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The rule of law at the national and international levels

Agenda item 85

S T A T E M E N T

BY

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NEW YORK, OCTOBER 10TH, 2013

Mr Chairman,

As this is the first time that my delegation takes the floor in this Committee during 68th session, I would like to convey our congratulations on your election, as well as the election of the members of the Bureau. Allow me also to pledge our full support to you and to all your efforts as the Chairman of the VI Committee.

On behalf of the Polish delegation, I would like to present our position concerning the issue of the rule of law at national and international levels. Let me also confirm that Poland aligns itself with the statement made by the European Union on this agenda item.

Poland fully supports the activities of the international community as regards the implementation of the rule of law at the national and international levels. In the context of challenges and threats of supra-national nature the modern world is now facing, it is necessary to develop a far-reaching and permanent cooperation between the states, to use legal and institutional mechanisms of international organisations, to undertake and to coordinate efforts, as well as to promote effective partnership with the civil society and private entities in this respect.

We note with satisfaction the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels, adopted in New York on 24 September 2012 (A/Res/67/1), which highlights the major issues requiring joint action of the international community in a comprehensive manner, founding the idea of the rule of law on three pillars: peace and security, development and human rights, and indicates the major directions for further common actions in this respect.

We also welcome the Report of the Secretary-General of the United Nations of 29 July 2013 (A/68/2013), which presents main activities conducted in order to strengthen the rule of law at the national and international levels, as well as current challenges and threats the international community is facing.

On this occasion let me to inform you that Poland is gradually implementing its pledges, and the pledges presented by the European Union during the High-Level Meeting, through the introduction of new international agreements into its national legal order, and preparing appropriate legislative measures, as well as the implementation of new action plans in this area.

Here I encourage you to refer to the detailed *Information on the implementation status of the pledges made by Poland and the European Union during the High-Level Meeting*, which is enclosed to this statement.

The rule of law is an important reference point, both for the Polish public institutions, when preparing new legal and institutional mechanisms for its full implementation, as well as for the civil society organisations, which participate actively in public consultations.

Mr Chairman,

Given the significance of the rule of law in international relations, it is necessary for the international community to continue joint and comprehensive activities to implement it, pursuant to the directions set in the aforementioned Declaration of the High-Level Meeting.

I would like to assure you that Poland is ready to play an active role in the consultations concerning further work on the concept of rule of law, including determination of priorities of joint activities and principles of coordination and cooperation of bodies involved in the process. Let me in this context propose some areas which, in our view, require consideration:

- First, the area of developing and consolidating of the institutions of the rule of law, including ensuring the independence and impartiality of justice, as well as control of armed forces by civil authorities;
- Second, promoting development of extra-judicial bodies acting for the protection of human rights (e.g. ombudsmen),
- Third, increasing efficiency of legal and institutional mechanisms to monitor the adherence to the commitments within the area of human rights and international humanitarian law;
- Fourth, increasing international support for and assistance to the democratic election processes in the member states;
- Fifth, implementing the principle of sustainable development as it constitutes the basis for internal and international security and
- -last but not least - ensuring further synergies of work of international organisations
in the context of the rule of law.

The Polish delegation is ready to provide the Secretary-General with a written contribution to the above-mentioned areas, containing rationale behind each of them, which would be regarded as food for thoughts in our future deliberations.

Thank you, Mr Chairman.

**Information on the implementation status of the pledges made by Poland
and the European Union during the High-Level Meeting of the General Assembly
on the Rule of Law at the National and International Levels,
New York, 24 September 2013**

Pledge of the Republic of Poland No. 1 – education concerning the rule of law

A programme of legal education concerning the rule of law is being implemented, a website was launched <http://www.pokrzywdzeni.gov.pl> for victims of crimes.

Pledge of the Republic of Poland No. 2 – signing the International Convention of the United Nations for the Protection of All Persons from Enforced Disappearance, adopted in New York on 20 December 2006

Poland signed this Convention on 25 June 2013.

Pledge of the Republic of Poland No. 3 / Pledge of the European Union No. 1 – ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction, signed in Oslo on 18 September 1997

Poland ratified of this Convention on 14 December 2013.

Pledge of the Republic of Poland No. 4 – review of the treaty obligations in order to ensure high level of compliance with the development of international law

Poland is a State Party to all international treaties, within its own pledges, as well as pledges made by the European Union during the High-Level Meeting.

Pledges of the European Union No. 1 and No. 4 – considering the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006; Convention of the United Nations Relating to the Status of Stateless Persons, adopted on 28 September 1954 and the Convention of the United Nations on the Reduction of Statelessness, adopted on 30 August 1961

At the moment, analytical work is conducted as regards the advisability of ratification of these Conventions by Poland.

Pledge of the European Union No. 12 – promoting the universal applicability of the Rome Statute of the International Criminal Court

Poland commenced the ratification procedure for the Amendment to Article 8 and the Amendments on the crime of aggression to the Rome Statute of the International Criminal Court, adopted in Kampala on 10 and 11 June 2010.

Pledge of the Republic of Poland No. 5 – preparation of legal regulations concerning open public resources.

The assumptions of the legal regulations concerning open public resources have been prepared, public consultations in this respect have been conducted.

Pledge of the Republic of Poland No. 6 – preparation model on-line lawmaking

Activities intended to establish an e-legislation system for the entire governmental legislation process are being conducted. Poland is also one of the 10 European Union Member States that publish legislative acts only in electronic form.

Pledge of the Republic of Poland No. 7 – reform of the court procedures

The assumptions of the draft acts have been prepared, which would introduce amendments to the civil procedure in order to simplify and accelerate the proceedings; it would also introduce the ability to hold court proceedings by electronic means.

Pledge of the Republic of Poland No. 8 – increasing the legal protection of children who were victims of crimes

An amendment of the penal code has been prepared in order to increase the legal protection of children that were victims of crimes. Also, an amendment of the code of criminal proceedings has also been prepared, introducing particular rules of testimony given by minor children, victims of sex crimes and human trafficking.

Pledge of the European Union No. 20 – human trafficking

An amendment of the legislation has been prepared, granting the Border Guard rights to conduct proceedings pertaining to human trafficking; also an amendment of the penal code is envisaged, which is to include human trafficking in the list of crimes.

Pledge of the European Union No. 7 – supporting transboundary trade by reducing administrative burden

A review of the legislation is now being conducted in the context of reducing administrative burden for enterprises and introducing possible exclusions for micro-enterprises from some provisions of law.

Pledge of the European Union No. 3.1 – combating corruption

“Good practices” are being implemented in the investigative proceedings in the cases pertaining to crimes committed within organised crime organisations and corruption in the public authorities; good management practices are promoted among non-governmental organisations.