



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

Distr.: General
29 January 2007

Original: English

**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 758th meeting (Chamber B)

Held at Headquarters, New York, on Tuesday, 16 January 2007, at 3 p.m.

Chairperson: Ms. Gaspard (Vice-Chairperson)

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(continued)*

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In the absence of Ms. Šimonović, Ms. Gaspard, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

*Combined fourth and fifth periodic reports and sixth periodic report of Poland (continued)
(CEDAW/C/POL/4-5, CEDAW/C/POL/6,
CEDAW/C/POL/Q/6 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Poland took places at the Committee table.*

Articles 10 to 14

2. **Ms. Patten**, with respect to articles 10 and 11 of the Convention, asked what measures had been taken by the relevant ministries to diversify women's occupational choices and whether the Government was dedicated to supporting research in women's studies and gender studies at Poland's universities. She would also be grateful to know whether Poland had begun to implement its plan to introduce an equal retirement age for men and women, what difficulties had been encountered in eliminating pay gaps between men and women, and whether there were mechanisms to adjudicate acts of discrimination in the labour market. The State party should indicate whether it had taken any measures to revise wage structures in female-dominated professions, and whether it had introduced measures to protect part-time and seasonal workers. Lastly, while the Committee commended Poland's amendment of its Labour Code, it wished to know whether the new Code was being effectively implemented.

3. **The Chairperson**, speaking as a member of the Committee, also wished to know the situation in Poland with respect to research in women's studies and gender studies. Such research provided an essential tool for training experts to combat discrimination against women.

4. **Ms. Tan** welcomed the amendments made to Poland's Labour Code in order to prohibit gender-based discrimination in the workplace. However, surveys had shown that women continued to experience discrimination. She therefore wondered whether, as a result of those amendments, women felt

empowered to bring cases of discrimination to the courts.

5. **Ms. Zou Xiaoqiao** asked how many women and men had benefited from Poland's programme to reintegrate employees who had left the labour market as a result of the transition to a market economy. According to the State party's reports, some women who lacked education were compelled to find work in the black market, where they were not protected by the Labour Code, resulting in the feminization of poverty. There were also indications that age discrimination was taking place. She therefore wished to know what measures the Government had taken to remedy the situation, whether any ad hoc preferential policies had been introduced to train such women and, if so, how many women had benefited from such policies. She would also be grateful to know what mechanisms had been put in place to monitor discrimination, harassment and gender-based pay gaps, and what measures had been introduced to assist the women affected.

6. **Ms. Kluzik-Rostkowska** (Poland), said that as her delegation did not include an expert on education, she would submit detailed replies concerning Poland's education sector in writing. There were more females in education than males, and it could not be said that women received an inferior education. However, women must be given more assistance in making the transition from education to the workplace, and greater efforts must be made to help women reconcile their role in the workplace with their role in the family. Although there had been a feminization of certain poorly paid sectors, men were also increasingly compelled to work in sectors traditionally dominated by women, and both phenomena were driven by the difficult labour market.

7. Although the amendments to the Labour Code had eliminated de jure discrimination, employers were not applying the law effectively and women lacked the confidence to bring cases to court. Greater efforts must therefore be made to raise women's awareness of their rights and to provide them with legal aid and advice, as well as to educate employers on issues such as sexual harassment in the workplace. Although law-enforcement and court procedures were often slow, the Ministry of Justice had made efforts to remedy the situation, for example by introducing anti-"mobbing" legislation.

8. Although the law did provide for equal pay for equal work, it was not yet being applied effectively. Because of the country's high unemployment rate, it was often difficult to persuade employers to introduce flexible working arrangements for women and employers must therefore be given incentives. Older women often encountered difficulties in transferring their educational qualifications and professional skills to the market economy, and Poland must find a way to improve women's access to the labour market and ensure the effective application of the laws put in place.

9. **Ms. Wencel** (Poland) said that sexual harassment was punishable under the Penal Code — in the case of forced sexual intercourse, by three years of imprisonment — and such crimes were automatically prosecuted upon application by the victim. Mobbing was punishable under the Labour Code and was generally dealt with in the labour courts; when it involved sexual harassment issues as well, the victim, again, had to initiate proceedings. Gender-disaggregated statistics and examples of cases that had been prosecuted could be provided, if the Committee wished further details.

10. **Ms. Tavares da Silva** observed that even in an ethnically homogeneous society like Poland some minority women could be disadvantaged. She wondered particularly if the Government was aware of the situation of female-headed households among refugees and was attending to their needs. Contradictory information had been given on Roma women, another minority. While a danger of discrimination against them was said to be discounted by the Roma representatives themselves — who were men, no doubt — it was indicated elsewhere that Roma women received less education and had higher school-dropout rates, especially as a result of the early marriages that were common. She would like more information on the content and aims of the multi-year nationwide programme of assistance to the Roma community which had been launched in 2004 (sixth report, para. 127), and whether it recognized a gender dimension.

11. **Ms. Arocha Domínguez** asked what impact the Government's health service restructuring, which had resulted in fewer rural clinics and pharmacies, had had on the health of rural women and how they were being guaranteed access to health care and to contraceptives. It would be interesting to know the results of the

National Development Plan for 2004-2006 (responses, question 25) in terms of women's health, pregnancy care and family planning. The delegation had indicated at the previous meeting that 75 per cent of women between the ages of 15 and 46 used contraceptives: a breakdown by rural and urban areas and by type of contraceptives used would be useful. Also, it was surprising that the rate of miscarriages had remained constant in recent years even though there had been improvements in health services. Clearly, given the factors leading to miscarriages (responses, question 24), there was a discrepancy between the government policies and the de facto situation. She would like a fuller account of the Government's family planning and abortion policy, in terms of both rural and urban health services, and wondered if any doctors had actually had their contracts suspended for non-fulfilment of the conditions of the 2005 Ministry of Health directive on the provision of abortion services.

12. **Ms. Patten**, noting, with reference to article 14, that banks required property as collateral for loans (sixth report, para. 228), asked for statistics on how many women as compared to men had actually received credit, given women's limited access to property, and for information on what was being done to enhance the income-generating potential of women and their access to productive resources, development programmes and cooperative structures. In view of the precarious access of rural women to the labour market, she wondered if the Government was promoting gender mainstreaming in all its rural programmes; whether its project for women entrepreneurs extended to rural women as well; how many rural women had been targeted in the impressive series of projects described at the previous meeting; whether any specific measures were planned to give rural women access to markets, entrepreneurship, financial institutions, appropriate technology and the like; and whether women were participating in the formulation of policies affecting them adopted by the ministry responsible for the rural population.

13. **Ms. Tan** observed that despite the Government's efforts since the 1990s to improve the rural infrastructures, almost half of the respondents in a 2002 survey of rural households had expressed dissatisfaction with their standard of living. She wondered what specifically dissatisfied them, and whether the living standard had improved since 2002.

Also, it was not clear if there were any barriers to participation by rural women in local administrative bodies, since their participation was so low. In the health sector, good reforms had been made in the countryside but apparently still had to produce a positive impact. She asked if the Government had enough clinics to care for rural women, particularly those who could not afford health care, and how it was educating them on the importance of gynaecological care in order to bring down the high maternal mortality rate and overcome the reluctance on religious grounds to practice contraception.

14. **Ms. Begum** observed that although over one third of the Polish population lived in rural areas, none of the reports gave much information on the social and economic indicators of rural women's participation in development, nor any gender-disaggregated data about women heads of household or working women, nor information about any policy plan to improve the condition of rural women, eliminate stereotyping, and provide them with the needed skills training or collateral-free loans to compensate for their lack of education and enable them to start microenterprises.

15. She asked what was being done to improve the leadership potential of rural women, who were underrepresented in local governments, and to do away with discrimination at the grass-roots level. She also wondered if the Government was trying to combat the taboos among rural women against availing themselves of modern medical assistance, particularly because of religious considerations.

16. **Ms. Kluzik-Rostkowska** (Poland) said that while Poland was currently ethnically homogeneous with no major minority problems, that situation would no doubt change for the worse once it joined the European Union. Dealing with the Roma problem meant reaching through the layer of a different culture: under Polish law, no 13-year-old could drop out of school or marry, but it was the parents who had to be persuaded through efforts by the Government to observe the law.

17. Regarding women's health, there were no massive groups that were very poor and without access to a basic standard of living. Some miscarriages always occurred but the number had remained stable and, as in any other country, involved those who were disproportionately poor and badly fed. Most women did have gynaecological care during pregnancy. It was true that in the cities proper, specialized health care

was more readily available. The Government's aim was to bring the level of gynaecological care in rural areas up to par. Most women who did not get such care did so out of embarrassment or for lack of access. Family planning was a separate issue, and there religious considerations did enter into the use of contraceptives.

18. On the subject of rural women, there was a property community between married couples in Poland. If the couple was from a rural area, the property and the land therefore belonged to both of them. However, it was important to note that not everyone living in the countryside worked in agriculture. Women often worked with their husbands on the farm, but if the family did not make a living from the farm, the question arose as to whether the husband or the wife covered the family's expenses. In some regions, the farms were very small and run by the older generation, with most young people leaving the countryside for good. The standard of living of people living on larger farms with good soil, however, was not much different from that of people living in the city.

19. Rural areas were a top priority for the Government, mainly because of demographic trends: as a result of the rural "baby boom" of the 1990s, the majority of future Polish adults would have grown up in the countryside. Unless the Government brought the level of education and health care in the countryside into line with that in the city, within 15 years or so, Polish society would be very poorly educated. The Government was therefore developing many programmes that focused on rural areas.

20. In the city, families paid taxes depending on the income they generated. However, that data was not available for most rural households, as they did not pay taxes in the same way. It was therefore difficult to define the number of rural households that were in a very poor condition. That said, it would be misleading to say that the situation in cities and rural areas was the same. For example, children living in rural areas did not enjoy the same education and health-care opportunities as children living in cities, despite the increase in the number of doctors and nurses in rural schools. The Government was aware of the problem and was doing all it could to improve the situation of the Polish countryside.

21. **Ms. Furgala** (Poland) said that the Government had undertaken a comprehensive set of activities to help Roma girls and women, in particular, the

programme aimed at assisting the Roma population in the Malopolskie province, which focused primarily on education. As at 2006, almost 23 million zlotys (€6 million) had been allocated, allowing many projects to be implemented by both local authorities and NGOs, including Roma organizations, to finance the tasks covered by the programme.

22. **Ms. Przygucka** (Poland) said that the Polish Government had been among the initiators of European Union recommendations on health care in a multicultural society. In the case of Poland, the programme primarily targeted the Roma population, recommending, inter alia, enhanced skills and qualifications of health-care professionals and greater respect for the Roma population's human rights and dignity. As part of a Ministry of Health initiative, medical schools taught such subjects as bioethics and respect for cultural diversity, so as to ensure that Poland's future doctors would respect the different attitudes and practices of different cultures.

23. **Mr. Grabowski** (Poland) said that article 12 of the Convention related to the provisions of the Constitution, the law on medical care facilities and the law on family planning, protection of the human foetus and conditions of permissible abortion.

24. The Ministry of Health had set up a task force that was working to improve rural women's access to health-care services, in particular gynaecological, dental and family planning services. Anyone needing such assistance enjoyed equal treatment, regardless of economic status. In 2002, the Government had banned discrimination against women in terms of access to the labour market. The amended provisions included a list of jobs that were harmful to women's health, particularly pregnant women or nursing mothers.

25. According to a recent survey on the use of contraceptives, over 60 per cent of Polish women used condoms, the contraceptive pill or other hormonal contraceptives. Thirty-four products were available in Poland, three of which were reimbursed at 30 per cent. Contraceptives were available in pharmacies throughout the country, both in cities and rural areas. Rural women therefore enjoyed equal access.

26. Polish legislation allowed for abortion if the pregnancy was the result of rape; if there was a problem with the foetus; and if the pregnancy was harmful to the mother's health. In 2006, there had been 225 abortions — 32 more than in 2004. The number of

spontaneous miscarriages, meanwhile, had gradually decreased in the past 10 years, falling from 45,000 in 1996 to 40,000 in 2005. The fact that women were visiting their gynaecologist more often was just one reason for that decline.

27. In 2002, the Ministry of Health, together with the Ministry of National Education and Sport, had introduced a subject entitled "Education for life in the family" into public and private school curricula. The subject covered such issues as prevention of HIV/AIDS. Between 1985 and 2006, just over 10,000 HIV cases had been registered in Poland, 20 per cent of which were women. All people living with HIV/AIDS in Poland had full antiretroviral therapy coverage. Because of the considerable cost of such therapy, that represented a huge burden on the national budget.

28. Responding to the allegation that the Government had not responded to NGO reports that some health-care facilities were refusing to carry out abortions even when they were permitted by law, he said that in March 2003 the Ministry of Health had reminded all heads of province, in writing, that they had an obligation to carry out abortions in cases provided for by the law.

29. **Ms. Przygucka** (Poland) said that a doctor's right to refuse to carry out an abortion on the basis of the conscientious objection clause must not deprive a patient of her right to have an abortion. According to the law on medical care facilities, if all the doctors in a hospital refused to carry out abortions, the hospital must have a contract with another health-care facility that would carry them out. Moreover, doctors had an obligation to carry out an abortion if there was a direct threat to the mother's life; if there was a risk of severe injury; or in urgent cases that, for medical reasons, could not wait. A doctor could not be dismissed for refusing to carry out an abortion on the basis of the conscientious objection clause, except in the circumstances just mentioned.

30. **Ms. Furgala** (Poland) said that Poland had a limited number of refugees compared to other countries. As at December 2006, it had received around 2,000 requests for refugee status, of which just over 400 had been approved. Poland's recent accession to the European Union had also had an impact. Refugees and aliens were offered such services as accommodation, free public transport, comprehensive medical services and, if necessary, psychological assistance.

31. **Ms. Tavares da Silva** said that the Committee had received information about a draft law that sought to limit access to hormonal contraceptives, and she wished to know what additional limitations that law contained.

32. **Ms. Kluzik-Rostkowska** (Poland) said that no such draft law was pending. For many years, both natural and hormonal methods of family planning had been available in Poland. It was true that at one point the ultraconservative League of Polish Families had tried to switch the focus to natural methods. However, the idea had not enjoyed the support of the general population and the Ministry of Health had very quickly distanced itself. The law safeguarded access to abortion and contraception, regardless of which party was in power. It was therefore not true that women currently had less access to contraceptives than in the past.

33. The fact that only a small number of contraceptives were reimbursed in Poland was a separate issue. It was not that the Government did not want to add other contraceptives to the list of reimbursed medications; it simply could not afford to do so. Despite Poland's economic growth in recent years, the Government still needed to prioritize. The current priority was lifesaving medicine, not contraception.

34. **Ms. Šimonović** asked about the number of illegal abortions in Poland. She was also curious to know whether the Ministry of Health promoted natural family planning methods alone or all available methods, including natural ones.

35. **Ms. Kluzik-Rostkowska** (Poland) said that the statistics on the number of illegal abortions varied widely, depending on the source. Non-governmental organizations estimated that there were some 80,000-200,000 illegal abortions per year, while other sources reported much lower figures. In any event, the main problem was not the number of abortions being performed but rather that the State did not provide adequate benefits for young pregnant women; such women often chose to abort because they were not confident that they could raise a child without some sort of social assistance.

36. With respect to family planning, the Ministry of Health promoted all methods of contraception. It was true that a working group had proposed that the State

should promote only natural birth control; that initiative, however, had been firmly rejected.

Articles 15 and 16

37. **Ms. Belmihoub-Zerdani** (Algeria) wished to know whether the Civil Code provisions on marriage and family life were applicable to all persons, regardless of religion. She noted that, in an effort to find a solution for Roman Catholics whose marriages had broken down, the Family and Guardianship Code provided that separation and divorce should have the same consequences. She would appreciate receiving further information on the matter, as it might prove useful when studying the reports of other States.

38. **Ms. Tan** expressed concern that the low divorce rate might be due to the fact that women lacked the necessary information and funds to initiate divorce. In that regard, she wished to know whether Parliament had adopted the draft divorce bill submitted by the Parliamentary Group of Women to the Sejm in 1994, which simplified divorce procedures and returned divorce cases to the family courts, and if not, when Parliament might be expected to do so. She also wondered whether the divorce rates had risen since 1993. Finally, she wished to know whether the courts applied a formula when calculating alimony; how long a divorced woman could expect to receive alimony and child support; and what proportion of the husband's or the couple's assets was typically awarded to the wife. Lastly, she would appreciate receiving updated information on the causes of divorce and the number of male versus female petitioners.

39. **Ms. Kluzik-Rostkowska** (Poland) reiterated that Church and State had been separated for some time and that there was no discrimination based on faith. Divorce rates in Poland had indeed risen, primarily because the laws were extremely favourable. In fact, many couples falsely claimed that they had separated so that the mother could collect special financial assistance provided to single mothers.

40. Although the courts traditionally favoured the mother, fathers had begun to claim custody with greater frequency. With respect to alimony, the outcome depended on whether or not the husband was found to be at fault. If the courts established that the husband was "guilty", he was bound to pay enough alimony and child support to enable his family to maintain its current standard of living. If guilt was not

determined in respect of either party, the husband was bound to pay child support only. The Polish Parliament was currently taking steps to reinstitute the alimony fund, which provided benefits to single parents when the other parent was unable to make his or her alimony payments. The division of assets was decided on a case-by-case basis. However, because the courts' first concern was the welfare of the child and custody was usually given to the mother, she was often awarded a substantial share of the assets.

41. **The Chairperson** said that the Polish Government would receive the Committee's final observations in due course. She urged it to disseminate those observations as widely as possible, particularly to the Parliament, the various government departments and members of civil society.

The meeting rose at 5 p.m.