



**STATEMENT**

**UNIVERSAL PERIODIC REVIEW PRE-SESSION ON POLAND**  
**DELIVERED BY THE CLIENTEARTH PRAWNICY DLA ZIEMI FOUNDATION**  
on behalf of the group of Polish environmental and human rights organizations  
(ClientEarth Prawnicy dla Ziemi Foundation, Frank Bold Foundation,  
Helsinki Foundation for Human Rights, WWF Poland)

Geneva, 29 August 2022

## **I. Presentation of the organization**

My statement is being delivered on behalf of ClientEarth Prawnicy dla Ziemi, a non-profit, non-partisan organization located in Warsaw, which uses the law to hold governments and businesses accountable for climate change, the loss of nature and pollution in Poland. ClientEarth was the submitting organization of the joint submission with other Polish environmental and human rights organizations, namely the Frank Bold Foundation, the Helsinki Foundation for Human Rights and WWF Poland.

## **II. National consultations for the drafting of the national report**

ClientEarth has not been invited and has not participated in any national consultations.

Environmental and climate human rights have never been the subject of recommendations for Poland within the UPR. In our opinion, in the light of the historic resolution of the UN General Assembly declaring access to a clean, healthy and sustainable environment, a universal human right, taking into account the dramatic consequences of air pollution and climate change on health and living conditions, the time has come to urgently adopt such recommendations. It is even more important in a democratically backsliding and war-bordering country, such as Poland, where civic space is shrinking.

## **III. Plan of the statement**

This statement addresses 1) climate change, 2) air pollution and 3) the lack of sufficient access to justice in environmental cases.

## **IV. Statement**

### **1. Human rights and climate change**

Progress towards Sustainable Development will be extremely difficult in the warming world. The objective of Sustainable Development Goal 13 is to *“take urgent action to combat climate change and its impact”*. Poland’s energy system is still based on coal (70.8% of electricity generation is coal-fired) and there are no realistic coal phase-out dates. Furthermore, the government is actively obstructing the development of renewable energy – Poland’s renewable energy target for 2030 is 32%, just over half the EU average (59%). Additionally, five of Europe’s most health-affecting coal-fired power plants are located in Poland, while the world’s second largest lignite-fired power station is located in Bełchatów. In 2021, the Committee on the Rights of the Child highlighted the direct adverse effects of coal mining and burning on children’s rights in Poland.

Therefore, ClientEarth urges the Polish government to make the climate a prominent issue in the forthcoming UPR, giving priority to the protection of the right to life and the right to health.

This is even more important after February 24 – the war in Ukraine shifted the energy paradigm and has made fossil fuels a matter of particular importance, not only in climate terms but also in geo-political terms.

**We recommend that the Polish government take effective measures to reduce greenhouse gas emissions, especially by planning a coal phase-out and a just energy transition, as well as facilitating the development of renewable energy sources.**

## **2. Human rights and air pollution**

Additionally, heating residential buildings with coal is the main source of air pollution in Poland, annually leading to approximately 50,000 premature deaths. Poland has the most polluted air in the European Union. According to the World Bank Group, 36 of the 50 most polluted cities in the EU are in Poland. To tackle this longstanding problem, the Polish government launched a “Clean Air” programme in 2018. This is theoretically one of the largest of its kind in Europe. However, the initiative has not had the desired impact. Poland’s government has also recently approved an allowance for households to help them buy coal. Around 35% of Polish homes are heated with coal and a total of 11.5 billion zlotys (€2.4 billion) will be allocated to the new programme.

**Therefore, we recommend that the Polish government adopt and implement an overall strategy to fight air pollution, including eliminating solid fuels from the heating of homes as soon as possible, therefore creating a significant impact on the right to health, especially for children and the elderly.**

## **3. Lack of sufficient access to justice in environmental cases**

The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice in environmental matters. The convention has been a part of Polish legal system since 2002. However, some of its provisions are not respected by the Polish government which breaches the right of access to justice. For example, there are no provisions enabling members of the public, including NGOs, to challenge local laws, such as air quality plans, forest management plans or water permit decisions. Consequently, citizens are deprived of their basic rights of participation and control.

**We recommend that the Polish government bring national legislation in line with the Aarhus Conventions in order to ensure that the right of access to justice in environmental matters is enjoyed by the population in general.**