

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

Second and third periodic reports

166. In accordance with a decision of the pre-session working group (see chap. II, sect. G) the Committee considered both the second and third periodic reports of Poland (CEDAW/C/13/Add.16 and CEDAW/C/18/Add.2) at its 177th meeting, on 24 January (see CEDAW/C/SR.177).

167. The representative of Poland stated that the reporting period had been characterized by fundamental political, economic and social changes that had affected the position of women. The new Prime Minister of Poland had indicated that the advancement of women was one of the most important political issues and the Office of the Government Plenipotentiary for Women's Affairs would be upgraded and made responsible to the Prime Minister. Poland had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1980. The Polish legal system did not contain any discriminatory provisions in the sense of article 1 of the Convention. The representative noted that two opinions had been expressed with regard to the position of women in Poland: the first, that nothing had been done to improve it, and the second, that the present socio-economic conditions had led to a deterioration in the status of women. The representative said that both opinions were oversimplified and not consistent with the position of the new Government. For example, the rate of unemployment of women was higher than that of men; however, because of the existence of unemployment benefits, many women had recently registered themselves as being unemployed although they had not worked before. Changes in the system had provided new opportunities for women although it was not yet clear whether women themselves were aware and able to take advantage of them. Critical areas that required improvement on the part of women were: their limited knowledge of existing laws and of the mechanisms with which to implement them; their low participation in civic and political life at the national and international levels, including their absence in the newly formed Cabinet; and the stereotyped roles and cultural patterns of conduct of men and women.

168. In response to questions regarding goals set by the State for the next reporting period, the representative referred to a governmental programme of 1990 aimed at the protection of economically weak groups by: providing food coupons; maintaining the ratio between the average pension and wage; reorganizing the system of social assistance; introducing legislative regulations ensuring protection for employees who had been dismissed; providing funds for training and retraining; creating new jobs; and partially reimbursing the higher costs of rent and heating. The representative said that the programme would be continued although in a modified form.

169. The representative stated that the new Government Plenipotentiary for Women's Affairs would tackle such issues as: the provision of assistance to unemployed women and single mothers; and the protection of women's existing social rights as regards employment, maternity benefits, social insurance and social benefits. It was the intention of the Government that newly adopted laws would not infringe on the rights of women in the new market economy and that those laws would be respected by public and private enterprises alike. Other important issues were increasing women's legal literacy; establishing a Centre of Information and Legal Guidance for Women; and promoting and encouraging women's political participation. The latter was considered particularly important in view of the relatively low political participation

of Polish women, which, the representative said, could be attributed to the many labour and social measures that had been granted to women in the past, without any particular effort on their part.

170. Concerning the difficulties in various economic sectors, the representative stated that 46 per cent of the female population was employed in the socialized sector of the economy, comprising both State and cooperative enterprises. During the period of transformation to a market economy, that sector had been subject to cuts in subsidies and to the closure of enterprises, which in turn had caused a rise in unemployment and a reduction of family income. On 31 December 1990, women comprised 50.9 per cent of the total number of unemployed persons or 573,686 persons (in January 1990, the figure had been 40.7 per cent; in July 1990, 48.9 per cent). The deterioration of the economic situation of families had affected women more than men owing to the persistence of traditional roles and the lack of an adequate social infrastructure. For example, an increase in kindergarten and nursery fees had resulted in disrupted employment for some women.

171. Regarding the achievements of, and difficulties encountered by, the government programme for the advancement of women, concluded in December 1990, the representative said that the achievements included the establishment of a basis for cooperation in the advancement of women between central and local authorities; the improvement of women's working conditions, in particular in industry; the improvement of the protection of women's health, including prophylactic examinations and industrial health services; and an increase in the number of kindergartens and nurseries, although not to a level that was sufficient to cover the needs. Difficulties encountered included the low participation rate of women in decision-making, in particular in top management; the decreased representation of women in the Sejm; the lack of women leaders of political or social organizations; the difficulties in modifying traditional patterns of behaviour of men and women; and the prevailing prejudicial and biased attitudes.

172. In connection with newly established women's organizations, the representative replied that several new political and social women's organizations had been established, including regional women's sections in the independent self-governing trade union, Solidarity. Those bodies, in collaboration with female deputies to the Sejm, had convened a conference in December 1990 entitled "Women in contemporary Poland", which had focused on the collection of information on women's issues; measures for improving the position of women; the establishment of a parliamentary commission on women and the family; and the upgrading of the Office of the Government Plenipotentiary for Women's Affairs.

173. The representative referred to the third periodic report when answering questions regarding statistics on women's employment. Additional information was provided on the most recent number of vacancies for women. On 31 July 1990, for every vacancy for a male there had been 9 unemployed men and for every vacancy for a female there had been 36 unemployed women. By the end of December 1990, the number of unemployed women per vacancy had risen to 40. In large industrial centres, the ratio was lower but in five voivodships it was particularly high.

174. The representative pointed out that, although women had achieved much in the past, the previous system had imposed severe limitations. During the previous year, owing to political changes, it had been possible to identify real achievements with the intention of protecting and strengthening them under the new conditions, and making room for various initiatives and activities. Members expressed concern that historically, as well as in the experience of their respective countries, women could participate equally and be accepted during wars and national revolutions, but when those ended, they could be marginalized and relegated to the domestic sphere.

175. The representative stressed the need for the exchange of experience and information at the international level. Such an exchange of information would include ways and means of: providing assistance in creating and operating small enterprises; obtaining loans; retraining; and organizing various community services, such as day-care centres, as well as affording more encouragement and assistance to those women who were becoming more interested in performing traditional roles to participate in the labour force or in social and political life.

176. Concerning the issue of the migration of women, the representative said that although awareness existed of the problem of both the outflow of people to the West and the flow of emigrants from the East and South-East, more attention should be paid to the issue of migrant women.

177. Regarding a query about whether the present system of employment had failed to create opportunities for graduates of the secondary-level general schools, the representative said that during the transition to a market economy more practical skills had been needed. Women rarely possessed such vocational skills and therefore had been additionally disadvantaged. Two possible ways of improving the education system had been discussed: either reorganizing the entire system or creating an alternative system to compete with the existing traditional one.

178. A number of questions were posed regarding the measures undertaken to improve the situation of women and to encourage them to take an active part in ongoing political processes and decision-making at all levels. In reply, the representative drew attention to the extended mandate of the new Office of the Government Plenipotentiary for Women's Affairs, including its intention: to develop further contacts with women and women's organizations; to open branches in other towns; to create a women's information and legal advice centre; and to commission further studies on the situation of women. The level of activity would be determined by financial resources, however.

179. Responding to questions relating to article 2, the representative described the proposed transformation of the Office of the Government Plenipotentiary for Women's Affairs into the Office of the Minister-Member of the Council of Ministers responsible for Women, Family and Youth. The Minister would be able to initiate legislation and the staff of the Office would be enlarged considerably. The representative said that the Convention on the Elimination of All Forms of Discrimination against Women had been broadly publicized and disseminated. All the women's organizations and institutions concerned, including the Sejm, had been consulted in the preparation of the third periodic report. The Commissioner for Civil Rights (ombudsman) continued to play an important role in protecting the rights of

women. That role, however, had not been related to that of the Plenipotentiary, whose mandate was different. Women had the same recourse to the courts to enforce their rights as men but there were no specific legal provisions to combat sex discrimination.

180. Regarding article 3, the representative said that it was the intention of the Government that future amendments to laws would safeguard women's rights, in particular with regard to work, maternity protection and social benefits.

181. Regarding questions relating to article 4, the representative explained that although the legislation contained some special protective measures concerning women's employment, maternity protection and social benefits, no temporary measures had yet been adopted to overcome the existing inequities between men and women regarding wages, job placement and promotion. With regard to wages, the Government had decided on uniform principles of job evaluation, which would ensure the elimination of differences in wages for men and women in comparable posts, which sometimes existed in practice. The concept of temporary measures and the question of State responsibility for the protection of women's social rights had been discussed at the governmental and non-governmental levels.

182. In relation to article 5, the representative stated that the mass media tended to portray women as working persons, with large families and household duties, overcoming existing economic difficulties. Recently, however, an attempt had been made to portray women differently and to present a model of the family based on partnership and the sharing of responsibilities. Subsequently, a number of television and radio programmes for children, youth and adults, initiated by the Government Plenipotentiary for Women's Affairs, had been transmitted, which had been well received according to public opinion. The responsibility for continuing those programmes, which constituted part of the Governmental Programme for the Advancement of Women, rested with the President of the Committee for Radio and Television. A number of television and radio programmes had been transmitted in order to assist women victims of violence, as well as to promote different patterns of behaviour and to encourage both partners to overcome crises caused by alcoholism.

183. Regarding article 6, the representative said that although prostitution existed in Poland, it was associated with the specific life-style of some women, who were often educated and well-off, rather than with economic necessity.

184. Regarding the low representation of women in political life, reference was made, under article 7, to a number of studies that had been carried out by the Office of the Government Plenipotentiary. The new Government was aware of the unsatisfactory situation. Some non-governmental organizations had requested that quotas be introduced, but that measure had not been popular in the society, because the affirmative action programmes undertaken in the post-war period had been considered to have led to tokenism. The low participation of women in political life had also been linked to the economic crisis and to the unequal distribution of household responsibilities. According to some opinions in Poland, it was not possible to increase the participation of women under conditions of crisis; according to others, the economic situation neither negatively influenced nor discouraged such participation.

185. The representative confirmed, in relation to article 7, that, although no legal barriers existed, women's participation in top managerial and administrative positions was not commensurate with their overall level of education. The causes included the low participation of women in the Sejm, political parties, trade unions and associations; their double burden and traditional family responsibility; the lack of strong women's organizations; and their limited possibilities for political education, participation in political campaigns and lobbying. A lack of women in the leadership of Solidarity was also noted. It was observed that women only provided active support to male leaders. In order to redress the situation, training seminars had been initiated. The Government Plenipotentiary for Women's Affairs had established a Women's Forum, the main task of which was to encourage women to take a more active part in politics, including elections.

186. In terms of article 8, the representative said that following the reorganization of the Foreign Ministry, the recruitment and promotion of both men and women to higher posts had been subject to open competition. Of the 793 Ministry employees, 263 were women; of the 368 persons in the professional category, 46 were women; of the 105 persons at the executive level, 3 were women; and of the 927 persons posted abroad, 37 were women - 1 with the rank of ambassador and 18 with diplomatic status. It had been acknowledged that the participation of women in the foreign service, in international conferences and in the work of international organizations had been insufficient. The situation had been a result of the previous system, which had used discriminatory practices. Over the past few months, 24 women had been appointed to diplomatic posts.

187. In relation to article 11 and in response to several questions concerning employment, the representative reiterated the negative effect of the present economic situation on women's employment. She mentioned certain measures to combat unemployment that would be undertaken by the new Minister for Labour and Social Policy to benefit both men and women, such as retraining workers, providing them with vocational guidance and granting them loans for starting their own enterprises. The Government Plenipotentiary for Women's Affairs intended to elaborate a specific programme for women in regions that were particularly affected by unemployment. With regard to the protection of women's work, the representative provided additional information on the lack of protection for pregnant women and women on child-care leave or maternity leave when enterprises were liquidated; all entitlements related to maternity leave, however, had been retained. In response to a question of whether practices in Poland complied with ILO Convention No. 103 concerning Maternity Protection, which prohibited the dismissal of a woman on maternity leave, the representative noted that, under present legal regulations, it was possible to terminate the employment of such a woman if the enterprise was abolished, but there was a requirement that she should continue to receive maternity benefits. It was asked whether it was possible to obtain further employment in the case of closure of an employing organization. The representative noted that, although Poland was not yet party to the most recent ILO conventions, because of the country's political situation in the 1980s, the country had been reviewing its position vis-à-vis those conventions and intended to accede to them in the future.

188. Concerning questions on women's wages, the representative stated that, according to the Main Statistical Office, women on average earned less than men because, inter alia, job evaluation principles as determined by the Council of Ministers in 1987-1988 had not been universally applied. The Main Statistical Office did not incorporate a gender category in its statistics related to wages for comparable posts; however, women had not been employed in highly paid occupations and posts. Moreover, women's availability had been lower than that of men because of their double burden. The difference between wages for women and men had been estimated at 30 per cent in 1988 and 21 per cent in 1989. The improvement had resulted from uniform principles of job evaluation, based exclusively on performance. Regarding a question on legal measures, the representative answered that women had the right to appeal to the labour and social court if they felt they were being discriminated against on gender grounds with regard to wages. In reply to a question on flexible hours, the representative stated that, despite the demands of women's groups, flexible hours of work had not been applied.

189. The representative stated that, although the present system of classifying jobs according to gender had been reviewed, it was not expected to change soon. Such classifications had been applied because of the differences in education and skills between men and women and the fact that some jobs were barred to women for health reasons under international conventions. The practices of the Main Statistical Office were purely methodological and had no practical connotations. Members suggested that such statistical practices should be dropped as they did indeed have practical consequences.

190. With regard to a question on the situation of women of pensionable age, the representative stated that the situation of both men and women had been difficult and that a study focusing specifically on the situation of women would probably be undertaken by the Office of the Government Plenipotentiary.

191. Replying to a question regarding child-care facilities, the representative stated that nurseries and kindergartens were generally available. The 1 per cent decrease in the number of children attending kindergartens in the period 1988/89 had been attributed to the increase of fees and to the lack of clear principles for subsidizing kindergartens.

192. Regarding questions under article 12, she stated that domestic violence and drunkenness had seriously affected women's equality. Domestic violence, independent of gender, and acts of violence against women committed under the influence of alcohol were regarded as crimes and had been subject to public prosecution. Drunkenness in the family could be subject to external intervention, including compulsory medical treatment in special health centres.

193. Regarding article 12, in response to questions concerning abortion and sex education, the representative said that an amendment had been requested by certain Catholic circles, which had recently acquired significant political influence and demanded the general protection of an unborn child. In the opinion of many persons, however, there was no need to amend the existing 1956 abortion law that allowed abortion on medical grounds, on account of the "difficult living conditions" of a pregnant woman or if the pregnancy had resulted from a criminal act. The issue of abortion was controversial both within and outside the Sejm. Some people had demanded that a referendum be held on the issue of abortion; others that a woman seeking an abortion, and

the physician who performed it, should be subject to criminal proceedings. A recent draft law transmitted by the Senate to the Sejm, aimed at limiting the existing legal opportunities for abortion, had been described in detail in the third periodic report of Poland. The representative said that the sex education of society in general, including young people, had been insufficient. Only 28 per cent of all couples used contraceptives, which were available but expensive. Confidential advice on contraception was free of charge and easily accessible, as were all health services, including gynaecological consultation.

194. Concerning questions on drug-related problems and AIDS, the representative said that a number of preventive activities had been carried out by educational, religious and other voluntary institutions. Although the number of opium addicts (10,000-20,000) seemed to be rather low, the fact that the substance was administered intravenously had led to a rapid rise in the incidence of HIV infection. According to data for the period 1989 until 31 December 1990, 1,435 cases of HIV infection had been reported, out of which 1,026 were drug addicts. The ratio of males to females, which had initially been eight to one, was four to one at the end of September 1990. AIDS patients had been treated in eight hospitals and HIV-infected persons in special service centres. There had been difficulties in establishing more centres owing to hostility on the part of the local population.

195. Regarding questions relating to article 14, on the situation of rural women, the representative stated that rural women were in a difficult financial situation; the new governmental Programme for the Improvement of Living Conditions in Rural Areas intended to redress it.

196. Regarding article 16, the representative said that the main reasons for the high divorce rate were conjugal infidelity, financial constraints and difficult living conditions (such as the lack of accommodation). In reply to the question on enforcement policies regarding the payment of allowances, the representative said that a woman who did not receive maintenance from the man was entitled to claim it from a so-called Alimony Fund, to which the man was obliged to contribute or otherwise face charges by court.

197. In response to follow-up questions and comments, the representative emphasized the importance of statements by members encouraging the improvement of policies and programmes for the advancement of women in Poland that required the participation of women from the grass-roots level to the governmental level. Such participation would assist the Government to introduce major changes. The representative noted the value of international cooperation and exchange of experience in order to take advantage of existing de jure equalities as well as of particular opportunities to improve the situation of women. The representative referred to major obstacles, such as a workforce segregated by gender; differential pay levels; the lack of participation in management, political processes and decision-making; traditional roles and attitudes; and a low level of legal literacy.

198. The representative said that an opinion had been expressed by some social groups that a woman's place was in the home, but she expressed the hope that that attitude would change with time, if women could act decisively to defend their status.