



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Poland

1. The Committee considered the combined fourth and fifth periodic report (CEDAW/C/POL/4-5) and the sixth periodic report of Poland (CEDAW/C/POL/6) at its 757th and 758th meetings on 16 January 2007 (see CEDAW/C/SR.757 and 758). The Committee's list of issues and questions is contained in CEDAW/C/POL/Q/6, and Poland's responses are contained in CEDAW/C/POL/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for the combined fourth and fifth periodic report and the sixth periodic report, which followed the Committee's guidelines and provided a comprehensive overview of the implementation of the Convention by the State party during the reporting period, while regretting that the reports were overdue. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation, which provided updated information on recent developments and efforts in the implementation of the Convention in Poland, and for the responses to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation, headed by the Under-Secretary of State in the Ministry of Labour and Social Policy, which included representatives of various ministries. The Committee expresses its appreciation to the State party for the constructive dialogue between the delegation and the members of the Committee.

4. The Committee commends the State party on its accession to the Optional Protocol to the Convention on 22 December 2003.



Positive aspects

5. The Committee commends the State party on the recent adoption of a number of laws aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with its obligations under the Convention. In particular, it welcomes the amendments to the Labour Code of 2001 and 2002 to include a new chapter on the equal treatment of women and men and to provide definitions for direct and indirect discrimination; the Social Welfare Act of 2004; the Law on Combating Domestic Violence of 2005; and amendments to the Law on Aliens and on Protecting Aliens in the territory of the Republic of Poland to enhance protection for trafficked persons.

6. The Committee commends the State party on the adoption and ongoing implementation of a number of policies and programmes aimed at overcoming de facto discrimination against women and enhancing women's equal opportunities in the labour market; the National Programme to Counteract Domestic Violence; the European Union Daphne III programme to combat violence against children, young people and women; the National Programme to Combat and Prevent Trafficking in Human Beings for 2005-2006, and the forthcoming programme for 2007-2008.

Principal areas of concern and recommendations

7. While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.

8. While noting that legislation now prohibits direct and indirect discrimination in the area of employment, the Committee is concerned that there is no general anti-discrimination law that contains a definition of discrimination against women in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination, and covering all areas of the Convention. In that regard, it is concerned about the repeated rejection by the Parliament (Sejm), most recently in June 2005, of a comprehensive law on gender equality.

9. The Committee urges the State party to include a definition of discrimination against women in accordance with article 1 of the Convention in the appropriate domestic legislation, such as the proposed law on gender equality. It also calls upon the State party to put in place procedures for the effective implementation, monitoring and enforcement of such legislation.

10. The Committee expresses its concern at the abolition of the Government Plenipotentiary for Equal Status of Women and Men and the potential adverse impact the restructuring of the national machinery for the advancement of women of November 2005 may have on its capacity to serve as an effective mechanism for the promotion of gender equality and for coordinating the implementation of the gender mainstreaming strategy across all sectors of Government. It is concerned that its

new location in the Department for Women, Family and Counteracting Discrimination at the Ministry of Labour and Social Policy may result in low priority and insufficient focus being given to the specific nature of discrimination against women, limit attention to discrimination against women to the field of employment, and reduce the visibility of gender equality issues across the full range of fields covered by the Convention.

11. The Committee recommends that the State party take urgent steps to ensure that the necessary visibility and priority attention is given to the promotion of gender equality and women's enjoyment of their human rights, and that progress towards reaching the goal of gender equality across all areas covered by the Convention be adequately monitored. It also encourages the State party to put in place an effective inter-ministerial coordination mechanism so as to strengthen the use of the gender mainstreaming strategy in all Government ministries and agencies, in all sectoral areas and at all levels.

12. The Committee regrets that insufficient information was provided on any assessment that might have been undertaken by the State party of the impact and results achieved in the implementation of the National Action Plan for Women for 2003-2005, and on whether that plan is still implemented or whether a new plan or comprehensive strategy for the achievement of equality between women and men will be developed.

13. The Committee invites the State party to adopt a comprehensive national action plan for gender equality with sufficient resources, in consultation with women's non-governmental organizations, and to provide information in its next report on the impact of, and results achieved in, its implementation towards the realization of women's de facto equality.

14. The Committee is concerned about continued underrepresentation of women in public and political life and in decision-making positions, including in Parliament, local representative bodies and the executive bodies of Government, including municipal government. The Committee is especially concerned about the decrease by 9 per cent in women's representation in the upper house of Parliament as a result of the elections in 2005. While welcoming the high proportion of women judges, it notes with concern that women remain underrepresented at the senior level of the judiciary and in higher level courts.

15. The Committee encourages the State party to take sustained measures to accelerate women's full and equal participation in elected and appointed positions, including at the municipal and national levels, senior levels of the judiciary, higher level courts and in international representation. Such measures should include: the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25; the establishment of benchmarks, numerical goals and timetables; the conduct of training programmes on leadership and negotiation skills for current and future women leaders; and regular monitoring of progress made and results achieved. It further urges the State party to undertake awareness-raising campaigns on the importance of women's participation in public and political life and in decision-making.

16. The Committee is concerned about the persistence of deep-rooted prejudice and stereotypical attitudes regarding the traditional division of roles and responsibilities of women and men in the family and in society at large. Such stereotypes perpetuate discrimination against women and are reflected in many areas, such as in women's situation in the labour market, their low level of participation in political and public life and the persistence of violence against women. It also expresses its concern at the limited scope of, and support for, women's and gender studies programmes at universities, which results in a lack of research and specialized expertise on gender equality issues.

17. The Committee urges the State party to intensify its efforts to overcome persistent and deep-rooted stereotypes that are discriminatory against women, and to galvanize action by all parts of society, especially the educational system, the media and non-governmental organizations, in order to counteract stereotypical attitudes and portrayals of women and to bring about cultural change whereby women's equal rights and dignity are fully respected. It also urges the State party to support the establishment and maintenance of women's and gender studies departments at universities, including through the provision of adequate State funding.

18. While noting the efforts undertaken by the State party to prevent and address violence against women, the Committee is concerned about the remaining gaps in the 2005 Law on Combating Domestic Violence, the perception of domestic violence as a gender-neutral phenomenon, and about insufficient services for victims, including immediate eviction of the perpetrator, free legal aid and the number of shelters available. It is also concerned about the remaining gaps in data collection on all forms and manifestations of violence against women.

19. The Committee urges the State party to accord priority attention to preventing and combating all forms of violence against women and girls, in accordance with its general recommendation 19. It calls upon the State party to ensure that victims have immediate means of protection, by way of restraining orders issued by the police and access to a sufficient number of safe shelters staffed by expert personnel and other services including free legal aid, and also to ensure that systematic collection of data, disaggregated by types of violence and by the relationship of the perpetrator to the victim, is undertaken. The Committee recommends that the State party: conduct awareness-raising campaigns to combat violence against women, including domestic violence; undertake research on the root causes of violence against women, in particular domestic violence; and use such research as a basis for enhanced awareness-raising efforts to prevent and eliminate violence against women.

20. While welcoming the adoption of the National Programme to Combat and Prevent Trafficking in Human Beings, and measures taken to combat such trafficking and provide assistance to victims, the Committee is concerned about the limited data on the scope of that phenomenon and the remaining gaps in the legal framework to combat it. It is also concerned about the lack of impact assessments of measures taken.

21. The Committee urges the State party to include in its penal code a definition of trafficking in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It also urges the State party to strengthen data collection on trafficking and to monitor

systematically the impact of, and results achieved in, the implementation of its policies and programmes in that area, including bilateral and multilateral agreements.

22. While noting that the State party recognizes the serious problems encountered by women in gaining access to the labour market and places priority on addressing that challenge, the Committee expresses its concern about the situation of women in the labour market. It is concerned about different retirement ages for men (65) and women (60), women's higher unemployment rates as compared to that of men, the concentration of women in low-paying sectors of public employment such as health, social welfare and education, and the persistent significant gap in wages between women and men in the public and private sectors. It is also concerned about discrimination that women experience on the basis of age, which makes it difficult for them to enter and re-enter the labour force.

23. The Committee urges the State party to strengthen its efforts aimed at ensuring equal opportunities for women and men in the labour market. It calls upon the State party to narrow and close the gap in wages between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. It calls upon the State party to monitor the impact of measures taken and results achieved, and to report thereon in its next periodic report. The Committee recommends that the same age of mandatory retirement be adopted for women and men.

24. The Committee expresses its concern that, as a result of the restructuring of the health sector, there has been a decrease in the number of clinics and health services available to women, in particular in rural areas. The Committee is concerned about the lack of official data and research on the prevalence of illegal abortion in Poland and its impact on women's health and life.

25. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It calls on the State party to conduct research on the scope, causes and consequences of illegal abortion and its impact on women's health and life. It also urges the State party to ensure that women seeking legal abortion have access to it, and that their access is not limited by the use of the conscientious objection clause. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives widely available at an affordable price and by increasing knowledge and awareness about different methods of family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education, targeted at girls and boys, as part of educational curricula.

26. The Committee is concerned that rural women may not benefit fully and equally from the State party's legislative and policy framework for the promotion of gender equality, and at the apparent lack of targeted policies and programmes.

27. The Committee encourages the State party to ensure that rural women benefit in practice from existing general gender equality policies and measures. It also encourages the State party to design and implement targeted policies

and programmes to enhance rural women's access to health, education, employment opportunities and other services, as well as to participation in decision-making in local government, making full use of the assessment of the situation of rural women that is currently being conducted. The Committee requests the State party to monitor the situation of rural women and trends over time in all areas covered by the Convention, as well as the impact of measures taken, and to report thereon in its next periodic report.

28. The Committee regrets the lack of data and information on the situation of certain groups of women and girls in Poland, including Roma, refugees, asylum seekers and migrants, who are particularly disadvantaged.

29. The Committee requests the State party to collect quantitative and qualitative information on the situation of disadvantaged groups of women and girls in Poland. It calls upon the State party to ensure that their special needs in areas such as education, health care and protection from violence are met, and to support their integration into Polish society.

30. The Committee regrets the limited availability of statistical data disaggregated by sex and age and by urban and rural areas, which makes it more difficult for the Committee to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in all areas covered by the Convention.

31. The Committee calls upon the State party to enhance its data collection and analysis of such data in all areas covered by the Convention so as to be able to assess more accurately the actual situation of women and their enjoyment of their human rights, disaggregated by sex and age and by urban and rural areas, as applicable, and to track trends over time, and to design and implement better targeted policies and programmes for the promotion of gender equality. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and evaluate progress achieved towards the realization of women's de facto equality. The Committee requests the State party to include such statistical data and analysis in its next report.

32. The Committee expresses its concern at the lack of systematic consultations between the State party, and in particular its national machinery for the advancement of women, and a broad range of women's non-governmental organizations in the country. It regrets the absence of consultations of the State party with non-governmental organizations in the preparation of its periodic reports.

33. The Committee urges the State party to institutionalize ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality.

34. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

35. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

36. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

37. The Committee notes that the adherence of States to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Poland to consider ratifying the treaty to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

38. The Committee requests the wide dissemination in Poland of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

39. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which was due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.