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Personnel Changes in Armed Forces Rumored

WS0806132495 Warsaw ZYCIE WARSZAWY
in Polish 8 Jun 95 p 2

{Article by "LUZ": "Will Soldiers Help Walesa and How?"}

[FBIS Translated Text] Who is afraid that the Armed Forces will be manipulated in the coming campaign?

"This is the problem of a mere five to 10 generals affiliated with the Belweder," calmly says Jerzy Szmajdziński, chairman of the Sejm Defense Commission and deputy from the Democratic Left Alliance [SLD]. Danuta Waniek, until recently deputy defense minister, adds: "Their voting preferences are different."

We should remember that according to last year's polls, the military identify primarily with SLD, with the Freedom Union in second place. The Belweder was disturbed by the reports. Lech Walesa has allegedly complained to top military officials recently that he invested a lot into the Armed Forces (the president decides who is promoted to general), and is not getting much in return.

There are rumors in the General Staff that a personnel revolution is in the air. In reward for "the right attitude" towards the president, heads of the Warsaw and Silesian Military Districts are to be promoted. One would take over the newly established post of deputy head of the General Staff in charge of the Territorial Defense Inspectorate, the other might become head of the president's military cabinet.

The Ministry of National Defense may help the president win the support of the right wing. The defense minister has announced he is looking for a deputy on that part of the political scene.

The most active division commanders might be moved to Warsaw. "They are too independent in the field. They pose a danger to the president because they enjoy too much authority. Here, they will be part of the crowd," we heard at the General Staff.

General promotions are undoubtedly Walesa's forte. Ten officers were nominated in May, others will be nominated in November and perhaps even in August.

As part of the campaign, some officers were given raises that had been designed for military commanders in the amount of 10 million zlotys. Zbigniew Okonski assured, however, that the amount was decided by his predecessors. He assuaged that the head of General Staff would earn 5 percent less than he does.

Draft Constitution Dated 12 Apr 1995

95EP0114A Warsaw TRYBUNA in Polish
2-3 May 95 pp 7-8

[Text of Constitution Draft dated 12 April 1995]

[FBIS Translated Text]

Chapter 1. Principles of Polity

Article 1. The Republic of Poland is a democratic and legal state implementing the principles of social justice.

Article 2. The Republic of Poland is the commonwealth of all citizens.

Article 3. The Republic of Poland is one and indivisible as a country.

Article 4. Supreme power in the Republic of Poland belongs to the commonality of citizens, who form the Nation, which exercises that power through the medium of its democratically elected representatives or directly.

Article 5.1. The Republic of Poland guarantees the freedom of the formation and operation of political parties. Political parties associate citizens of the Republic of Poland on the principle of freedom of choice and equality, with the object of influencing by democratic methods the formulation of national policies.

5.2. The financing of political parties is public.

Article 6. The Republic of Poland guarantees the freedom of formation and operation of trade unions, associations, civic movements, foundations, and other voluntary associations operating legally with the object of promoting the interests of citizens and expressing their opinions.

Article 7. The Republic of Poland guards the independence and inviolability of its territory, guarantees the liberties and rights of man, protects public tranquility, safeguards the national heritage, and assures environmental protection on guiding itself by the principle of balanced development.

Article 8. All the public authorities and agencies of public administration operate pursuant to and within the bounds of law.

Article 9.1. The Constitution is the supreme law of the Republic of Poland.

9.2. The provisions of the Constitutions apply directly, unless the Constitution specifies otherwise.

Article 10.1. The Republic of Poland adheres to the international law binding thereon.

10.2. The Republic of Poland may, by virtue of an international agreement, transmit to an international organization or an international body the exercise of certain state powers.

Article 11. The polity of the Republic of Poland is based on the division into and balance of legislative, executive, and judicial powers.

Article 12.1. The Republic of Poland guarantees the participation of local governments in the exercise of public powers.

12.2. Within legally defined limits, the Republic of Poland assures the possibility of operation of other forms of local governance.

Article 13.1. The Republic of Poland protects the right of ownership and the right of inheritance.

13.2. Expropriation is admissible solely for public purposes and upon just compensation.

Article 14.1. The Republic of Poland assures the freedom of private enterprise.

14.2. Restrictions on private enterprise are permissible only when so legislated and in consideration of important public interests.

Article 15. Labor is under the protection of the Republic of Poland. The state exercises supervision over the conditions in which it is performed.

Article 16.1. Churches and denominational unions receive equal treatment.

16.2. The government of the Republic of Poland remains impartial on matters concerning religious, personal, and philosophical beliefs, upon safeguarding the freedom of their expression in public life.

16.3. The relations between the state and the churches and denominational unions are based on the principles of respect for mutual autonomy and independence of each within its own scope, as well as on cooperation for the good of the individual and the community.

16.4. The relations between the state and the Roman Catholic Church are defined by the international agreement concluded with the Apostolic See and by law.

16.5. The relations between the state and the other churches or denominational unions are defined by the laws passed on the basis of agreements concluded between the Government and their authorized representatives.

Article 17.1. The emblem of the Republic of Poland is the image of a crown-wearing white eagle on red gules.

17.2. The colors of the Republic of Poland are the colors white and red.

17.3. The hymn of the Republic of Poland is Dabrowski's Mazurek.

17.4. Details of the emblem, colors, and hymn are specified by law.

Article 18. The emblem, colors, and hymn of the Republic of Poland are subject to legal protection.

Article 19. The capital of the Republic of Poland is Warsaw.

Chapter 2. Rights, Liberties, and Responsibilities of Man and Citizen.

General Principles

Article 20. The innate and inalienable dignity of man is inviolable. Respect for it and its protection are the responsibility of the public authorities.

Article 21.1. Anyone can do anything that is not prohibited by law. No one can be forced to do what a law does not prescribe.

21.2. Whoever avails himself of his rights and liberties is obligated to respect the rights and liberties of others.

21.3. Restrictions on the exercise of rights and liberties may be imposed only by law, when so necessitated in a democratic state in the interest of national security or public order, or for the sake of environmental protection, public health, public morality, or the rights and liberties of others.

Article 22.1. Every person is equal before the law and has the right to equal treatment by the public authorities.

22.2. No one may be discriminated against in political, social, or economic life by reason of gender, race, national or ethnic origin, state of health, physical or mental handicap, social origin, birth, sexual orientation, language, creed or its absence, views, property, or by any other reason.

Article 23.1. Men and women in the Republic of Poland have equal rights in political, economic, social, and cultural life.

23.2. Women are guaranteed equal right, on par with men, to education, employment, and advancement, to the same remuneration for work of the same worth, to social security, and to hold positions, public offices, and marks of distinction.

Article 24.1. Polish citizenship is acquired by birth from parents who are Polish citizens. Any other cases of eligibility for citizenship are defined by separate laws.

24.2. No one may forfeit Polish citizenship unless he/she personally renounces it.

24.3. While abroad, Polish citizens have the right to protection from their government.

Article 25. The Republic of Poland guarantees to Polish citizens who belong to national and ethnic minorities the right to preserve and develop their own language, culture, customs, and traditions. It also guarantees them the right to establish their own educational and cultural institutions, as well as institutions serving to protect their religious identity, and the right to participate in resolving matters that concern the recognition and protection of their cultural identity.

Article 26.1. Anyone who is under the jurisdiction of the Polish State can avail himself of the rights and liberties guaranteed in the Constitution.

26.2. In accordance with international law, exceptions from this provision as pertaining to foreign nationals are governed by separate laws.

Personal Rights and Liberties

Article 27. Every person has the right to protection of life.

Article 28.1. No one may be subjected to torture or to cruel, inhuman, or humiliating treatment or punishment. Corporal punishment is prohibited.

28.2. No one may be subjected, in the absence of his/her freely given consent, to medical or scientific experiments.

28.3. Any person who is deprived of his/her liberty should be treated in a humane manner enabling him/her to adapt himself/herself to life at liberty.

Article 29. There is no statute of limitations on war crimes and crimes against humanity.

Article 30. The statute of limitation with respect to felonies perpetrated or instigated by public servants but left unpunished for political reasons is subject to suspension until said reasons are determined.

Article 31.1. Every person is guaranteed personal liberty and personal security. Deprivation of liberty may take place only in accordance with legally defined principles and procedures.

31.2. Anyone who is deprived of liberty in the absence of a judicial verdict has the right of appeal to a court of law for an immediate determination of the legality of such deprivation of liberty. Any time deprivation of liberty is carried out, the family or individual named by the person so deprived are immediately notified.

31.3. Any detainee should be immediately informed, in language he/she understands, of the reasons for his/her detention. The detainee should be released if within 48 hours he/she is not handed a judicial ruling on provisional detention, spelling out the charges.

31.4. Any person who is illegally deprived of liberty has the right to compensation.

Article 32.1. Only a person who commits an action punishable under the relevant, then binding law is subject to penal liability therefor. This principle does not conflict with punishment for an action which, at the time of its perpetration, constituted a crime under international law.

32.2. Anyone against whom penal proceedings are in progress has the right to defense during every stage of the proceedings and may choose the defending counsel or use an officially appointed defender.

32.3. Every person is considered innocent until proved guilty by a valid judicial verdict.

Article 33.1. Every person has the right to a fair and public consideration of his/her case without any unjustified delay by an appropriate, independent, impartial, and autonomous court of law.

33.2. A trial may be held behind closed doors out of considerations of morality, public order, or protection of the safety and privacy of the parties. The verdict is announced publicly.

33.3. Any party to the trial has the right to appeal the verdict of the court of the first instance.

Article 34. Forfeiture of property may occur only in legally specified cases pursuant to a valid ruling of a court of law.

Article 35.1. Every person has the right to the legal protection of his/her privacy, family privacy, honor and good name, and the right to decide on his/her personal life.

35.2. Freedom and secrecy of personal communications are inviolable. Their restriction may occur solely for reasons and on terms defined by law.

35.3. The home of every person is inviolable. Searches of homes, premises, or vehicles may occur solely in the cases and by the procedure defined by law.

Article 36.1. [passage indistinct]... concerning his/her person. No information other than absolutely necessary in a democratic state can be obtained and gathered. The principles and procedure for such information gathering are defined by law.

36.2. Everyone has the right of access to the official documents and files concerning his/her person, and the right to demand the deletion of information that is dispensable or obtained in a manner conflicting with the law. Restrictions of these rights may be defined by law.

Article 37.1. Everyone has the right to freedom of movement and the right of choice of domicile and sojourn on the territory of the Republic of Poland.

37.2. Everyone can freely depart from the territory of the Republic of Poland.

37.3. The liberties referred to in Paragraphs 1 and 2 may be subject to legally defined restrictions.

37.4. A Polish citizen may not be expelled from this country nor forbidden from returning thereto.

37.5. A person living abroad whose Polish origin has been legally affirmed may settle permanently in Poland.

Article 38.1. Everyone has the right to freedom of conscience and religion.

38.2. Freedom of religion comprises the freedom of professing or accepting a religion as based on personal choice and of expressing, individually or with others, publicly or privately, one's religion by engaging in religious worship, praying, participating in religious ceremonies, and practicing and teaching religion. Freedom of religion also comprises the ownership of churches and places of worship as according to the need of the believers, and the right to obtain religious assistance where available. No one may be forced to participate in religious practices.

38.3. The state acknowledges the right of parents to provide their children with a moral and religious education consonant with their beliefs. Said education should make allowance for the desire of the wishes child, the degree of maturity of the child, and the freedom of the child's conscience and creed as well as of the child's beliefs and faith. The religion of a legally existing church or religious denomination may be a subject of school instruction, with the proviso that the right of other persons to freedom of religion and the right of nonbelievers may not be violated.

38.4. No one may be obligated by the public authorities to disclose his/her beliefs, religious convictions, or religious affiliation.

38.5. The freedom to express one's religion may be solely subject to specified legal restrictions when these are required in the interest of national security, public order, health, and morality, or in the interest of the rights and liberties of other persons, on assuring respect for equality and justice.

Article 39.1. Everyone is free to express his/her opinions and to obtain and disseminate information.

39.2. Freedom of the press and other mass media is guaranteed. Using that freedom may not be restricted by licensing or preventive censorship. Laws may provide for requiring a permit to operate a radio or television station.

39.3. Everyone is entitled to freedom of artistic creativity and scientific research and to the publicization of their results, as well as to freedom of instruction and freedom of benefiting from cultural treasures.

Article 40.1. Extradition of Polish citizens is prohibited.

40.2. Extradition of persons suspected of committing political crimes or resorting to force is prohibited.

40.3. Extradition is ruled upon by courts of law.

Article 41. Citizens of other countries and stateless persons may avail themselves of the right of asylum in the Republic of Poland on legally defined principles.

Political Rights and Liberties

Article 42.1. Everyone is entitled to freedom of peaceful assembly and of participation therein.

42.2. Restrictions on that freedom may be defined by law.

Article 43.1. Everyone has the right of freedom of association.

43.2. The procedure for registering associations in a court and the form of oversight of associations are defined by law.

43.3. Associations whose purposes or activities conflict with the Constitution or laws are prohibited. A court decides on declining their registration or prohibiting their operations.

Article 44.1. Freedom of association in trade unions and employer organizations is guaranteed, subject to the restrictions allowed by the norms of international law binding upon the Republic of Poland.

44.2. With the object of resolving collective bargaining disputes, trade unions and employer organizations have the right to engage in negotiations and to conclude collective bargaining agreements and other agreements.

44.3. Trade union liberties may be subject solely to such legal restrictions as are admissible pursuant to the norms of international law binding upon the Republic of Poland.

44.4. Trade unions have the right to declare strikes or engage in other forms of protest within legally defined bounds.

44.5. In consideration of the public good, laws may restrict or prohibit strikes by specified categories of employees or in specified domains.

Article 45. A Polish citizen who is entitled to full civil rights has the right of access to public service on principle of equality.

Article 46.1. A citizen has the right to obtain information on the activities of government agencies and persons exercising public functions. This right also comprises obtaining information on the activities of business and professional organizations and the related persons or organizational units to the extent to which they perform government assignments and manage communal or Treasury property.

46.2. Said right assures access to the documents and the possibility of audio or video recording of, as well as free access to, sessions of popularly elected deliberative bodies.

46.3. Restrictions on the right referred to in Paragraphs 1 and 2 may occur solely in consideration of legally defined protection of the rights and liberties of other persons and entities and protection of public order, national security, or important national economic interests.

46.4. The procedure for obtaining the information referred to in Paragraphs 1 and 2 is defined by law.

Article 47.1. A Polish citizen who completes 18 years of age has the right to vote for the President of the Republic of Poland as well as for his representatives to the Sejm and Senate and to local government bodies.

47.2. The right to vote does not apply to persons who are incapacitated according to a valid judicial ruling and to persons who are deprived of their civil or voting rights by a valid judicial ruling, for the duration of their incapacitation or deprivation of these rights.

Article 48. Everyone may lodge petitions, proposals, or complaints in his/her own behalf or on behalf of another person upon the latter's consent, with the public authorities and public organizations and institutions, in connection with their exercise of the duties assigned to them within the scope of public administration. The procedure for considering said petitions, proposals, and complaints is defined by law.

Economic, Social, and Cultural Rights and Liberties

Article 49.1. Everyone has the right to choose his/her own occupation or profession and place of work. No one may, with the exception of legally defined

cases, be forbidden from practicing his/her occupation or profession.

49.2. The obligation to work may be legally imposed only in cases that are not prohibited by international law.

49.3. Regular employment of children up to 16 years old is prohibited.

49.4. The state determines the minimum wage.

49.5. Public authorities pursue a policy of full and productive employment and organize and sponsor vocational counseling and training.

Article 50.1. Everyone has the right to safe and hygienic conditions of work. The ways and means of safeguarding that right and the responsibilities of employers are defined by law.

50.2. Every employee is guaranteed the right to legal days off from work and to an annual paid leave. The maximum number of hours of work is specified by law.

Article 51.1. Everyone has the right to study. School attendance until the age of 16 is mandatory.

51.2. Enrollment at public schools is free. Fees for enrolling at higher public schools may be imposed by law.

51.3. Parents have the right to choose enrolling their children at schools other than public schools.

51.4. Institutions and citizens have the right to establish elementary, secondary, and higher schools as well as boarding schools. Laws define the conditions for the establishment and operations of nonpublic schools and the participation of public authorities in their financing, as well as the guidelines for pedagogical supervision of said schools.

51.5. Public authorities create the conditions making possible academic and vocational education according to the ability of the pupil or student.

51.6. The autonomy of institutions of higher education according to legally defined principles is guaranteed.

Article 52.1. A citizen has the right to social protection in the event of inability to work owing to illness or a handicap, as well as upon reaching retirement age. The scope and forms of social protection are defined by law.

52.2. A citizen who remains unemployed through no fault of his own and who lacks other means of support has the right to social protection whose scope and forms are defined by law.

Article 53.1. A citizen has the right to health care provided by the public health service on legally defined principles.

53.2. Public authorities are obligated to assure health care for children, pregnant women, incapacitated persons, and persons of advanced age.

53.3. Public authorities are obligated to combat epidemic diseases and prevent adverse consequences to health due to environmental degradation.

53.4. Public authorities provide citizens with the conditions for engaging in physical culture and sports.

Article 54.1. The family is under the protection of law.

54.2. The right of parents to bring up children in accordance with their convictions is guaranteed.

54.3. Restrictions on or the suspension or deprivation of parental authority may take place only in legally defined cases or pursuant to a court ruling.

Article 55.1. The state guarantees the protection of the rights of the child. Everyone has the right to demand of public authorities protection of the child against duress, cruelty, exploitation, and demoralization.

55.2. A child deprived of parental care has the right to receive care and assistance from public authorities.

55.3. A child capable of formulating his/her own views is assured of the right to express them freely. When determining the rights of a child, public authorities and persons responsible for the child are obligated to listen to, and insofar as possible to take into consideration, the child's views.

Article 56.1. The state creates the conditions for assuring ecological security for the present and future generations.

56.2. Environmental protection is an obligation of public authorities.

56.3. The citizen has the right to information about the condition and protection of the environment.

56.4. Public authorities support civic initiatives on behalf of protecting and improving the environment.

Article 57.1. Public authorities pursue a policy favoring the satisfaction of the housing needs of citizens, inclusive of supporting their efforts to obtain their own housing.

57.2. The protection of the rights of tenants is defined by law.

Article 58. Public authorities protect consumers, users, and lessees against practices endangering their health

and safety, and against dishonest market practices. The scope of this protection is defined by law.

Safeguards of Rights and Liberties

Article 59.1. Everyone has the right to be compensated for damages caused by activities of government agencies that are inconsonant with the law.

59.2. The law may not bar anyone from resorting to the judiciary with the object of suing for violated rights and liberties.

Article 60.1. Anyone whose constitutional rights were violated has the right, following legally defined principles, to lodge with the Constitutional Tribunal a complaint requesting that it verify whether a law or other regulation pursuant to which a court or a government agency issued a final ruling on his/her rights or on the obligations defined in the Constitution, is consonant with the Constitution.

60.2. The provisions of Paragraph 1 do not apply to the law referred to in Article 41.

Article 61. Everyone has the right to apply, following legally defined procedure, to the Citizens' Rights Spokesman with a request for assistance in defending his/her rights or liberties violated by public authorities.

Article 62.1. The rights referred to in Article 49, Paragraphs 4 and 5, Article 50, Article 51, Paragraph 5, Articles 52-53, and Articles 56-58, may be claimed within legally defined bounds.

62.2. The Council of Ministers and the executive departments of local governments submit for acceptance reports on the exercise of the duties relating to the implementation of said rights.

Obligations

Article 63. Loyalty and fidelity to the Republic of Poland are an obligation of the Polish citizen.

Article 64. It is the citizen's obligation to shoulder the burden of public services and responsibilities, including the payment of taxes, as defined by law.

Article 65.1. Defense of the Fatherland is an obligation of the Polish citizen.

65.2. A citizen whose conscience prevents him from performing military service may be obligated to perform an alternative service.

65.3. The scope of the duty of military service is defined by law.

Article 66. Everyone is obliged to care for the condition of the environment and bears responsibility for its

deterioration. The guidelines for the responsibility are defined by law.

Reasons To Support Poland in Weimar Triangle

95EP0121A *Krakow TYGODNIK POWSZECHNY*
in Polish 21 May 95 No 21, p 3

[Article by Roman Kuzniar, charge d'affaires in the Permanent Representation of the Republic of Poland at the Office of the United Nations in Geneva: "The Weimar Triangle: A Common Calling En Route to European Unification"]

[FBIS Translated Text] "Cooperation between Poland, Germany, and France, within the framework of the so-called Weimar Triangle, is an example of creating new constructs which overcome old divisions and blocs. This particular form of cooperation between member countries of the European Union and a country from the former area of Soviet domination symbolizes the reconciliation of three large European nations. The former area of large-scale European wars is being transformed into a security pillar for the continent."

The above words, uttered in a speech by Foreign Affairs Minister Wladyslaw Bartoszewski at a special session of both chambers of the German parliament (a historic speech even as of the time it was made), are particularly significant. Bartoszewski's assumption of the position of foreign minister on the eve of the 50th anniversary of the end of World War II creates prerequisites for a transition from normalization to reconciliation in Polish-German relations. In turn, this is a necessary condition for taking full advantage of the potential for cooperation between the three countries.

Naturally, the Weimar cooperation, which was inaugurated by a meeting between R. Dumas, H.D. Genscher, and K. Skubiszewski right in Weimar in August 1991, already had reached a certain stage. Its scope included cooperation between the foreign-policy establishments of the three countries, their defense ministries (including the first joint exercise), meetings between members of parliament, as well as joint undertakings in the area of youth, cultural, and research cooperation. Let us also recall that in September 1993 a meeting between the presidents of the three states was brought about. At the same time, it appears that additional impulses are necessary in order to maintain the dynamics of such cooperation. These impulses should result from the conviction that the formula of the Weimar triangle may amount to something considerably greater than assistance from France and Germany in Poland's striving for membership in Western institutions. Both Poland and its partners should regard this formula as an opportunity for joint actions by the three states in the course of a difficult

process of reconciliation and integration in a Europe which was divided before 1989. A brief 10-point reasoning which follows is an attempt to substantiate this initial premise.

Ten Theses About Unification

First, Franco-German reconciliation, and subsequently the Paris-Bonn axis which was formalized through the Elysee Treaty signed in January 1963 (an accomplishment of the outstanding statesmen de Gaulle and Adenauer), laid the foundation for the postwar unification of West Europe. One could further note that this was first, a prerequisite, second, a basis, and third, the driving force of West European integration within the framework of the European Community. This thesis requires no further evidence or development.

Second, along with a great change occasioned by the East European Spring of Nations in 1989, Europe got an opportunity to become united again (reunification). Reunification may only occur on the basis of West European institutions, mainly the European Union and the Western European Union (as well as NATO). To be sure, prior to 1989, the states were restricted by a barrier in the form of the "iron curtain." However, it is a virtual certainty that, had it not been for the "iron curtain," certain Central European countries would have participated in the processes of European integration from the very beginning.

Third, in the new situation, cooperation between Paris and Bonn (soon to be between Paris and Berlin) will remain, for some time to come, a pillar of the West European core for a broader European construct which is what the European Union is slowly becoming. However, it does not appear that this axis could drive the entire process of integration and its institutional architecture. In this context, one should not ignore the difference between the foreign policies of the two states which recently have been increasingly frequent and French apprehensions about the excessive "independence" of Germany on the European scene. On the other hand, it is necessary for France to become more involved than heretofore in the matters of Central and East Europe, especially in view of the prospects for the Union opening up to the region.

If the French-German duo is to maintain its role in European relationships in the coming decades it should receive support from another state. Naturally, Paris and Berlin may not wish to seek or accept such support. However, in this case the role of the axis will diminish considerably which, as a result, will likely weaken the bond between the two capitals. Nor can attempts to create a new constellation of states excluding France