

22 September 2006  
Original: English  
Distribution: General

---

**Committee on the Elimination of Discrimination  
against Women**

Thirty-seventh session  
15 January – 2 February 2007

**Responses to the list of issues and questions for consideration of the  
combined fourth and fifth periodic report and the sixth periodic report of Poland**

## **Committee on the Elimination of Discrimination against Women**

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

#### General

*1. Please provide information on the process of preparing the combined fourth and fifth periodic report 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.*

The process of preparing the combined fourth and fifth (from 1990 to 31 May 1998) and sixth (1 June 1998 to 31 May 2002) periodic reports by the Polish Government on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women proceeded as follows:

1. The Government Plenipotentiary for Equal Status of Women and Men wrote to all ministries and to the Central Statistical Office, asking them to prepare information on the implementation of those provisions of the convention that lie within their scope of duties.
2. The Plenipotentiary also prepared a report on those matters that lie within his scope of duties.
3. From the reports sent to the Plenipotentiary's secretariat and from the Plenipotentiary's own reports, a draft Report was drawn up and distributed to the ministries for interministerial consultations, so that each ministry could approve it or express its comments.
4. The draft Report was also sent to the Commissioner for Civil Rights Protection, State Labour Inspectorate, Chief Inspector for Personal Data Protection and Government Plenipotentiary for Handicapped Persons, for the purpose of mutual consultations.
5. The comments that were submitted were taken into account in the text of the draft Report.
6. The Plenipotentiary also submitted the draft Report to Prof. R. Wieruszewski, a human rights expert, for his opinion.
7. The draft Report was placed before the Council of Ministers Committee.
8. The submitted comments about the draft were acknowledged and taken into account in the text of the draft.
9. The draft was approved by the Council of Ministers Committee.
10. When the recommendations of the Council of Ministers Committee had been taken into consideration, the draft Report was placed before the Council of Ministers.
11. On 28th April 2004, the Council of Ministers adopted the combined fourth and fifth periodic reports and sixth periodic report by the Polish government on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.

12. The reports were translated into English and submitted to the UN Secretariat in November 2004.

### **Constitution, legislation and national machinery**

*2. 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.*

### **Examples of references to the Convention in court jurisdiction**

The Supreme Court (supervises the jurisdiction of general and military courts and the performance of other actions specified in the Convention and in statutes).

In its statement of reasons to a judgment of 24 March 2000 (I PKN 314/99), the Supreme Court referred to the Convention on the Elimination of All Forms of Discrimination Against Women. The Court had examined a complaint by a female plaintiff against a decision by the Regional Employment Office in Kędzierzyn-Koźle which, she claimed, had refused to employ her as a messenger solely because she was a woman. She claimed a breach of art. 11 par. 1a and 1b of the Convention. The Court determined that the Employment Office’s offer of employment contained no elements of discrimination and that no breach of art. 11 par. 1a and 1b of the Convention had occurred. The Court therefore dismissed the appeal as unfounded.

The Constitutional Tribunal (adjudicates on matters regarding the conformity of statutes and international agreements with the Constitution; the conformity of a statute with ratified international agreements whose ratification required prior consent granted by statute; and the conformity of legal provisions issued by central State organs with the Constitution, ratified international agreements and statutes).

In proceedings before the Constitutional Tribunal several references have been made to the Convention on the Elimination of All Forms of Discrimination Against Women (henceforth referred to as the “Convention”). The Convention has been cited either by the Tribunal as an argument in its statements of reasons, or by the parties to proceedings, or has been quoted in sentences.

In a judgment of 13 June 2000 (K 15/99), the Convention was quoted in the sentence. In the case in question, the Commissioner for Civil Rights Protection had asked the Constitutional Tribunal to investigate the conformity to the Constitution of art. 40 par. 1 of the Act of 10 October 1991 on Pharmaceutical Resources, Medicinal Materials, Pharmacies, Wholesalers and the Pharmaceutical Inspectorate, regarding a prohibition of the appointment of a woman to the post of pharmacy manager if she has not reached the retirement age for men. The Commissioner for Civil Rights Protection claimed that this is in breach of art. 11 of the Convention. In the plaintiff’s view, regarding the equality of women and men, the question of the permissibility of differentiation between entities assumes a new meaning in the light of the Convention, pursuant to which discrimination against women consists in all differentiation, exclusion or restrictions that reduce, restrict or prevent them from realising human rights and fundamental freedoms in political, economic, social, cultural, civil and other spheres of life on an equal level with men. Therefore, a different regulation of the legal status of women is permissible only if it leads to a factual differentiation between the situation of women and men, by increasing the participation of women in the aforementioned spheres of life, for such

a differentiation of the legal status of women and men serves the realisation of the principle of social justice.

The Commissioner for Civil Rights Protection stated that making the possibility of occupying the post of pharmacy manager dependent on age is a piece of discrimination against women and is in breach of the principle of equality and equal rights for women and men. The plaintiff also claimed that the provision of art. 40 par. 1 of the Pharmaceutical Act is in breach of art. 65 par. 1 of the Constitution of the Republic of Poland, which speaks of the freedom to choose and pursue one's occupation; and art. 11 of the Convention, which requires that women be granted the same employment opportunities and that the same criteria regarding recruitment be applied to them.

The Constitutional Tribunal found that the questioned regulation is in breach of the above-quoted moral pattern, for it creates different criteria regarding the possibility of employing someone (and, in principle, the possibility of prolonging his employment ) at the post of pharmacy manager, depending on this person's age. If a woman must seek permission from the administration to continue to serve as pharmacy manager five years before men, such a state of affairs has to be regarded as a breach of the Republic of Poland's legal-international commitments stemming from the ratification of the Convention. The Constitutional Tribunal ruled that art. 40 Act on Pharmaceutical Resources, Medicinal Materials, Pharmacies, Wholesalers and Pharmaceutical Inspectorate, regarding a prohibition of the appointment of a woman to the post of pharmacy manager if she has not reached the retirement age for men, is in breach of art. 33 pr. 2 of the Constitution of the Republic of Poland and art. 11 of the Convention, and also does not conform to art. 65 par. 1 of the Constitution.

Other judgments by the Constitutional Tribunal in which the Tribunal referred to the Convention in its statements of reasons:

1. Judgment of 28 March 2000 (file no. K 27/99)

The Constitutional Tribunal ruled that art. 23 par. 1 point 4 of the Teachers' Charter Act – to the extent that it provides a basis on which to dissolve, without the consent of the interested party, an employment relationship with a female teacher sooner than with a male teacher - is in breach of art. 32 and art. 33 of the Constitution of the Republic of Poland because the differentiation of the legal status women and men created by this provision assumes the nature of gender discrimination. In its statement of reasons, the Tribunal referred to the Convention, stating that “an interpretation in the Polish constitutional order of the principle of equality of women and men must refer to the instruments of international law that are binding upon Poland (...) The provisions of the UN Convention of 18 December 1979 on the Elimination of All Forms of Discrimination Against Women are also significant.”

2. Judgment of 5 December 2000 (file no. K 35/99)

The Constitutional Tribunal ruled that art. 13 par. 1 point 5 of the Act on Employees in State Offices, to the extent that it provides a basis on which to dissolve, with notice, an employment relationship with a female state employee sooner than with a male state employee, and art. 10 par. 1 point 5 of the Act on Self-Government Employees, to the extent that it provides a basis on which to dissolve, with notice, an employment relationship with a female state self-government employee sooner than with a male self-government if she acquires the right to a pension is in breach of art. 32 and art. 33 of the Constitution of the Republic of Poland. In its statement of reasons, the Tribunal said that “when interpreting the principle of equality expressed in articles 32 and 33, one must take into account the obligations that emanate from

international instruments, especially the UN Convention of 18 December 1979 on the Elimination of All Forms of Discrimination Against Women (...). Judgment of 29 September 1997 (file no. K 15/97)

The Constitutional Tribunal ruled that art. 44 par. 2 point 1 of the Civil Service Act, to the extent that it provides a basis on which to dissolve, with notice, an employment relationship with a female civil servant without her permission sooner than with a male civil servant is in breach of art. 67 par. 2 and art. 78 par. 1 and 2 of the constitutional principles that remain in force pursuant to art. 77 of the Constitutional Act of 17 October 1992 on mutual relationships between the legislative and executive branches of the Republic of Poland and on territorial self-government because the different legal situation of women and men created in these provisions assumes the characteristics of gender discrimination. In its statement of reasons, the Tribunal referred to the Convention, stating that „Similar guiding ideas may be found in international law. There is talk of the equal status of women in the (...) Charter of the United Nations (art. 55 point c), whilst the ban on discrimination against women also emanates from the general principles of equality as expressed in art. 7 of the International Covenant on Economic, Social and Cultural Rights of 19 December 1966, or in art. 14 of the European Convention for the Protection Human Rights and Fundamental Freedoms of 4 November 1950, as also in the Council of Europe’s European Social Charter which Poland ratified recently. The provisions of the UN Convention of 18 December 1979 on the Elimination of All Forms of Discrimination Against Women are also significant (...).”

*3. The reports provide an overview of legislative changes in the period of 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.*

### **Examples of training programmes for judges and prosecutors**

The training programmes of the Ministry of Justice include the subject of the discrimination of women. The following training sessions and conferences on the above topic took place in 2003-2006:

#### 2003.

- training for judges on the subject of family counselling in EU legal systems;
- a series of training workshops entitled “teaching to replace aggression”;
- training for judges and prosecutors on psychological reports in cases involving violence in the family;
- training for prosecutors on pathology and violence in the family, co-organised by the *Dzieci Niczyje* (Nobody’s Children) Foundation.

#### 2004.

- series of training sessions for judges who adjudicate in labour and social insurance cases, on the scope, objective and principles of European social law and on combating and preventing discrimination at work on account of gender, age and nationality;

- training for judges on pathology and violence in the family, co-organised by the *Dzieci Niczyje* (Nobody's Children) Foundation.

#### 2005

- series of training sessions for judges and prosecutors on combating broadly-conceived discrimination in the context of Community law, co-organised by the Chancellery of the Prime Minister and the Secretariat of the Government Plenipotentiary for the Equal Status of Women and Men;

- training for judges and prosecutors on crimes involving human trafficking, co-organised by the *La Strada* Foundation.

#### 2006

- training for prosecutors on identifying, combating and preventing signs of discrimination – realisation of the Community “Eurequality” programme, co-organised by the Ministry of Labour and Social Policy;

- training sessions for judges who adjudicate in labour and social insurance cases, covering the subject of mobbing and the discrimination of employees in the judgements of the Supreme Court and European Court of Justice.

*4. 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).*

Between 1 July 2004 and 30 June 2006, the following complaints within the relevant scope of subjects were submitted to the Commissioner's Office:

- discrimination against women in employment relationships – lower pay and worse employment conditions than for men employed at the same positions – 2 cases,

- discrimination against women during work – the employer ordered them to wear company shirts with inscriptions insulting to women – 1 case,

- discrimination during recruitment on account of age and physical appearance – 3 cases,

- discrimination at work on account of age – forcing employees to early retirement – 1 case.

In some cases, the Commissioner asked the State Labour Inspectorate to inspect a given employer. Such inspections have often disclosed a series of irregularities in the work of employers.

One should note that some cases of discrimination are described by their victims by the rather popular term “Mobbing.” In such cases, apart from comprehensive legal explanations, the Commissioner informs the interested parties on the addresses of the appropriate Anti-Mobbing Associations, which are active all over the country.

*5. Other treaty bodies have expressed concern about the persistent discrimination of the Roma population on the territory of the Republic of Poland (see CRC/15/Add.194, E/C.12/1/Add.82, 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 Roma women in employment, education, health, housing, and other areas.

One should note that **when considering the situation of the Roma community in Poland and its exposure to discrimination, the firm majority of representatives of the Roma community and experts do not regard Roma women as being in any particular danger of discrimination. Therefore, activities for the benefit of the Roma are addressed to the entire Roma community, and are not classified by gender.** However, some actions included in government programmes indirectly counteract certain cultural phenomena that could result in gender inequality. For instance, assistance for the education of Roma children, and especially the employment of assistants for their education, counteract the premature rejection of education by Roma girls. Also in the sphere of medical assistance and prevention, one can observe a greater level of interest on the part of women.

One can also cite examples of energy by Roma women, for most of the Roma educational assistants employed by schools are women. Similarly, the firm majority of Roma students enjoying government support are women (31 women to 14 men).

*6. The reports provide a detailed overview of the efforts of the Parliamentary Group of Women to put forward a Gender Equality Bill (and 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.*

There was another attempt to introduce a law on the equal status of women and men to Polish legislation when the draft of such a law, on which there had been continuous work, was placed before the Polish Senate on 19 July 2002. The speaker of the Senate decided to refer it to the *Legislation and Law and Order Committee and Health and Social Policy Committee*. When the Committees had completed their work and after the bill's third reading, on 19 December 2002 the Senate resolved to place the bill before the Sejm. The bill was submitted to the Sejm in January 2003. The Sejm referred it to the *Justice and Human Rights Committee and Legislative Committee*. An *ad-hoc Committee to examine the Senate bill on the equal status of women and men* was also formed; this Committee engaged in intensive work. However after the third reading, the Sejm again rejected the bill on 17 June 2005. The Fifth Sejm did not consider the bill. Thus, the Office for the Equal Status of Women and Men was never created because this had been envisaged in the bill that the Sejm rejected.

*7. 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 general orientation (par. 46). Please indicate what arrangements are in place to ensure that this expanded mandate does not lead to a 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.*

An expansion of the scope of duties of the Government Plenipotentiary for Equal Status of Women and Men to issues of discrimination on the basis of race, ethnic origin, religion, age and general orientation did not dilute his efforts to eliminate the discrimination of women. Experts engaged in discrimination on the basis of race, ethnic origin, religion, age and general orientation were employed by the Office of the Plenipotentiary. Previous actions to eliminate the discrimination of women have been realised in full. During the period under review, a broad-scale publicity campaign called *Czas na Kobiety* ("Time for Women") was held with the participation of women from all over Poland, during which there were conferences and

workshops for women who were planning to run in the parliamentary elections, a leaflet campaign urging women to commence political activity, and training for the Plenipotentiaries of Voivodes for the Equal Status of Women and Men, involving public speeches, self-presentation and media contacts.

The Office of the Plenipotentiary monitored the realisation of the National Programme in Benefit of Women, adopted on 19 August 2003 and prepared following interministerial consultations on the commitments stemming from Poland's accession to the Beijing Declaration and Action Platform of 1995.

The Plenipotentiary's work has inspired a broad public debate on gender equality, and has lately caused an increased understanding and acceptance of the need for equal treatment of women and men in various spheres of social life.

The Government Plenipotentiary for Equal Status of Women and Men also realised two projects:

1. „Consolidating the policy of equal treatment of women and men,” as part of PHARE 2002;
2. „Overcoming the Barriers to an Equality of Women and Men,” within the Community Framework Strategy for Gender Equality 2001-2005.

At its meeting on 3 November 2005, the Council of Ministers adopted a directive on abolishing the Government Plenipotentiary for Equal Status of Women and Men. On the basis of a directive by the Chairman of the Council of Ministers of 9 December 2005 on the granting of a statute to the Ministry of Labour and Social Policy, a new Department was formed inside the Ministry called the Department for Women, Families and the Combating of Discrimination, which is responsible for coordinating activities connected with the status of women and families in society, and which realises actions to counteract discrimination.

*8. Please elaborate on the outcomes of the EU-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.*

*One of the aim of the project “Enhancement of policies on equal treatment of women and men” sponsored by EU Phare fund and effected since August 2003 till February 2005 was to build a national monitoring system of equal treatment of women and men which would at the same time be an instrument to monitor implementation of this policy.*

The situation on gender segregated statistics in Poland examined within the above mentioned project by a Danish-Polish group of experts in the field of statistics showed that Poland had a well-developed system of statistics built on national census data and a comprehensive array of surveys conducted according to EU-stipulations. As regards the gender equality perspective, the research showed that the problem was rather that data were not being utilised to a sufficient level as well as that gender focused statistics were scattered and not always up to date. The experts also diagnosed many difficulties in accessing and utilising the existing data for further analysis both from public authorities, researchers and NGO's (financial, technical, IT, methodological barriers) as well as took the opinion that a general lack of education among the interested parties in Poland hampered an optimal use of existing data sources.



Thus the aim of the project was to collect all the scattered data and put it in one place to increase their availability and usage among the units of government and self-government administration, researchers, NGOs, mass media, entrepreneurs etc. The system was meant to be an analytical tool for the policy maker and to deliver guidelines on the directions of development of gender equality policy. The built system has embraced the following fields:

- General demographic situation
- Families and households
- Living conditions and poverty
- Labour market and unemployment
- Salaries
- Education
- Health
- Social Security
- Time use, including care of children and other dependants
- Public life (decision-making)
- The use of new information technologies
- Violence

In order to fill up gaps in gender segregated statistics the system consumed also the data gathered via new research and pilot surveys effected during the project in the following fields:

- Households
- Young academics
- Entrepreneurs
- Media contents analysis

*With Polish cofinance, additional reports were prepared on: „The families of single fathers with children”, “Comparative analysis on the contents relating to motherhood in the monthly: ‘Your child’, ”Behaviours of women in politics 2005-2006”, „Evaluation of health condition and the usage of health services,” “The values and lifestyles of Poles.”*

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

*9. 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 elaborated to promote the sharing of responsibilities between women and men in family and society and their impact.*

The tasks of the Government Plenipotentiary for Equal Status of Women and Men included a reform to the law and support for social initiatives for the sake of gender equality. Apart from activity in the government sphere, he was also engaged to a major extent in the realisation of projects financed out of foreign resources and his own budget.

The Plenipotentiary was an important partner for individual ministries and for the government. Numerous offices asked him to take part in the joint solution of problems involving various social spheres, and addressed to him an increasing number of tasks and requests for cooperation. His cooperation was particularly intensive with the Office of the Committee for European Integration, Ministry of Labour and Social Policy, Ministry of Justice, Ministry of Foreign Affairs and Ministry of Internal Affairs and Administration. During this cooperation the Plenipotentiary produced reports, analyses and opinions; regularly took part in the work of interministerial problem teams, and attended seminars and conferences in which his presence was downright necessary in order to positively alter our country's international image – especially regarding a respect for women's rights and the introduction of gender equality standards. Also important was the Plenipotentiary's participation in parliamentary work on amendments to the Labour Code, resulting in the full inclusion on the Code of the provisions of EU directives banning discrimination in employment (the last amendments were introduced in April 2004).

Also an important success was the inclusion in the public debate on human rights of communities who had been hardly present before, such as sexual and ethnic minorities (e.g. the Roma), to whom special activities by the Plenipotentiary were addressed – also within the framework of a competition of NGO initiatives.

In connection with the preparations for accession to the EU, in the first half of 2003 the Plenipotentiary adopted as one of his priority goals the task of intensive work on special dialogue in female communities (including rural communities), intended to propagate EU legislation, standards and social practices in associate member-states in the face of the planned referendum on Poland's EU membership, and to enable society to make a conscious choice in this matter. The realisation of these aims intensified his cooperation with NGO's, and influenced the decision to assign more funds to finance his programmatic tasks.

In the second year of functioning of the Plenipotentiary's Office (2003), a major increase was noted in the level of understanding and acceptance of the need for a government authority responsible for a respect for human rights, the counteraction of discrimination and the attainment of gender equality. This was reflected in better and more effective contacts with state and territorial self-government authorities, and in an expansion of dialogue with NGO/s, as well as in broader international cooperation.

The substantive work of the Plenipotentiary's Office was universally acknowledged, society's consciousness of the problems of gender equality and discrimination became more apparent, and gender issues began to be reflected in an increasing number of government documents.

From the point of view of the Plenipotentiary's tasks regarding the implementation of state policy on an equalisation of the rights and problems of groups exposed to discrimination, a priority task was the work commissioned by the Council of Ministers Committee on an institutional model of counteracting discrimination in Poland. This was one of the tasks stemming from accession, essential in order to fully implement the EU directives on this subject (2000/43/EC, 2000/78/EC, 2002/73/EC).

The Plenipotentiary's performance of one of his basic tasks entrusted to him by the Council of Ministers, i.e. supervision over the introduction of obligatory principles regarding gender equality, the combating of discrimination in all areas of state policy and a propagation of an understanding of the essence of these issues in a democratic law-governed state, occurred mainly via:

- An analysis and approval of draft government documents submitted to the Council of Ministers or Council of Ministers Committee,
- The Plenipotentiary's participation in preparing draft documents for the work of the government administration and legal regulations to improve the situation of women and men and groups in risk of discrimination for reasons other than gender.

One should note that the firm majority of the opinions, remarks and proposed changes submitted by the Plenipotentiary were deemed justified and taken into account by the authors of government documents.

Projects realised by the Plenipotentiary in 2002-2005

I. PHARE 2002 projects:

The consolidation of the policy of equal treatment for women and men

The consolidation of anti-discrimination policy

II. Projects forming part of Community programmes

A. Programme concerning the Community Framework Strategy for Gender Equality 2001 – 2006

- Overcoming the barriers on the road to gender equality in Poland

- "When This Is a Man," Poland is coordinator of this project, realised in cooperation with Italy, Bulgaria and Denmark.

- Implementation of the principle of Gender Mainstreaming – a Hungarian pilot project. Poland is a partner in this project, realised jointly with Hungary (coordinator), Austria, and Estonia

- "Men at Work – achieving gender equality" – Poland is a partner in this project, realised jointly with its promoter, Denmark.

B. Community Program of Counteracting Discrimination 2001 – 2006

Shaping a tolerance of diversity – projects realised independently

The role of Prosecutors in an effective realisation of anti-discrimination policy – as above.

Euroequality – the promotion of anti-discriminatory bodies – realised jointly with Spain (coordinator), Belgium, Finland, Ireland and Bulgaria.

III. Projects within the framework of the Sector Operational Programme of Human Resources (action 1.6, Integration and reintegration of women):

- Multi-aspect diagnosis of the situation of women on the labour market

- The promotion of anti-discriminatory labour law provisions

#### IV. Projects within the framework of the EQUAL Community Initiative Programme:

- Roma circle of life

- Gender Index

An example of a project realised by the Plenipotentiary within the framework of the EU pre-accession Phare 2002 fund was a ***Consolidation of the policy of equal treatment of women and men***. The following tasks were realised as part of this project:

- Cooperation was established with the majority of government offices, which established focal points for cooperation in the realisation of the projects,
- The above persons and representatives of the Plenipotentiary went on a study visit to Denmark, during which they acquainted themselves with the institutional and legislative solutions regarding the implementation of gender equality policy in Denmark,
- In cooperation with government offices, work began on an analysis of the possibilities of implementing policy at central, regional and local level, in cooperation with NGO's – a report on this topic was ready in April 2004,
- In November and December 2003 there were 2 training sessions for NGO's, trade unions, employer organisations, lawyers and the State Labour Inspectorate, in order to acquaint those entities that influence the practical realisation of gender equality policy with EU legislation in this regard. The training was attended by representatives of the Plenipotentiary and of the Sejm,
- The creation of a national database of entities engaged in gender equality policy was commenced
- Work commenced on a report on the Polish administration's practical readiness to implement gender equality policy
- A brochure was released, describing the tasks of Focal Points, i.e. the persons inside government offices responsible for gender equality policy
- EU experts prepared a brochure on „European and Polish legal regulations on equal treatment for women and men,”
- The long-term Pre-Accession Advisor prepared a handbook for the Polish state administration and for deputies and senators on the subject of gender mainstreaming,
- EU experts prepared two editions of a Newsletter about the Plenipotentiary's current work.
- Work commenced on the concept of a nationwide system of monitoring the equal treatment of women and men, based on statistical data; a group of experts formulated criteria for this system, which operates to this day and is realised within the framework of EFS.

- The criteria were formulated for awareness campaigns realised within the framework of the experts' aid contract *Czas na równe traktowanie (Time for equal treatment)*, *Tata na topie (Dad on the top)*, *Teraz wieś! (The village now!)*

Other actions by the Plenipotentiary out of his own budget, intended to combat gender stereotypes and equalise opportunities for women included the organisation of seminars and conferences, the issue of publications, and support for NGO's within the framework of competitions.

Examples of publications:

Conference and publication: *Co to jest parytet? (What is parity?)* 2002

Conference and publication: *Kodeks pracy szansą dla kobiet (The Labour Code, A chance for women)* 2002

Conference and publication: *Prawa mniejszości seksualnych – prawami człowieka (Sexual minority rights are human rights)* 2003

Conference and publication: *Międzynarodowe standardy zdrowia i praw reprodukcyjnych oraz seksualnych a ich realizacja w Polsce* 2003 (International standards of health and reproduction and sexual rights and their implementation in Poland)

Conference and publication: *In vitro w XXI wieku nadzieje i zagrożenia* 2003 (In vitro in 21st century – hopes and risks)

Conference and publication: *Prawne gwarancje równości kobiet i mężczyzn w Polsce* 2004 (Legal guaranties of women and men equality in Poland)

Konferencja: *Molestowanie seksualne – nie musisz się zgadzać* (Sexual harassment – you do not have to accept it)

Competition to produce a handbook promoting the principle of equality and tolerance 2005

Conference and publication: *Równość i tolerancja w podręcznikach szkolnych* (Equality and tolerance in school textbooks) – 2 editions in 2003 and 2005 The purpose of the conference was to discuss standards in education and the criteria by which curricula and textbooks are assessed, and to announce the results of the competition.

Conference and publication: *Zdrowie reprodukcyjne kobiet* 2005 (Women's reproductive health)

Conference: *Rynki pracy przyjazne dla wszystkich* (Labour markets friendly for all) and *Skok na kasę* (A run on the bank) publication 2005

Conference: *Świadczenia rodzinne. Kto za to płaci?* (Family allowances – who pays for it?) 2005

### **Women and poverty**

10. *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 gender, on the percentage of Polish*

*population living in poverty in urban and rural areas, and the number of female-headed households living in poverty.*

According to the latest available figures from the Central Statistical Office for 2003 and 2004, the percentage of persons living in poverty in rural areas was 17% in 2003 and 18.5% in 2004. The percentage of solitary women threatened with poverty was 1.7% in 2003 and 2% in 2004. The percentage of single-parents threatened with poverty, with children to look after was 12.3% in 2003 and 15.2 % in 2004 r.

The Central Statistical Office has no data on women running households who are living in poverty.

*11. Paragraph 266 of the combined fourth and fifth periodic report 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, CEDAW/C/POL/6, para. 4) and that they receive lower pensions, please describe policies and measures taken to improve the welfare of women in rural areas, particularly older women, and their impact.*

The operational programmes realised by the Ministry of Agriculture and Rural Development have an indirect impact on improving the living conditions of women in rural areas, particularly older women.

One of the basic factors affecting life conditions is unemployment. Unemployment in rural areas (it is estimated that some 1.6 mln people are registered and unregistered unemployed persons) and the restricted employment opportunities in rural areas are the most important and most difficult problems to solve. Therefore, the struggle against rural unemployment, by crating easier access to the labour market and creating jobs in the non-agricultural sector, is one of the most important challenges for economic policy.

Particularly high unemployment is noted in areas once dominated by state farming (former state farms). Unemployment in some *powiats* of Western Pomeranian Voivodship (Łobez and Białogard at the end of 2005: 41.8% and 354% respectively), is over twice as high as the national average of 17.6 %.

The agricultural ministry has no instruments with which to combat one of the chief problems of Polish agriculture and rural areas, i.e. overt and covert unemployment. The actions implemented within the framework of operational programmes deal with the problem indirectly, by promoting schooling, agricultural consultancy, and diversified agricultural and para-agricultural activity in order to ensure a diversity of activities and guarantee alternative sources of income, rural renewal, and the conservation of the cultural heritage. This support should result in an expansion of agricultural activities to additional spheres, such as small-scale services, agrotourism, raising the qualifications of farmers and other persons employed in agriculture or forestry; the use by farmers of the assistance available under Common Agricultural Policy; easier access to knowledge and information; and the encouragement of economic activity and of pro-development attitudes among the rural population.

Other programmes are also being realised for the benefit of the rural population, including women, coordinated by other government offices within the scope of their responsibilities. One of them is the Post-Accession Programme of Rural Areas Support, being prepared by the Ministry of Labour and Social Policy. This programme will support the weakest and poorest

rural and rural-urban *gminas* in pursuing a social policy, and will involve 500 of the poorest *gminas* in eastern Poland. The most important component of the Project is the Social Integration Programme, which concentrates on overcoming social exclusion and on social resources. It will help rationalise spending on social aid and improve the use of structural funds. Local strategies of social integration will be created and implemented, thanks to which the most pressing social problems will be solved. This programme should stir local communities and NGO's into taking active part in solving social problems. It provides an opportunity to finance projects for three groups of beneficiaries: elderly people, children and young people and families with children.

Help for elderly people, including elderly women, covers various kinds of care services; community care over the elderly; auxiliary services which facilitate daily life (access to information, catering, transport, statutory education); development of provisional forms of help to family carers; sheltered accommodation allowing longer independence; and support to various forms of self-help.

Help for children and young people comprises, among other things: an expansion of the network of community recreation centres open to all children; the provision of youth clubs with programmes that suit the needs of teenagers, based on the principle of self-government and self-organisation with the assistance of a tutor; internet cafes; centres offering advice and support in cases of emergency and on the subject of employment opportunities, and the provision of alternative family care for children and young people whose parents fail to discharge their responsibilities properly.

Help for families with children includes legal, social, family and educational-psychological counselling; institutional care over children in school age and younger children; and mini kindergartens and mini nurseries of a family nature.

### **Violence against women**

*12. 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.*

In 2005, the Act of 29 July 2005 on Combating Domestic Violence came into effect. Its purpose is to overcome violence in the family by initiating and supporting actions to increase social awareness of the causes and effects of domestic violence, resulting in a better understanding of this phenomenon, and demonstrates the particular importance which the Government of Poland attaches to combating it.

The basic precepts of the Act are:

- emphasis on the fact that domestic violence is a crime;
- the state's responsibility for preventing and punishing the perpetrators of domestic violence;
- a perpetrator's responsibility for his deeds;
- the right of victims to security.

Pursuant to the Act, domestic violence is taken to mean single or repeated wilful action or neglect in breach of the law or the moral rights of family members, especially if it exposes them to the danger of injury or death or violates their personal freedom and dignity, including sexual dignity, or harms their physical or psychological health, or if it causes suffering and moral harm (Art. 2 of the Act).

The Act underlines the liability of government administrative bodies and territorial self-managements to take action to prevent domestic violence and to initiate and inspire undertakings designed to increase society's awareness of the causes and effects of domestic violence.

It imposes specific obligations on persons whose occupations or contact with people enable them to report crimes of domestic violence, especially cruelty. This last offence is punished *ex officio*, nevertheless many cases of cruelty are never disclosed, and in view of the absence of reaction, the victims continue to experience violence. Therefore the above persons, as soon as they have learned of a crime involving domestic violence, are obliged to tell the Police or prosecutor's office immediately.

The Act lays down tasks regarding the combating of domestic violence, the treatment of victims and the handling of the perpetrators of domestic violence. Its most important features include the protection of victims by reducing the freedom of the perpetrators of domestic violence and by offering the victims therapy.

By means of the Act, appropriate changes have been made to the Criminal Code (hereinafter "CC"). Pursuant to the new wording of art. 72 § 1 point 6 CC, when a court imposes a suspended sentence it can order the offender to undergo treatment, especially the curing of his habit or rehabilitation, as well as attend therapy and take part in correctional-educational programmes. It can also order the offender not to contact his victims or other persons in a certain manner and/or vacate premises shared with the victim (art. 72 CC point 7a and 7b). The Court can also impose the above measures even if proceedings have been discontinued. Moreover, if the conditions exist to impose temporary custody on the perpetrator of domestic violence, the court may, instead of this custody, order police supervision provided that the offender/suspect vacates premises shared with the victim within a deadline set by the Court and makes his place of residence known. In the event of a vacation of premises, one of the restrictions on freedom necessary to exercise supervision may include a certain restriction on the offender's contacts with his victim.

Other measures to protect women, including the victims of domestic violence:

1. The number and type of cases involving discrimination and mobbing are monitored. By means of the directive by the Minister of Justice of 12 December 2003 on the organisation and scope of action of court secretariats and other divisions of the judicial administration effective as of 1 January 2004, certain categories of labour law cases are marked with separate symbols for men and for women. Cases involving damages for a breach of equal treatment of women and men are marked differently from cases for damages for sexual abuse, as well as from cases involving general discrimination at work.
2. Since February 2004, a pilot programme has been conducted in one of the districts of Warsaw, concerning the victims of offences involving violence. Within the framework of this programme, proposed conduct in cases involving domestic violence was formulated, as well as proposals regarding a raped person's contact with the police, prosecutor, curator, doctor and other institutions. They afford proper protection to the victims of domestic violence on



the one hand, and on the other hand they permit the collation of reliable evidence in a form other than the statements of victims. They provide that the victim must receive psychological support if he or she so desires, or at least receive information on institutions that offer counselling closest to his or her home. In each case, the judicial authority should consider whether a preventive measure ought to be applied, or whether at least the court should be asked to impose temporary custody or apply police supervision over the perpetrator, coupled with a ban on him from approaching and contacting the victim in any way. Regarding the proposed principles of conduct with a raped person, it is recommended that when dealing with the police, prosecutor, curator, doctor and other institutions, the victim should be seen only by suitably qualified personnel, and that questioning should be conducted by the prosecutor in order to avoid any unnecessary repetition of statement and in conditions that guarantee a respect for dignity, intimacy and privacy.

3. Since June 2006 the Ministry of Justice has had a Team for the Formulation of a National Programme in Aid of Crime Victims. The Tem is preparing a code of conduct with crime victims, and is also engaged in setting up a nationwide network of aid for them. The result of this work should be creation of the institution of victim guardian – a person who will offer support throughout criminal proceedings, especially to defenceless victims (including women who are victims of domestic violence).

*13. 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.*

The Ministry of Internal Affairs and Administration has no current figures to illustrate the difference between rural and urban female victims of domestic violence. **However, according to general statistics on crime in Poland from the past few years, offences under art. 207 of the Criminal Code (physical or psychological mistreatment of a relative) are noted in cities more often than in rural areas.** For example, in the first half of 2006, out of the total number of 11,916 cases under art. 207 CC, 7826 were committed in cities. During the same period in 2005, a total of 10 895 offences under art. 207 CC, were noted, of which 7117 were committed in cities.

*Explanations to the following table:*

Art. 207 CC: <i>“Physical or psychological mistreatment of a minor relative or other person and person permanently or temporarily dependent upon the perpetrator, or of a person who is physically or mentally impaired, is punishable by deprivation of freedom ranging from 3 months to 5 years”.</i>	2003	2004	2005
Number of cases disclosed under art. 207 CC:	23 388	22 610	22 652
Of which: offences committed in urban agglomerations:	14 991	14 258	14 488

As was already stated in the answer to the previous question, when combating domestic violence the Polish Police follows a procedure known as the **“Blue Card”**. This procedure is applied equally to female victims of violence in rural areas and in towns. During this

procedure, the Police relay information on people in need of support to the relevant institutions and organisations as part of the local aid system.

A frequent cause of violence is alcohol abuse. Therefore, when a perpetrator is under the influence of alcohol, the *gmina* Alcohol Problems Commission is notified. Figures show that the Police relay the greatest amount of information to institutions like these.

One of the difficulties encountered by police officers when dealing with cases of domestic violence involving women in rural areas and small towns is that there is still a great deal of tolerance of these offences in such areas, a feeling of shame and a lower level of anonymity. Most house interventions as a result of domestic violence occur in the evening or at night. This might be because the male partner has just arrived home in a drunken state or because conflicts have occurred as a result of the consumption of alcohol among family or friends. The person who requests Police intervention is usually a woman – the victim. Most interventions are one-off cases, though in some cases the Police call on certain families several times a week.

Moreover, it also happens that the victims of domestic violence refuse further cooperation with the Police even after their intervention. There are various reasons for this; the victims do not want to take part in court proceedings or withdraw the case altogether. In such cases, it is difficult to pursue criminal proceedings against the perpetrator because there is no evidence in the form of a statement by the doctor or statements which could illustrate that an offence was committed.

In most cases involving domestic violence, the Police are notified first, therefore they have the greatest possibility of involving other institutions that under assistance. Often, the Police not only initiate, but also realise many undertakings, for example:

- They involve themselves in the work of *interdisciplinary teams* appointed to solve specific issues. During meetings, the members of these teams discuss cases of domestic violence, parental neglect and other family problems, and seek effective remedies. The teams are composed of social workers, psychologists, curators, judges, legal prosecutors and policemen,
- The Police take active part in establishing local systems of aid for victims of domestic violence. In the *powiats*, consultation points for victims of violence are being formed, in which, apart from therapists, legal experts and social workers, policemen also serve. From them one can find out about existing forms of aid, possibilities of action and psychological, therapeutic and social support,
- The Police undertake preventive action and assistance which increases the effectiveness of intervention in the face of domestic violence, by bringing psychologists with them during house interventions. Such joint interventions result in better psychological support for the victim and more effective police action against the perpetrators,
- The Police take part in the work of Teams for Domestic Violence and Mistreated Children. These Teams offer free assistance by duty specialists in psychology, psychotherapy, pedagogy, the treatment of drug or alcohol abuse, mediation, law and criminal prevention,
- If necessary, the Police visit homes where violence occurs, together with social workers and the *gmina* Alcohol Problems Commissions ,

- Training on the subject domestic violence and on the use of the “Blue Card” procedure is offered to police patrols, district policemen and duty officers. This is realised by the voivodship coordinator for realising the “Blue Card” procedure, in cooperation with psychologists, therapists, prosecutors and institutions and organisations that provide help to the victims of violence,
- The Police are aiming to create all over the country successive so-called “Blue Rooms,” suitably equipped and used to question children and victims of various ages. Such rooms are to be found in each voivodship. Over 200 “Blue Rooms” have appeared all over the country in the past few years, and new ones are being opened all the time,
- Together with representatives of the Commissions, the Police take part in solving the problems of persons who abuse alcohol and examine cases of domestic violence caused by this,
- The Police engage in constant cooperation with court curators, teachers, self-government authorities, social workers and other entities, in order to formulate local strategies against domestic violence, and organises seminars, training sessions, workshops and conferences on how to prevent domestic violence, and provide publicity during festive events,
- The Police cooperate with other entities in order to launch media campaigns, which are usually of an educational or informative nature. They are addressed to various recipients. Thanks to these, society is made more sensitive to violence and learns to perceive it.

*14. Paragraph 109 of the combined fourth and fifth periodic report states that only 8 out of 120 existing shelters for lone mothers, the homeless, for 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?*

A new administrative division has been in force in Poland since 1 January 1999. Poland is now divided into 16 provinces, or voivodships. Lower tiers of territorial administration are the *powiats* and *gminas*.

Since 1 May 2004, crisis intervention centres hold the status of independent social aid centres administered by the *powiats*.

On the basis of the Social Aid Act of 12 March 2004, on 8 March 2005 the Minister of Social Policy issued a directive on the subject of homes for people with small children and pregnant women, which lays down the standards of basic services to be provided by these institutions. The directive not only ensures dignified living conditions in the form of separate bedrooms and common facilities for mothers with children, rooms for pregnant women, bathrooms that are suitable for use by adults and by children, kitchens, laundries, drying rooms and medical care, but also provides for their mental and spiritual needs by means of individual treatment, the consideration of the needs of residents, help in becoming independent, and the prevention of social seclusion.

Shelter in these homes may be sought by pregnant women or women and men with small children who have experienced violence or are in a crisis situation. If their health or safety is at risk, they can be accepted without a referral.

Once they have left such a home, they can continue to count on support from Powiat Family Aid Centres in the following form:

- Financial assistance with which to become independent
- Financial assistance for education
- Suitable accommodation
- Material aid
- Help in finding employment
- Social work

In Poland in 2005 there were 3 shelters for mothers with small children and for pregnant women, with cross-*gmina* coverage, financed out of *powiat* social aid budgets and offering 77 places, used by 81 persons throughout the year. There were additional 7 such shelters run by other entities, offering 224 places, used by 347 persons throughout the year. There were 2 public and 6 private shelters more than in 2004. Only 46 people benefited from them in 2004, but in 2005, 428 people did so, over 9 times more than in 2004.

Social aid also includes intervention for benefit of persons and families affected by violence in order to prevent the problem from worsening. 24-hour specialist help and shelter is available in an emergency. There were a total of 183 emergency centres in 2005. Because the *powiat*s are now responsible for running these shelters, in 2005 they operated 108 such centres, in which 33,006 found assistance. Thirty one such shelters were run by private institutions, providing help to 9,376 persons. Thus, in 2005, 42,382 persons obtained help in *powiat* shelters, and 15,533 in *gmina* centres, resulting in a total of 57,915 persons.

To improve the services offered to victims of domestic violence, on 29 July 2005 the Sejm of the Republic of Poland adopted the Act on Combating Domestic Violence. Most of its provisions came into force on 21 November 2005, but those provisions that deal with the funding of new tasks are effective as of 1 January 2006. The Act permits more effective protection for victims against acts of violence. It lays down tasks regarding overcoming domestic violence and the rules of conduct vis-à-vis the victims of domestic violence and the perpetrators thereof.

Pursuant to art. 3 par. 3 of the above Act, victims of domestic violence receive help, especially protection against repeated violence, by preventing the perpetrators from sharing the same premises as their victims and prohibiting them from having contact with their victims.

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

*15. 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.*

Poland has ratified a series of international agreements that regulate the combating of all forms of prostitution connected with a violation of women's rights. On 15 November 2000, Poland became party to the UN International Convention against Transnational Organised Crime, as well as its additional protocols: ***the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children***, and the *Protocol against the Smuggling of Migrants by Land, Air and Sea*.

**Moreover, the Council of Europe Convention on Action against Trafficking in Human Beings was adopted in Warsaw on 16 May 2005** (preparations to ratify this Convention are currently under way). The purpose of the Convention is to prevent and combat trafficking in human beings by guaranteeing gender equality and protecting the rights of victims of trafficking in human beings; create a comprehensive framework programme to protect and help victims and witnesses, while guaranteeing gender equality; and ensure effective investigation and prosecution. The principle of non-discrimination has also been expressed in art. 3, which states that the implementation of the provisions of this Convention by Parties, in particular the employment of measures to protect and promote the rights of victims, shall be secured, without discrimination on any grounds such as **sex**, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Poland has also concluded a series of bilateral agreements as part of cooperation in combating, preventing and prosecuting organised crime and other forms of crime, especially trafficking in human beings and their sexual abuse.

Poland has completed the realisation of the 2001 Programme of Cooperation between the Governments of the Republic of Poland and Czech Republic on the one hand, and the Bureau on the Combating of Drugs Trafficking and on the Prevention of Crime of the UN Centre for the Prevention of Organised Crime on the other, entitled „Legal criminal reaction to trafficking in human beings in the Czech republic and Poland.” **The experience gained from realising this plan was used in the formulation of the National Action Plan for Prevention and Suppression of Trafficking in Human Beings, adopted by the Council of Ministers of 16 September 2003.** The National Action Plan for Prevention and Suppression of Trafficking in Human Beings was completed in December 2004 by the adoption of a report on its implementation.

On 5 March 2004, the Chairman of the Council of Ministers appointed a **Team to Combat and Prevent Trafficking in Human Beings**, chaired by an Under Secretary of State inside the Ministry of Internal Affairs and Administration.

As a result of the Tam's work, the **National Action Plan for Prevention and Suppression of Trafficking in Human Beings for 2005-2006** was formulated.

Within the framework of the National Action Plan for Prevention and Suppression of Trafficking in Human Beings for 2005-2006, a **Programme of Support and Protection for the Victims of Trafficking in Human Beings**, was launched and is being realised by the Ministry of Internal Affairs and Administration and the La Strada Foundation. It refers directly to the *Act on an amendment to the Aliens Act and to the Act on the Protection of Aliens on the Territory of the Republic of Poland and certain other acts*. This programme affords protection to the victims of trafficking in human beings (aliens) who hold a residence

permit for the purpose of considering whether to commence cooperation with law-enforcement bodies, or residence permits of a limited duration in connection with a decision to undertake cooperation with law-enforcement bodies.

In order to regulate actions by law-enforcement bodies in the event of disclosures of offences involving trafficking in human beings and in connection with the realisation of the above programme, in February 2006 the Police and Border Guard were provided with an **”Algorithm for the conduct of law-enforcement officers in cases involving trafficking in human beings.”**

The Polish Police cooperate with Europol in combating trafficking in human beings including women. For the EU member-states, Europol has produced a strategy for combating trafficking human beings. Moreover, Polish policemen take in the work of the Council of the Baltic States and the “Baltcom” Task Force for Organised Crime in the Baltic zone. Within the Organising Committee of this Task Force, a Group of Experts has been appointed to combat trafficking in human beings, involving the coordination of operations by services in the Baltic zone.

Moreover, the Ministry of Internal Affairs and Administration and the Police and Border Guard have cooperated energetically with NGO’s for years. This cooperation involves an exchange of experience, the sharing of experts, and the accumulation of acquired know-how. Police and Border Guard officers also attend tuition organised by III sector institutions.

**A series of projects involving trafficking in human beings are being implemented within the framework of the National Action Plan for Prevention and Suppression of Trafficking in Human Beings.** They include:

- The training project called ”Trafficking in Human Beings – Prevention and Prosecution” realised since December 2003 by the Human Rights Research Centre and Institute of Social Prophylactics and Remobilisation of the University of Warsaw. The purpose of the project it to improve the standard of operation of public institutions in preventing, controlling and prosecuting trafficking in human beings. The basic project undertaking was a series of training sessions.
- Partnership for Development Project: “IRIS – Social and Vocational Integration for Female Victims of Trafficking in Human Beings”

The objective of the IRIS Partnership for Development is:

- to facilitate the employment or reemployment of women who have remained unemployed for a long time because they were victims of trafficking in human beings (therefore they are particularly in danger of long-term unemployment or social seclusion);

- to produce a module of socio-vocational integration for the female victims of trafficking in human beings;

- to make society, especially so-called risk groups, more aware of the dangers of trafficking in human beings, forced labour and slave practices.

- Elaboration and implementation of anti-trafficking training modules for judges and prosecutors in EU Member States. This project is realised by the International Centre for Migration Policy Development in cooperation with the Polish Ministry of Justice and four partner institutions. Its purpose is to formulate and introduce to the EU

countries a pattern of training for judges and prosecutors on combating trafficking in human beings, increase their knowledge of the legal regulations on combating this trafficking, and make the application of the law by judges and prosecutors more effective.

- Combining forces against trafficking – setting up inter-European training modules for practitioners of justice, police and NGO sectors involved in the fight against trafficking in human beings.

The purpose of this project is to formulate and verify modules of vocational training in order to improve cooperation and communications on a national and international level.

- Combating the Forced Labour Outcomes of Human Trafficking, a project realised within the framework of the EU AGIS programme. In July 2005, the Ministry of Internal Affairs and Administration and Ministry of Labour and Social Policy joined in the realisation of this project. The International Labour Organization is the entity responsible for implementation. The project shall include surveys into the situation in Poland regarding trafficking human beings for the purpose of forced labour.
- In – Depth Applied Research to Better Understand the Demand Side of Trafficking in Human Beings. The purpose of this project is to organise and conduct surveys into sex services, with particular reference to the characteristics and motivations of the persons who use these services.
- Awareness-Rising of Judicial Authorities Concerning Trafficking in Human Beings. The purpose of this project was to raise the knowledge and awareness of judges and prosecutors of trafficking in human beings, with special reference to the situation of victims during investigations, preparations for court proceedings and during the court proceedings themselves.

*16. The Special Rapporteur on violence against women, its causes and consequences, expressed concern over the treatment of illegal migrant prostitutes, citing deportation practices and 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.*

**A very important change in Polish legislation from the point of view of combating trafficking in human beings** was the adoption on 22 April 2005 of the *Act on an amendment to the Aliens Act and to the Act on the Protection of Aliens on the Territory of the Republic of Poland and certain other acts*. **Article 1 points 13 and 19 of the above Act permits the granting of residence permits to aliens (victims of human trafficking)** for the purpose of considering whether to commence cooperation with law-enforcement bodies, or residence permits of a limited duration in connection with a decision to undertake cooperation with law-enforcement bodies.

**An alien who is the victim of human trafficking** within the meaning of the Framework Decision of 19 July 2002 on the combating of trafficking in human beings, **who is staying on the territory of the Republic of Poland and who has undertaken cooperation with an authority competent to investigate cases of trafficking in human beings, and has severed contacts with persons suspected of committing offences connected with trafficking in human beings may be granted a temporary residence permit – for a period of 6 months,**

**with the possibility of applying for a subsequent permit of this type, subject to the appropriate conditions. As a condition for receiving such a permit, the alien must possess a sufficient source of income with which to cover his living expenses and health insurance, or his legal sojourn on the territory of the Republic of Poland.**

The programme provides:

- The costs of travel documents,
- The costs of a safe journey to the country of origin,
- The costs of transport in Poland,
- Accommodation,
- Meals,
- Medical and psychological care and legal aid.

*17. 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 national and local levels and position in the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation 25.*

In stage II of the 2003-2005 National Plan of Action for Women, adopted by the Council of Ministers, one of the chapters is devoted entirely to the participation of women in public authorities and in decision-making. A report was produced on the realisation of the Programme, on the basis of which it was decided what the government should do to increase women's participation in public life. Inside government offices, persons were appointed to supervise the principle of gender equality in access to managerial positions in the public administration. Moreover, a special position was created in the Ministry of Foreign Affairs, whose duty is to supervise an adherence to the principle of gender equality on the lists of candidates for posts in international bodies and institutions. This position is currently within the structures of the Personnel Bureau of the Ministry of Foreign Affairs.

According to the Civil Service Act, the chief of the Civil Service is obliged to arrange training at central level for members of the civil service, in which equal access to such training by both women and men is observed. In this way, women can prepare to occupy senior positions in economic decision-making structures. This is realised by means of training that comprises the shaping of leadership characteristics, methods of attaining goals, work styles, management methods and self-improvement.

The subject of women's participation in public authorities was also present in all actions under the PHARE 2002 programme. Particular attention is merited by the conference for senior state officials, senators and deputies held in the Senate in June 2004 within the framework of this programme, in which the leading topic was a balanced participation by women and men in public authorities.

Subsequent steps by the government for the sake of a greater share in power by women were the following conferences:

A conference entitled *Czas na kobiety!* ("Time for Women!") (June 2005), organised by the Institute of Public Affairs and Enterprise Foundation, with co-funding by the Government



Plenipotentiary for Equal Status of Women and Men. Its purpose was to draw society's attention to women's scant engagement in public, social and economic life. The conference resulted in recommendations regarding mechanisms and actions with which to boost women's participation in public life. These recommendations were conveyed to women's organisations, state administrative bodies, self-government authorities and local leaders.

A conference entitled *Solidarność, aktywność, tradycja? - o wyzwaniach politycznych kobiet* („Solidarity, activity, tradition? on the political challenges of women”), organised by the Chairman of the Council of Ministers, examined the role of women in political life. The participants attempted to answer the questions: Is it worth engaging in politics? What are the benefits and costs of this engagement? Are women a uniform political electorate? What interests, slogans, needs and ideas may integrate women? Should women vote for women (gender versus convictions), and what is their current political awareness?

In order to increase women's share of authority, the Office of the Government Plenipotentiary for Equal Status of Women and Men held a training programme for women eager to run in the parliamentary elections. The training programme covered self-presentation skills, how to behave in front of the camera, and work with cameras. The tuition was apolitical, and only covered the skills necessary to serve as a deputy or senator.

18. *According to the report, women often hesitate to start their own business due to their lack of necessary contacts, entrepreneurial spirit, and lack of 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 enterprise.*

The report on the National Plan of Action for Women in 2004 presented the government's actions for the sake of creating the conditions for increased enterprise by women.

The Polish Enterprise Development Agency (PARP), as a state institution, energetically supported the government's efforts to develop and promote enterprise among women. The Agency's Information-Consultation Points provided information on legal regulations, the availability of credits and loans, and tuition and advice on the subject of enterprise. These services were used by 429 women who were about to start their own businesses or who represented SME's. The customers of these Information-Consultation Points were 12 268 women all over Poland, and they provides 16 766 information services for a total of 32 687 customers throughout the year (2003-2004). PARP representatives also took part in numerous conferences whose purpose was to provide information on enterprise and on the opportunities that exist on the market. These conferences were attended by some 15 000 people. The conferences, training sessions and seminars organised by PARP were places where interested persons could directly receive information on the national and foreign funds available to support companies.

A fair entitled *Twoje Pieniądze* („Your Money”) was also held as part of the above activities, visited by about 12 000 people. A higher number of female visitors was noted than in previous years. They were entrepreneurs, occupying the posts of company directors and employees engaged in company developments and the implementation of auxiliary programmes. The fair was also visited by women who were only just launching their own businesses.

The work of PARP served as a basis on which to write and publish the *Raport o stanie sektora małych i średnich przedsiębiorstw w Polsce w latach 2002-2003* („Report on small

and medium-sized enterprises in Poland). One of the report's subchapters is called *Polityka adresowana do kobiet, młodzież* („Policy addressed to women, young people”)

An article called *Kobiecie łatwiej wygrać!* (It's easier for a Woman to Win”) that appeared in the women's press in 2004 encountered a great deal of interest. It presented the owners of small firms who had good ideas for their development. It also advised on what to do in order to obtain funds from the EU, and also incorporated an interview entitled *Za pół tortu płaci Unia*, (“The EU pays for half the cake”), encouraging women to avail themselves of assistance funds.

A similar purpose was fulfilled by a publication called *Skok na kasę – bank pomysłów, mikrofinansowanie, pieniądze z unii europejskiej* (“A run on the bank - a bank of ideas, microfinance, money from the European Union”), published by the Government Plenipotentiary for Equal Status of Women and Men. The material in this publication provided, in an easily understandable manner, guidelines on how to obtain the funds with which to start one's own business and on where to seek help.

The government also supports and supervises the realisation of auxiliary programmes which may be used by SME's (including those managed by women). They are: The Enterprise Development Fund, Export Enterprise Development Fund, and Investment Subsidies Fund.

At present, the Department for Women, Families and the Combating of Discrimination is realising projects that are co-financed by the European Social Fund, Activity 1.6 b, “The vocational integration and reintegration of women.” In this way, the government continues to energetically realise and support a policy designed to encourage and consolidate female enterprise. As part of this, there will be a project addressed to vocationally passive women, intended to instil a spirit of enterprise in them and boost their motivation by highlighting positive attitudes that are worthy of emulation, and minimising the administrative and legal barriers to starting one's own business.

## **Education**

19. *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 genders by independent experts. If this is the case, please explain why one of the goals of the National Plan of Action for Women – 2<sup>nd</sup> stage of implementation in the years 2003-2005 is to introduce “the principles of gender equality into curricula, textbooks and teaching aids at all levels of education” (CEDAW/C/POL/6, para. 130).*

In 1999, the Ministry of National Education issued a directive instructing experts to review school textbooks from the angle of gender equality and a non-stereotyped view of the role of genders. The Plenipotentiary organised two conferences on the subject of equality and tolerance in school textbooks – in 2003 and 2005. At the first conference, whose purpose was to discuss education standards and the criteria by which curricula and textbooks are assessed, the Plenipotentiary presented his own analysis (prepared by the Educational Team) of textbooks and curricula, revealing that the experts were not performing their tasks in a satisfactory manner. Therefore, the Plenipotentiary recommended, as one of the objectives of the National Plan of Action for Women, “the introduction the principle of gender equality into curricula, textbooks and teaching aids at all levels of education.”

In 2004, a new directive by the Minister of National Education and Sport was issued, dated 5 February 2004, on the admission to schools of pre-school education programmes, teaching curricula and textbooks, and on a withdrawal of conjectures. In it, experts were placed under a stronger duty to assess textbooks and curricula from the point of view of their conformity to the curricula in force; the law, including the Polish Constitution, and the conventions ratified by Poland; an adherence to human rights; and an adherence to the principle of equal status for girls and boys and for women and men. A standard of opinions of textbooks and curricula was formulated and sent to all experts, and also placed on the Ministry's website. According to § 4 of the above directive, an expert should, among other things, assess whether a textbook contains material that conforms to the law, the Polish Constitution, and the international conventions ratified by Poland, and should draw attention to an adherence to human rights and an adherence to the principle of equal status for girls and boys and for women and men, and also provide positive and negative examples thereof (including the numbers the pages on which they occur).

At the second conference organised by the Plenipotentiary on 2005, the results of a competition for textbooks that extol the principle of equality and tolerance were announced.

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

*The Government's pilot programme of aid to the Roma community in Malopolska voivodship in the years 2001-2003 covered 4 powiats and the city of Tarnów, which have the highest concentration of Roma people in the voivodship (except Cracow). The programme was carried out in some 60 educational establishments, mainly elementary schools and intermediary schools (*gimnazja*), and involved 427 Roma pupils (no information on their gender is available), of whom 341 were in elementary schools and 86 in *gimnazja*. 98 pupils did not attend school at all or did so very rarely. They were mainly severely retarded pupils (e.g. at the age of 16 they were still in grades I - III of elementary schools), having frequently changed their places of abode, and included a large group temporarily staying outside Poland. **As a result of the programme tasks, school attendance by Roma children increased.** In the school year 2001/02, 136 pupils in 24 schools scored an attendance of over 90%, i.e. a similar level to remaining pupils. Some 300 scored an attendance of 60-80 %. Lower attendance was scored mainly by pupils in the senior grades of elementary school. An improvement in teaching results can also be observed thanks to the Programme. Out of 427 pupils in elementary schools and *gimnazja*, 337 passed to the next grade, and 69 finished school, of which 46 finished elementary school, and 23 finished *gimnazjum*. Roma pupils were usually the weakest pupils, with unsatisfactory or barely satisfactory grades, but more and more of them, around 10-15%, achieved good grades. The main reason why pupils failed to pass to the next grade was their poor attendance of school (at a level of 50%).*

**Moreover, within the framework of the *Programme* , a much greater number of Roma children received pre-school education which, in view of the fact that a lot of them speak only the Romany language at home, bears considerable importance for their future education.** In 2002, 69 children receive pre-school education.

The level of education of most Polish Roma children must be regarded as very low. Some 70% of Polish Roma children receive regular schooling. Their level of school attendance is also low. The children often go way with their parents for a long time (accompanying them on their trade circuits, for example), so that weekends and holidays are prolonged beyond

measure. Girls aged 13 – 16 are already candidates for wives. Once they are married, the young wives do not return to school.

The Government's pilot programme of aid to the Roma community in Malopolska voivodship was a pilot programme.

It was assumed that the realisation of the Programme in Malopolska would serve as an introduction to preparing and realising a nationwide multiyear Programme in aid of the Roma community in Poland. The purpose of the Programme was to produce the kind of mechanisms that would minimise the social disparity between the Roma and the rest of society, whereby it is essential that the Roma be allowed to preserve their cultural identity.

The pilot government programme of aid to the Roma community in Malopolska voivodship for the years 2001-2003 was realised in 8 basic spheres: education, the combating of unemployment, health, insect and rat eradication, living standards, safety, culture, and knowledge among an about the Roma.

The educational tasks were accorded priority in the Programme. They involved:

- including as many Roma children as possible in pre-school education,
- the purchase of textbooks and school equipment for all pre-school pupils and children,
- Polish language lessons,
- the hiring of assistant teachers.

In 2001-2002, PLN 1 241 686.00 out of the state budget was spent on education

The realisation of the educational tasks of the Programme by the participating schools allowed teachers, headmasters and the educational authorities to learn more about the Roma community. Even the Roma themselves developed a greater awareness of the importance of education for their children.

There is a large group of pupils engaged in the special school programme. 105 of them were thus engaged in the 2001/2002 school year.

Considering the faults of the model of Roma classes, in which about 200 Roma pupils are taught, it was necessary to find a new educational model which, while respecting the convictions of parents, would help improve the attendance and level of teaching for Roma children in schools.

The results of the actions undertaken in 2001 – 2002 should be regarded as promising at the very least. However, it was essential to realise systemic tasks addressed to the Roma community in subsequent years, and apply it to solutions throughout the country. A nationwide multiyear Programme for the Roma community began to be prepared, and it being realised all over the country during the timeframe 2004 – 2013. It is meant to improve the education of the Roma by increasing the number of them who complete their schooling, increasing attendance and improving their results, and allowing them to conduct their education in secondary and higher-level schools

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

21. *The reports state that 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?*

The Polish legal system – the Constitution and Labour Code, as well as the ratified Convention on the Elimination of All Forms of Discrimination Against Women (July 1980), guarantees equal pay for women and men. Nevertheless, the latest available figures from the Central Statistical Office, dated October 2004, show that there are still pay gaps between women and men. The fact that this gap has been narrowing since the 1990;’s deserves mention. Pay gaps between women and men continue to be smaller in the public sector than in the private sector.

Size of plants (no. of employees)	
	Relationship of earnings between women and men
Public sector	
Private sector	
men	
women	
Men	
Women	
Public sector	
Private sector	
Up to 19	
2267.64	
2187.43	
1827.34	
1627.98	
96.46	
89.09	
20–49	
2474.77	
2232.49	
2021.36	
1815.43	
90.21	
89.81	
50–100	
2670.19	
2351.97	
2369.45	
2002.08	
88.08	
89.49	
100–249	
2741.84	
2401.99	
2517.63	
2004.14	
87.61	
79.60	

250-499
2768.04
2208.30
2724.62
2085.83
79.78
76.55
500-999
2696.05
2038.52
2529.36
1929.32
75.61
76.30
1000-1999
2968.91
2396.23
2978.23
2266.32
80.71
76.10
2000-4999
3620.90
2793.63
3367.93
2923.21
77.15
86.80
5000 and more
4042.16
3691.15
2519.61
1854.58
89.09
73.60

22. *The view of child-raising 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 one (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.*

An equalisation of the retirement age for women and men is one of the EU's declared objectives within the framework of the open method of coordinating social security systems. In future, it will be necessary to equalise the retirement age for women and men in Poland, too. Accordingly, an equal retirement age is regarded as a measure of the modernity of

modern pension systems. A different retirement age for women and men lead to gender inequality on the labour market, among other things. An equalisation of opportunities by equalising gender rights within the pension system is an important component of social policy. These changes should occur gradually, with a respect for the rights earned by insured persons. The purpose is to equalise the retirement age for women and men, and thus increase the vocational activity of women. In line with EU regulations, it is suggested that the retirement age be equalised gradually, whereby each year the retirement age would be prolonged by 6 months. An important feature is a publicity campaign, indicating the reasons for the actions taken and the effect or lack of effect thereof on women from the point of view of their future benefits.

At present, the Ministry of Labour and Social Policy is preparing an information campaign about the retirement age for women (an extension thereof), addressed to the media, parliamentarians, trade unions, women's social organisations, and social and religious associations. The success of this campaign will allow essential changes to be made to the pension system. The principle of equal treatment applies to the terms and conditions of social insurance cover, the obligation to pay and calculate the amount of social insurance contributions, the calculation of the amount of benefits, the period of payment of contributions, and the retention of the right to benefits. An insured person who believes that the principle of equal treatment has not been applied to him may pursue social security claims before the courts.

*23. According to the report, existing childcare facilities were not used to their full potential due 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 due 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.*

Regarding family benefits, women and men enjoy all benefits equally. The granting of benefits is regulated by the following acts: The Family Benefits Act of 28 November 2003, and the Act of 22 April 2005 on conduct towards those who owe alimony and alimony down-payments. Family benefits are regulated by the Family Benefits Act. The following types of benefits exist:

- a) Family benefit and associated supplements: monthly family benefit, supplement for the birth of a child, supplement for looking after a child during maternity leave, supplement for raising a child on one's own, alimony down-payment and supplement for raising a child in a family with many children, supplement for the education and rehabilitation of a handicapped child, and a supplement when a child goes to study at a school beyond his place of residence
- b) care benefits, in other words: a benefit for looking after someone and giving up employment, nursing benefit.

The Act of 29 December 2005 on an amendment to the Family Benefits Act introduced two kind of benefits in connection with the birth of a child) a single benefit when the child is born, 2) a benefit approved upon and paid by *gminas* out of their own funds.

Act of 22 April 2005 on Conduct towards those who owe alimony and on alimony down-payments introduced new benefits in the form of an alimony down payment and measures to improve execution proceedings vis-à-vis those who are obliged to pay alimony.

Since the 2005/2006 school year, there has been a new type of care for children in the form of the compulsory “zero-grade,” i.e. children aged 6 are obliged to undergo a one-year preparation for their schooling in a kindergarten or in a pre-school class organised in an elementary school. The “zero-grade” is free of charge in schools, and in kindergartens the charge is determined by the kindergarten’s governing body. Moreover, if a six year-old child lives more than 3 km from the nearest public kindergarten or pre-school class organised in an elementary school, the *gmina* must provide free transport and care during travel, or reimburse the costs of the travel of the child and his carer by public transport, if transport is arranged by the parents. The obligatory zero-grade enables women to reconcile their careers with the upbringing of their children. The reconciliation of work and child-raising is also facilitated by flexible forms of employment such as the hire of temporary workers, work for a limited period work at home, additional work, outsourcing, the sharing of working hours and shorter working hours: a shorter working week, weekend work and the hire of employees on the basis of temporary contracts.

### **Access to health care**

*24. 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.*

The refusal to perform an abortion, in the cases set forth in the Act on family planning, protection of the human foetus and the conditions that permit an abortion to be performed by a doctor acting under the so-called “conscientious objection clause,” have been regulated in a directive by the Minister of Health dated 6 October 2005 on the general conditions for contracts for the provision of health services. Under the terms of the directive, in such cases the benefits provider must have a contract signed with a sub-contractor. The contract is meant to ensure the provision of a benefit which was refused by a doctor who exercises his profession on the basis of an employment relationship or who, during his work duties, has submitted to the benefits provider a declaration whereby he may refuse to render a benefit if it goes against his conscience. A doctor is obliged to indicate the possibilities of obtaining the benefit from another doctor or from another health care establishment, and to record and explain this fact in the medical records. A doctor exercising his profession must notify his supervisor in writing beforehand. In a situation where a delay in providing medical assistance might result in death, serious injury or serious health impairment, or in other emergency situations, the doctor is obliged to render assistance in every such case.

In the event of a breach of the above terms, the manager of the voivodship branch of the national Health Fund may dissolve the benefits contract with the provider in whole or in part, without notice.



No significant change in the number of self-induced miscarriages has been noted in Poland in recent years. The number remains at a constant level of some 41,000 per year. Self-induced miscarriages are the result of such factors as poor economic conditions, poor nutrition, a reluctance to undergo medical examinations, irregular checkups during pregnancy, and stress. The increasing age of mothers who are having their first child is also a factor that must be taken into account.

To improve access to medical services connected with child-birth; on 21 December 2004 the Minister of Health issued a directive on the scope of medical benefits, including health screenings, and the frequency of such screening. The directive lays down the particular scope of preventive medical examinations benefits for pregnant women, together with the periods when they should be carried out, as well as the scope of prenatal examinations for women with a higher risk of illness or a higher risk of medical disturbance, including genetic disturbance. Moreover, since 2004, a programme of prenatal examinations has been realised, one of the National Health Fund's current prophylactic health programmes.

Changes have also occurred to the training of doctors. The Polish Gynaecological Association has increased the number of recommendations, the programme of medical specialisation regarding gynaecology and midwifery has changed, the duty to constantly undergo further training has been introduced, and the structure of examinations has altered in line with EU requirements.

The Minister of Health has no instruments, including legal instruments, with which to investigate the phenomenon of illegal abortions. Information on an illegal abortion is reported as an offence. The general courts decide on whether an offence has actually been committed.

*25. 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.*

The problem of access to health care for rural women was the subject of work within the framework of the National Health Programme for 1996 – 2005, an operative goal entitled “Increasing access to basic health care and improving this care.” The task of the monitoring was to obtain a picture of the infrastructure of basic health care, taking into account medical personnel, the materials base, and the equipment and the preventive work and treatment by the personnel in medical establishments. The database on primary health care establishments in Poland has been updated regularly.

The result of the public authorities' concern for a correct and proportional distribution of health care facilities all over the country was the concept of a network of hospitals, formulated in 2005. It is being realised within the framework of the National Development Plan for 2004 – 2006. The Council of Ministers' directive of 22 June 2004 on the adoption of the National Development Plan for 2004 – 2006 envisages an improvement to the local social infrastructure, involving education and health care, especially in the context of improved access to the health care infrastructure by local communities and an equalisation of educational opportunities for pupils from rural and urban areas. The chief tasks concentrate on the modernisation and equipment of primary health care institutions and on an improvement to the quality of health services.

With the rural population in mind, a programme for improving medical care in rural areas for the years 2007-2011 has been formulated. It is addressed to persons employed at farms, persons engaged in different types of employment or persons with dual employment, children

and pensioners. Female rural residents will be taken into account as a separate group. The issues covered by the programme will include the quality of the health services in rural areas, access to health care, diseases among the rural population, the prevention of infectious diseases, and the problem of accidents, especially among rural children.

Access to benefits and services offered within the framework of health programmes and highly-specialised procedures funded out of the Health Minister's budget varies according to one's place of residence or other criteria, apart from medical criteria. In some health programmes, because of the nature of the medical problems that occur only in one gender, the benefits of the programme are addressed only to women (e.g. screenings to detect cervical cancer). The benefits providers who realise the programme operate all over the country, and access to the programme's benefits is the same for rural and urban women.

Ensuring equal access to health care benefits has also been expressed in penal regulations, for under the terms of the Act on health benefits financed out of public funds, anyone who prevents or seriously hinders access to health benefits is punishable by a fine. Sentences in this regard are meted out on the basis of the Code of Procedures regarding misdemeanours

### **Optional Protocol**

*26. 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.*

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women became effective vis-à-vis Poland on 22 March 2004. Pursuant to article 13 of the Protocol, the States-Parties are obliged to widely disseminate and propagate the Convention and Protocol, and facilitate access to information on the recommendations of the Committee for the liquidation of all forms of discrimination against women, particularly in matters concerning the States-Parties.

- When the Protocol became effective vis-à-vis Poland in March 2004, the Ministry of Foreign Affairs, referring to article 13 of the Protocol, turned to the government offices responsible for female issues, asking them to further propagate knowledge of this document.
- Within the framework of the UN Awareness campaign staged by the Ministry of Foreign Affairs in 2004, there were seminars, co-organised by the Government Plenipotentiary for Equal Status of Women and Men, for NGO's, the media and the regional authorities, intended to increase awareness of the anti-discriminatory activities of the United Nations. During these seminars, the participants were informed of the possibilities and methods of submitting individual complaints to the treaty bodies.
- The text of the Convention on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol has been placed on the official websites of many government institutions, including the Secretariat of the Government Plenipotentiary for Equal Status of Women and Men, Ministry of Justice, and Ministry of Foreign Affairs.