

# THE ROLE OF THE HUMAN RIGHTS DEFENDER IN PROMOTING AND PROTECTING THE HUMAN RIGHTS OF POLISH ARMED FORCES PERSONNEL

**Professor Marek Zubik**

*Deputy Human Rights Defender  
of the Republic of Poland*

***Vienna, 27 April 2010***

# The Human Rights Defender of the Republic of Poland



Janusz Kochanowski  
(1940-2010)



- Introduced by the Act of 15 July 1987.
- He safeguards human rights and freedoms.
- He is independent and autonomous of other agencies.
- There is a informal procedure for lodging complaints and free proceedings ensure wide access to help for ANYONE whose freedoms or rights have been violated by the action or lack thereof on the part of subjects who were obliged to abide by it (especially the state authorities).

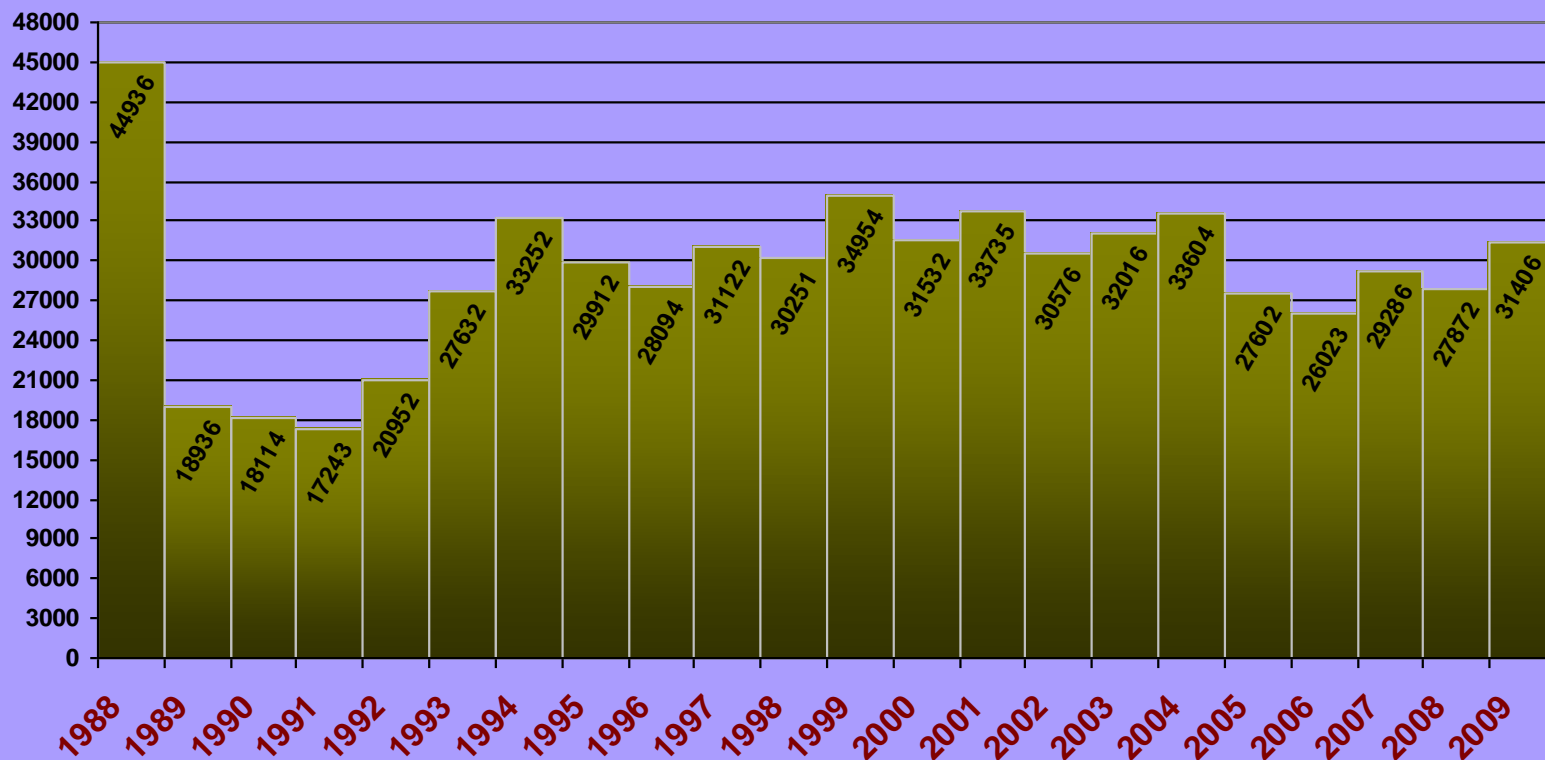




# The scope of cases

- The Defender deal with issues from different areas of law:
  - ✓ labour law and social security,
  - ✓ criminal law,
  - ✓ business law, tax and protection of consumers rights,
  - ✓ administrative law and housing,
  - ✓ civil law and property management,
  - ✓ penal executive law.
- Over one million cases over 22 years.

# The number of new cases in the years 1988–2009



# The Human Rights Defender and the Armed Forces



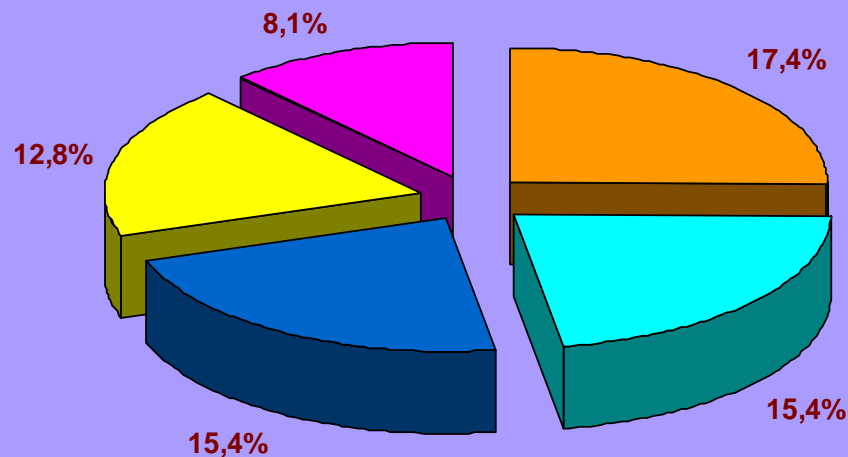
- There are no separate specialized body in charge of protecting the rights of military personnel.
- The Defender is authorized to deal with soldiers' matters on violation human and civil rights and freedoms.
- In that case, soldiers – irrespective of where they are performing their duties – in Poland or beyond the country's borders, may apply to the Defender.

# Military matters in the activity of Human Rights Defender

- The specific nature of cases involving military personnel.
- The systematic reduction in the Armed Forces.
- Problems of professional soldiers.
- The closure of many military units and garrisons.



# Soldiers' matters in 2009 in statistic



■ professional soldiers

■ service conditions and foreign missions

■ the rights compulsorily employed in mines of soldiers in alternative military service  
compulsorily employed in mines

■ accidents while serving, compensation, military invalids

■ enlistment and dismissal from service

# Visits to military units

- The majority of cases need to be examined on site in the units where the soldiers are serving.
- The Defender visits the places where Polish soldiers are serving – in Poland and abroad.
- The Defender acquainted with accommodation conditions, preparation for the performance of duties, food, medical care and also the possibility of contacting their family and friends back home.
- In December 2009, the Deputy Human Rights Defender visited Polish soldiers carrying out their duties in the Polish Military Contingent in Afghanistan (*in the picture*).



# Dealing with the cases



- The meetings, depending on possibilities, are conducted in groups, usually of particular personnel corps (officers, non-commissioned officers, privates) and – what is uncommonly important – without the participation of their superiors.
- Every soldier can present the problem troubling him without giving his name.
- Next, the presented problem is discussed with the commanders of the contingent.



# Promoting human rights

- Informing the military personnel of the Armed Forces about the entitlements that they possess and the legal possibilities in the settling and resolving of any problems that may be troubling them.
- Informing the commanders (persons) responsible for the stated irregularities about the findings reached.
- Passing on to the military personnel of the Armed Forces of information about the actions undertaken and also about their effects.
- Cooperating with the Council of Deans of the Corps of Professional Officers in the matter of the problems presented and of the appropriate proposals directed to the Minister of Defence referring to military personnel.



**Thank you for your attention!**

[marek.zubik@brpo.gov.pl](mailto:marek.zubik@brpo.gov.pl)