.

Art. 34. Whoever against his duties does not counteract commitment of crimes referred to in Art. 30-33 is liable to a term of imprisonment up to 3 years or detention."

The Criminal Code of the Polish People's Republic, passed by the Sejm on 19 April 1969, which entered into force on 1 January 1970, among other things repeals the aforementioned Decree of the President of the National People's Council of 13 June 1946, and in a chapter entitled "Offences against Public Order" stipulates as follows:

"Art. 270, para. 2. The same penalty (six months to eight years of imprisonment) shall be incurred by whoever publicly commends fascism or any version of it ...

Art. 272. Whoever publicly incites strife on grounds of national, ethnic, racial or religious differences or publicly commends such strife, is liable to a term of imprisonment of 6 months to 5 years ...

Art. 274, para. 1. Whoever publicly insults, derides or traduces a group of population or an individual person on account of their national, ethnic or racial affiliation, is liable to a term of imprisonment of up to 3 years.

Art. 274, para. 2. Whoever commits a physical assault on a person for the reason set out in para. 1 is liable to a term of imprisonment of six months to five years."

It is evident from the above that the laws existing in Poland fully meet the requirements specified in Art. 1 and 2 of the Convention.

Consequently, it does not seem necessary to adopt at this stage new legislative measures regarding apartheid.

In respect of article 6 of the Convention it may be stated that struggle against apartheid in the international framework has been consistently promoted and supported by Poland. It stemmed from the basic goals and objectives of the Polish foreign policy. Since the period immediately following the Second World War the efforts directed against apartheid in the Polish foreign policy have constituted one of the basic factors both in our struggle against colonialism and neo-colonialism, as well as in our support for such basic human rights as the right to live in peace and in freedom, the right for development of human and material national resources with full respect for sovereignty and for the right to self-determination.

Poland has accepted and consistently implemented all the decisions of the Security Council and other organs of the United Nations aimed at prevention of apartheid.

Poland has also actively contributed to the elaboration of those decisions.

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