

Discrimination against Women

Signed: 29 May 1980; ratified: 30 July 1980.

Poland's fourth and fifth periodic reports were due 3 September 1994 and 1998 respectively.

Torture

Signed: 13 January 1986; ratified: 26 July 1989.

Poland's third periodic report (CAT/C/44/Add.6) has been submitted and is pending for consideration at the Committee's November 1999 session; the fourth periodic report is due 24 August 2002.

Reservations and Declarations: Reservations to article 20 and article 30, paragraph 1.

Rights of the Child

Signed: 26 January 1990; ratified: 7 June 1991.

Poland's second periodic report was due 7 July 1998.

Reservations and Declarations: Reservations under articles 7 and 38; Declarations on articles 12 to 16; article 24, paragraph 2 (f)

REPORTS TO TREATY BODIES**Committee on Economic, Social and Cultural Rights**

Poland's third periodic report (E/1994/104/Add.13, June 1996) was considered by the Committee at its May 1998 session. The report prepared by the government contains a number of tables with demographic and statistical data related to the rights set out in the Covenant. Commentary on the protection of rights covers such areas and concerns as: the labour market situation, including unemployment and protections for the unemployed; measures taken to create new jobs and difficulties encountered in attaining full employment; non-discrimination in employment; occupational health and safety; trade unions and workers' rights; social security and social insurance; health services and provisions affecting persons with disabilities; family benefits and child care; the meaning given to the term "family" and the Polish Family and Guardianship Code; family and maternity protection; the education system; youth employment; characteristics of the economic situation of households; housing stock and resources; relevant health problems and the National Health Programme; the education system, national minorities education; the national cultural policy; and intellectual property and copyright protection.

The Committee's concluding observations and comments (E/C.12/1/Add.26) welcomed, *inter alia*: the prominence accorded to economic, social and cultural rights in the 1997 Constitution; the establishment and functioning of the office of the Commissioner for Citizens' Rights; and that the new Constitution foresees the establishment of a Commissioner for Children's Rights. The success of efforts to control inflation and raise production and the doubling of the level of per capita income were noted, as were efforts to secure international assistance in implementing many social programmes and modernizing government facilities. The Committee viewed positively the

Action Programme for Women, which includes among its objectives the elimination of violence against women, and noted with interest the assurances offered that domestic violence will be fully addressed in the next periodic report. The government's efforts to upgrade its labour market services to improve access to employment opportunities, to retrain workers for jobs in demand, and to provide assistance to people wishing to move from overpopulated to underpopulated rural areas were commended.

In terms of factors hindering implementation of the Covenant the Committee recognized the difficulties arising from the process of political transition to a democratic form of government, as well as problems arising from the transition to a market-oriented economy.

The principal subjects of concern identified by the Committee included: the failure to conclude treaties similar to the one signed with Germany on the subject of the German ethnic minority with respect to other minority groups, and that such a situation may lead to perceived or actual inequalities between minorities; and that policies and decisions of a social nature seem to be excessively influenced by particular religious considerations and do not take adequate account of the existence of minority religious groups.

Referring to the situation of women, the Committee expressed concern over: the imposition of restrictions on abortions that exclude economic and social grounds for performing legal abortions and that, because of this restriction, women are resorting to unscrupulous abortionists and risking their health in doing so; the fact that family planning services are not provided in the public health-care system so that women have no access to affordable contraception; the rising incidence of domestic violence and of trafficking of young women; the absence of specific regulations on sexual harassment of women, the lack of shelters for the women and children who are victims of family violence, and the apparent lack of counselling facilities for such victims; the fact that the right to work is not fully realized by women; the failure to respect the principle of equal pay for equal work; the fact that women earn on average only 70 per cent of the wages earned by men, despite their generally higher levels of education; and the existence of discriminatory practices, such as job advertisements specifying the preferred gender of the employees sought, and women candidates for jobs being asked to take pregnancy tests, despite the existence of legislation prohibiting such practices.

The Committee also expressed concern over: the high unemployment rate and the large numbers of unemployed and underemployed persons, particularly youth in rural areas; the existence of "grey" and "black" markets, where people work with no formal contract and pay little or no taxes and which is encouraged by the high employment taxes, noting that new measures were introduced to address this concern with the results yet unknown; existing legal provisions under which forced evictions may be carried out without provision for alternative lodging; the problem of homeless people caused by the