

**REPORT ON THE REALIZATION OF THE OPTIONAL
PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD
ON THE INVOLVEMENT OF CHILDREN IN ARMED
CONFLICTS UNDER ARTICLE 8 (1) OF THE PROTOCOL.**

REPUBLIC OF POLAND

2007

Introduction

1. On 6 September 2004 Poland ratified the Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflicts adopted in New York on 25 May 2000 (act of 6 September 2004, Journal of Laws No 194, item 1982). The Protocol entered into force in Poland on 7 May 2005.

2. Under art. 8 paragraph 1 of the Protocol, the present report is being submitted to the Committee on the Rights of the Child for the first time since the ratification of the Protocol. Further parts of the report present the implementation of the Protocol's provisions in Poland, and the activities undertaken in that respect.

Article 1

3. According to the Polish law people under 18 are not obliged to undergo the military service, and cannot participate in military actions. Under art. 4 sec. 1 of the Act of 21 November 1967 on the universal duty of defense of the Republic of Poland (unified text Journal of Laws of 2004, No 241, item 2416), all Polish citizens are subject to the defense duty if they are capable thereof as regards their age and physical condition.

Article 2

4. The age of the obligatory registration for the basic military service is specified in art. 31 of the act, stating that all men turning 18 in the given calendar year are subject to the registration as conscripts. The conscription concerns men who turn 19 in the given calendar year (art. 32 of the act). In exceptional cases the Council of Ministers may introduce the obligation of conscription of men turning 18 in the given calendar year. Similarly, as regards the voluntary service, people who have not turned 18 in the given calendar year cannot undergo military service even in the case of mobilization and war – only conscripts considered able to undergo the military service and other persons specified in art. 109 of the act are conscripted to the service.

5. As regards the penal regulations concerning the recruitment of children to military or hired service, the current Penal Code does not explicitly penalize such actions. However, the provision of the Protocol regarding that issue is partly implemented through art. 142 § 2 of the Penal Code, stating that whoever recruits Polish citizens or foreigners staying in Poland to the hired military service forbidden by international law as well as pays for such service, organizes, trains or uses it, is subject to penalty. Therefore, the above – mentioned ban refers to all Polish citizens or foreigners staying in Poland, regardless of their age.

Moreover, it is worth pointing to the fact that currently the Ministry of Justice is working on the draft amendment to the Penal Code in order to introduce an *expressis verbis* ban on the conscription or recruitment of persons under the age of 18 into the military service.

Article 3

See articles 1 and 2.

Article 6

6. The Office for Defense Issues of the Ministry of Education within the framework of distributing and promoting the principles and provisions of the Protocol submitted the document and information about its ratification by the Republic of Poland at a conference organized at the National Defense Academy in Rembertów on 6 -7 October 2004. The participants of the conference were auditors for defense issues from the local education authorities as well as representatives of pedagogical universities responsible for the training of teachers of the civil defense.