



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-seventh session

15 January-2 February 2007

### List of issues and questions with regard to the consideration of periodic reports\*

#### Poland

1. The pre-session working group examined the combined fourth and fifth periodic reports (CEDAW/C/POL/4-5) and the sixth periodic report of Poland (CEDAW/C/POL/6).

#### General

2. Please provide information on the process of preparing the combined fourth and fifth periodic reports and the sixth periodic report. This information should indicate which government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was presented to Parliament.

#### Constitution, legislation and national machinery

3. According to paragraph 54 of the combined fourth and fifth periodic reports, article 91 of the 1997 Constitution states that “a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly”. Please provide details of any court cases in which the Convention has been used or referred to.

4. The reports provide an overview of legislative changes in the period 1990-2002. However, no mention is made of judicial or other training programmes that would ensure, through competent national tribunals and other public institutions, the effective protection of women against any act of discrimination, as required by article 2 (c) of the Convention. Please provide illustrative examples of any such training programmes.

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\* The page numbering in this list of issues and questions refers to the English version of the report.

5. The reports state that the Commissioner for Civil Rights Protection (Ombudsman) has intervened, on a number of occasions, in matters relating to gender inequality and discrimination. Please provide statistics on the number of such cases (CEDAW/C/POL/4-5, para. 65 and CEDAW/C/POL/6, para. 36).

6. Other treaty bodies have expressed concern about the persistent discrimination of the Roma population on the territory of Poland (see CRC/15/Add.194, E/C.12/1/Add.82 and CCPR/CO/82/POL). Please provide statistical data on the status of Roma women and indicate what special measures are being taken to prevent discrimination against them in employment, education, health, housing and other areas.

7. The reports provide a detailed overview of the efforts of the Parliamentary Group of Women to put forward a gender equality bill (CEDAW/C/POL/6, paras. 38-41). Please provide updated information on the adoption of a new law and the establishment of national machinery for equal status of women and men.

8. The sixth periodic report states that following the establishment of the Office of Government Plenipotentiary for Equal Status of Women and Men, the competencies of the Office were extended on 25 June 2002 to issues of discrimination on the basis of race, ethnic origin, religion, age and sexual orientation (para. 46). Please indicate what arrangements are in place to ensure that this expanded mandate does not lead to the weakening of efforts to eliminate discrimination against women. Please provide any additional update on the work of the Office of Government Plenipotentiary for Equal Status of Women and Men.

9. Please elaborate on the outcomes of the European Union-sponsored project on the “Enhancement of policies on equal treatment of women and men” (CEDAW/C/POL/6, para. 52), indicating which gaps in national statistics have been identified and the progress made in removing these gaps.

#### **Stereotyped roles for men and women**

10. The report acknowledges that stereotypes are “deeply rooted in the public mind” in Poland (CEDAW/C/POL/4-5, para. 88) and that they have many manifestations. Paragraphs 56 to 58 of the sixth periodic report describe some of the initiatives undertaken by the Government Plenipotentiary for Equal Status of Women and Men since 2001 to challenge gender stereotypes. Please elaborate on the impact of these initiatives and list concrete policies formulated to promote the sharing of responsibilities between women and men in family and society and their impact.

#### **Women and poverty**

11. The reports make several references to the increase in the rates of poverty and the deterioration of living standards in response to the economic transformation. Please provide current data and trends over time, disaggregated by sex, on the percentage of the Polish population living in poverty in urban and rural areas, and the number of female-headed households living in poverty.

12. Paragraph 266 of the combined fourth and fifth periodic reports states that in 1999, poverty was especially serious in the rural areas, with 12 per cent of rural households living below the poverty line, as compared to 3.7 per cent in urban areas. Given that women are more vulnerable to unemployment than men (CEDAW/C/POL/4-5, para. 15,

and CEDAW/C/POL/6, para. 4) and that they receive lower pensions, please describe the policies implemented and measures taken to improve the welfare of women in rural areas, particularly older women, and their impact.

### **Violence against women**

13. The Special Rapporteur on violence against women, its causes and consequences reported that comprehensive legislation in relation to domestic violence was lacking in Poland (E/C.4/2003/75/Add.1, para. 2036). Paragraph 65 of the sixth periodic report states that “government plans for 2004 envisage incorporation into Polish law of regulations providing for the eviction of perpetrators of violence and preventing them from approaching the victims or witnesses of violence”. Please provide information on progress made on the elaboration of legislation and other measures for the protection of women, including domestic violence.

14. In her report (E/CN.4/2003/75/Add.1), the Special Rapporteur on violence against women, its causes and consequences, indicated that inhabitants of rural areas in particular had inadequate access to legal procedures. Please describe concrete measures undertaken to encourage women to report instances of violence and to increase their access to legal procedures, especially in rural areas, and the impact of such measures.

15. Paragraph 109 of the combined fourth and fifth periodic reports states that only 8 of 120 existing shelters for lone mothers, the homeless and women and children provided specialized assistance to victims of domestic violence. The same paragraph states that shelters for women and children on the run from their violent husbands and fathers operated in 33 of the country’s 49 provinces. Has there been any increase in the numbers of shelters and improvement of services offered to victims of domestic violence?

### **Trafficking and exploitation of prostitution**

16. The Special Rapporteur on violence against women, its causes and consequences, noted that an estimated 10,000 women are trafficked out of Poland every year (E/CN.4/2003/75/Add.1, para. 2044). According to information provided in paragraph 84 of the sixth periodic report, the National Action Plan for Prevention and Suppression of Trafficking in Human Beings adopted in 2003 appears to focus on suppression activities and on improving services for victims. Please elaborate on government activities, including awareness-raising activities among the general public, to prevent trafficking.

17. The Special Rapporteur on violence against women, its causes and consequences, expressed concern over the treatment of illegal migrant prostitutes, citing deportation practices and the lack of awareness among police that illegal migrant prostitutes might be victims of trafficking. Please describe any improvements in the treatment of illegal migrant prostitutes and any training for police on these and related issues.

### **Women in decision-making and business**

18. The reports indicate some, albeit slow, progress in achieving women’s full and equal participation in public life and decision-making. Please describe activities

undertaken by the Government to improve the participation of women in decision-making, especially at the national and local levels, in the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25.

19. According to the report, women often hesitate to start their own business owing to their lack of necessary contacts, entrepreneurial spirit and confidence brought about by traditional upbringing (CEDAW/C/POL/6, para. 210). Does the Government intend to pursue an active policy to encourage and facilitate women's entrepreneurship?

### **Education**

20. Article 119 of the sixth periodic report states that all textbooks used in Poland after 1999 were declared to adhere to the principle of equality and partnership between the sexes by independent experts. If this is the case, please explain why one of the goals of the National Plan of Action for Women, second stage of implementation in the years 2003-2005, was to introduce "the principles of gender equality into curricula, textbooks and teaching aids at all levels of education" (CEDAW/C/POL/6, para. 130).

21. Please provide data illustrating the impact of the Government's pilot programme of aid to the Roma community in Malopolskie voivodship in the years 2001-2003 on the dropout rates of Roma children, in particular girls. Please also provide comprehensive statistical data on the education of Roma girls.

### **Employment and reconciliation of work and family responsibilities**

22. The reports state that the gender pay gap persists despite legislation banning gender-based discrimination in remuneration, with women earning on average 20 per cent less than men. What concrete steps has the Government taken to enforce the legislation and what is the impact of these steps?

23. The view of child-rearing leave as a non-contributory period by the pension system and the different retirement ages for women and men mean that women receive lower pensions than men. According to the report, the new pension adopted in 1998 disadvantages some women even more than previous ones (CEDAW/C/POL/6, para. 157). The new system also discriminates against men, as it takes into account life expectancy at retirement, which is lower for men than for women. Please indicate whether the Government intends to review the pension system so as to ensure equal rights and treatment of women and men.

24. According to the report, existing childcare facilities were not used to their full potential owing to their prohibitive cost (CEDAW/C/POL/4-5, para. 194). At the same time, most women who started but later abandoned their own business did so owing to their inability to reconcile a career with household chores (CEDAW/C/POL/4-5, para. 249). Please provide information on steps taken to make childcare facilities more accessible and affordable, as well as on other measures taken to help parents reconcile work and family responsibilities.

### **Access to healthcare**

25. The reports indicate that the already restricted access to abortion in Poland is further complicated by medical personnel's right to refuse to perform a legal

abortion on moral grounds, which may put at risk the lives of pregnant women seeking abortion. The sixth periodic report also shows an alarmingly high number of miscarriages, as shown in table A.12.2 (para. 190). The Human Rights Committee, in its concluding observations of 2004, expressed concern at the unavailability of abortion in practice even when the law permits it, for example, in case of pregnancy resulting from rape, and by the lack of information on the use of the conscientious objection clause by medical practitioners who refuse to carry out legal abortions. The Committee further regretted the lack of information on the extent of illegal abortions and their consequences for the women concerned. Please elaborate on the Government's position on this concern and provide any information on the amendments envisioned to improve women's access to reproductive health services, in accordance with the Committee's general recommendation 24 on article 12 of the Convention.

26. Rural women have unequal access to healthcare, as there are fewer medical facilities in the rural areas (CEDAW/C/POL/4-5, para. 211). Please describe measures taken by the Government to improve rural women's access to healthcare.

#### **Optional Protocol**

27. Please provide information about the measures taken in order to make widely known the Optional Protocol to the Convention, which Poland ratified on 22 December 2003.

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