



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-second session
3-21 March 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination***

POLAND

1. The Committee considered the fifteenth and sixteenth periodic reports of Poland, which were due on 4 January 1998 and 2000, respectively, submitted as one document (CERD/C/384/Add.6), at its 1572nd and 1573rd meetings (CERD/C/SR.1572 and 1573), held on 14 and 17 March 2003. At its 1581st meeting (CERD/C/SR.1581), held on 21 March 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the comprehensive fifteenth and sixteenth periodic reports, submitted in one document, as well as the detailed additional information that the State party's delegation provided during its oral presentation. The Committee expresses its appreciation for the attendance of the large and high-ranking delegation and their frank and constructive responses to the questions asked.

* Please note that the symbol CERD/C/Session No./CO/... replaces the symbol CERD/C/304/Add...

3. The Committee is also encouraged by the answers provided in the report to many of the questions and issues raised in its previous concluding observations.

B. Positive aspects

4. The Committee welcomes the State party's withdrawal on 16 October 1997 of its reservation to article 22 of the Convention, its declaration under article 14 of the Convention, made on 1 December 1999, recognizing the Committee's competence to receive individual complaints, and its ratification on 23 August 2002 of the amendment to article 8 of the Convention.

5. The Committee welcomes the establishment of the Committee for National and Ethnic Minorities in the parliament (Sejm) in August 1999, as well as ongoing efforts to draft a comprehensive law on the protection of national minorities.

6. The Committee notes with satisfaction that the mandate of the Office of the Plenipotentiary for Equal Gender Status will be expanded to cover all forms of discrimination, including discrimination based on race or ethnicity.

C. Concerns and recommendations

7. While welcoming the State party's clarification that according to the Constitution, the Convention is directly applicable in domestic law, the Committee reiterates its request that the State party provide in its next periodic report specific examples of court decisions making reference to the Convention.

8. The Committee, while noting the State party's efforts to prohibit, through legislation, all dissemination of ideas based on racial superiority or hatred and incitement to racial hatred, reminds the State party of its obligation under article 4 to prohibit all organizations and activities, including those of the mass media, which promote and incite racial discrimination. It suggests that the State party strengthen its efforts to implement existing legislation in this regard.

9. The Committee is concerned that some cases of incitement to racial hatred have been dismissed with reference to their low degree of damage to society. The Committee expresses the view that, according to the Convention, all such cases are very harmful to society.

10. The Committee is concerned about reports of racially motivated harassment and discrimination against Jews, Roma and persons of African and Asian origin which have not been properly investigated by the law enforcement agencies. The Committee recommends that the State party intensify its efforts to combat and punish all such cases, especially through the strict application of relevant legislation and regulations providing for sanctions. It further recommends that law enforcement bodies be given adequate training and instructions on how to address complaints of racially motivated crimes and that similar training be provided to the judiciary.

11. The Committee shares the State party's concern about reports of irregularities during the census with regard to the recording of information of persons claiming a nationality other than Polish. It recommends that the State party take all effective measures to prevent similar incidents in the future.

12. The Committee welcomes the State party's efforts to implement the comprehensive programme to guarantee the rights of the Roma population in the Malopolska region and encourages the State party to extend the programme to other regions of the country, taking into account general recommendation XXVII (57) of 16 August 2000 concerning discrimination against Roma. It further recommends that the State party pay particular attention to the rights to housing and to employment of the Roma population, and requests the State party to include information on the economic, social and cultural rights of Roma in its next periodic report.
13. The Committee notes efforts to meet the specific educational needs of Roma children, but is concerned that in some cases these efforts have led to segregated classes having a lower standard of education than the Polish counterparts. The Committee recommends that new programmes integrate Roma children into mainstream schools as far as possible, in order to avoid discrimination, and that the State party recruit more teachers and teaching assistants from the Roma minority. The Committee invites the State party to include in its next periodic report more detailed information on this issue and on the progress achieved.
14. The Committee notes with satisfaction efforts to include human rights education in the school curriculum and encourages the State party to expand these efforts beyond the school system in order to promote understanding and tolerance among all racial and ethnic groups in society. In this regard, particular attention should be paid to the role of the mass media.
15. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.
16. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.
17. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.
18. The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth and nineteenth periodic reports, due on 4 January 2006, and that it address all points raised in the present concluding observations.
