

POLAND

CEDAW A/42/38 (1987)

305. The Committee considered the initial report of Poland (CEDAW/C/5/Add.31) at its 90th, 95th and 96th meetings, held on 2, 6, and 7 April 1987 (CEDAW/C/SR.90, 95 and 96).

306. The representative of Poland gave a brief summary of the information contained in the report submitted by her Government and highlighted some selected issues of the Convention. She pointed out that the report, which had been completed two years earlier, did not cover the latest developments in areas directly affecting women, for example; the further development of social benefits connected with maternity.

307. The system of social benefits connected with maternity leave had been further developed. The representative explained that legislation on the rights of working women in connection with child birth in force since 1981 had been extended to include paid child-care for a duration of three years. During the leave, for two consecutive years, a mother was entitled to a child-care allowance, which amounted to at least 80 per cent of her regular salary. In the case of disabled and seriously ill children, the duration of leave would be extended by three more years. She pointed out that single mothers received double the allowance that they would have received if they were married. She explained that a major role in the social security system was being played by the Alimony Fund; the State provided financial support to children and mothers in need, especially when it was not possible to exact alimony payments.

308. The representative referred to a new institution, the Government Office of Plenipotentiary for Women's Affairs, which was established by the Council of Ministers on 1 September 1986 to co-ordinate the implementation of measures designed to ensure equal rights of women and men in all aspects of political, economic, social and cultural life. It also co-ordinated co-operation between Polish institutions and women's organizations and with the United Nations, as a focal point for the implementation of the Forward-looking Strategies for the Advancement of Women. ^{1/} She also informed the committee that the Constitutional Tribunal had begun to function on 1 January 1986 and its main task was to ensure that ordinances and other regulatory decisions adopted by the Government were consistent with the Constitution.

309. The representative mentioned that the Constitutional Tribunal has recently ruled on the decision by the Minister of Health and Social Welfare to set 50 per cent quotas on the number of women admitted to medical schools in order to neutralize the "feminization" of the medical profession. She pointed out that, while 87 per cent of pharmacists and 81 per cent of dentists were women, there were very few women in such areas as surgery and nuclear medicine. The Tribunal overruled the decision on the grounds that it was inconsistent with the constitutional principle of

^{1/} Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication: Sales No. E.85.IV.10), chap. I, sect. A.

equal rights of all citizens, and the practice has been abandoned.

310. Concerning the position of women in the political and social life of Poland, the representative stated that the Parliament of Poland presently has 93 women deputies out of a total of 460 deputies. There is one woman in the Council of State and one at the ministerial level; there are also three female deputy ministers and one female Director-General.

311. She said that in Poland's central administration, women occupied 25 per cent of the managerial posts, in local administration 53 per cent and in co-operatives 47 per cent. She said, however, that the participation of women in political life, in particular with respect to foreign affairs and diplomacy, was not satisfactory.

312. She stated that various surveys were under way to study the social and occupational situation of women and their living conditions. For example, there was a great deal to be done with regard to easing the housekeeping burden of women.

313. Many experts congratulated and thanked the representative of Poland for her statement, which contained valuable additional information. They stated that high standards had been reached both de jure and de facto, although discrimination against women seemed to exist in some cases. Some experts pointed out that the Government had shown interest in further improving the situation of women, thus implementing the Convention. The inclusion of the Nairobi Forward-looking Strategies in the five-year plan of the country was also appreciated. Others thought, however, that it was too early to assess the achievements made in implementing the Convention and that the absence of enough data made it difficult to monitor whether progress had been achieved.

314. It was pointed out that women in Poland had suffered a great deal during the Second World War; since that time, women had played a major role in the efforts that had been made to promote world peace. The excellent infrastructure that had been established for providing services relevant to the problems of women, such as family courts, the Institution on Family Diagnosis and counselling centres was noted.

315. It was asked whether there were any plans to establish an institution such as an ombudsman on equal opportunities, where women could complain or receive legal aid, or whether that was already the task of the Plenipotentiary. It was also asked whether the Constitutional Tribunal dealt with the right of women to belong to trade unions. Appreciation was expressed on the ruling of the Tribunal mentioned by the representative, and experts wanted to know whether there had been other cases of discrimination against women. More information was requested on government measures to combat discrimination and on whether there were any action programmes to implement the Convention. Clarification was also sought on some contradictory statements in the report concerning whether discrimination was a problem in Poland or not.

316. It was pointed out that the Government of Poland had taken steps to cope with the new problem of urbanization and its effect on social life by providing social benefits to working women and by helping them to combine household work and gainful employment. It was said that little emphasis seemed to be placed on the active participation of women in all aspects of society in Poland. An inquiry was made about the actual achievements of the sector of the Polish Workers' Party concerned with women's affairs.

317. Since the Government itself had accepted that legal guarantees were not enough, the assertion in the report that there was no need for temporary special measures to accelerate de facto equality was questioned. More information was sought on existing legal guarantees.

318. It was asked whether the interdepartmental team monitoring the implementation of social policies on behalf of women and the family continued to pursue its original aims.

319. It was noted that the participation of women in paid employment and in public and political life was important for equality. Women in Poland were not only hampered by the lack of household mechanization, their possibilities for participation also depended on the extent to which their husbands contributed to household work and child rearing. Therefore, information was requested on the distribution of women and men in paid and unpaid work and on the amount of time that was left in reality for women to participate in public and political life.

320. More information was requested on the efforts of the Government to prepare young people for family life. It was asked whether men were being made aware of their roles as fathers and in doing household work. Information was sought on the role and influence of the Roman Catholic Church on the work towards equality between women and men.

321. Clarification of the statement that “special respect” was accorded to women was sought, since in the past such statements meant that certain rights had been withdrawn from women. Concern was also expressed about the emphasis placed on the role of women as mothers. It was also asked whether the attempt to portray a “new woman” in the media and in schools had been successful and to what extent the portrayal of a “desirable model of the family” in the media had encouraged men to change their behaviour.

322. It was asked whether there was any prostitution in Poland.

323. Information was requested on the extent to which women were represented in political parties and to what extent they were involved in decision-making in Poland. Experts asked whether any measures had been taken to increase women’s involvement in political life, whether the political parties dealt with that issue themselves and whether women entered politics through political parties in the usual manner.

324. It was asked how women’s organizations worked with ministries, for instance through the Committee on Women’s Affairs. It was also asked whether the Office of Plenipotentiary and women’s organizations had been working to involve women in politics.

325. More information was requested on the role played by women’s organizations and co-operatives and also on their activities in the field of environmental protection and the campaign against prostitution. It was noted that the women’s organizations referred to in the report concentrated on social issues rather than on women’s participation in political life. It was asked whether there was any pressure from the women’s organizations to bring about changes in stereotyping.

326. Statistics were requested on the percentage of women at different government levels as well

as in trade unions, and it was asked whether there had been any plans on how to increase the number of women in the higher levels of government administration and trade union management.

327. With reference to the statement in the report that the small number of women representing Poland abroad was of particular concern to women's organizations, it was asked what steps the Government was taking. Another question was whether there was legislation on the integration of women into the Foreign Office and the diplomatic and consular services.

328. It was asked why women were so poorly represented in lower-level secondary schools and whether curricula were identical for girls and boys. Further information was requested on the eradication of illiteracy in Poland. It was felt that, although facilities for the education of women in Poland were increasing, there was a need for additional vocational training. It was also asked why the representation of women in some fields of education was very low while exceedingly high in others.

329. The extent to which women enjoyed the right to work was shown by the fact that the rate of female employment in Poland was impressive, but job segregation still existed. It was pointed out that the high work-force rate for women included many women working on their own farms, thus performing work near or in their own households.

330. Statistics were requested on the proportion of women in high-level jobs, particularly in female-dominated sectors, and about women who had been able to enter new professions.

331. It was asked whether women in Poland were guaranteed in practice equal pay for work of equal value, since it was felt that job segregation created problems in carrying out an objective appraisal of female-dominated jobs. Experts also wanted to know what jobs were not open to women, what professions "needed to be performed by men" and whether there had been any plans to revise Polish protective legislation, as suggested in article 11, paragraph 3, of the Convention. It was also asked whether there were problems of sexual harassment at work.

332. Experts also asked how many women took the full maternity leave, whether women had the right to take leave before childbirth and whether there were any plans to grant fathers the right to paternity leave.

333. Experts asked why there were different retirement ages for women and men, which one expert considered discriminatory, and whether there also were differences in pay received after retirement.

334. It was felt that further efforts would have to be made to increase the number of women occupying positions of responsibility. It was asked whether the Government of Poland or any governmental body had implemented programmes or planned to introduce quotas or other temporary special measures to bring women into technical, governmental and other fields where their employment rates were low. Information was also sought on the special measures that had been implemented by the Government to correct the over-representation of women in professions such as medicine and teaching.

335. A comment was made on article 154 of the Penal Code, which made it a crime to perform

abortions. Information was requested on the number of abortions performed each year, on whether a woman who had an abortion performed because she did not want a child would be punished and on the opinion of the public with regard to that issue.

336. It was noted that many women were engaged in agricultural work, which had been identified as a problem, and that women's organizations were trying to solve such problems.

337. With reference to the many Rural Housewife Centres to help women through courses in cooking, etc., experts wanted to know whether there were also institutions to help "modern" husbands by offering such courses.

338. It was noted that divorce was not granted if it adversely affected the interest of the children. In that connection, experts asked how much consideration was given to the interests of the parents and especially to the interests of the woman or whether she was totally subjugated to the interests of the children. It was noted that the number of divorces in Poland was very small, and therefore an explanation of that phenomenon was requested. It was asked whether mutual affection between the spouses was considered and what happened to the couple when divorce had been refused.

339. It was noted that single parents were mentioned only once in the report; in that context, experts wanted to know what the Government and women's organizations were doing to ensure acceptance and equal treatment of single parents.

340. The establishment of the Alimony Fund and the family courts was welcomed. It was asked whether the Alimony Fund was not "abused" by husbands. More information was requested on the operation of the family courts and on how payments were made in case of a divorce. Another question was raised on the differences in the minimum age for marriage between women and men, and experts asked whether it would be possible to raise the age also for women to 21 to achieve equality.

341. It was asked how provisions regarding the equality of spouses in choosing a family name operated in practice and how many women exercised the right to retain their own name.

342. In replying to the questions and comments made by the members of the Committee, the representative of Poland stated that although Polish legislation complied in all respects with the principle of equal rights between women and men, in certain cases practice deviated from the spirit and the letter of the law. Efforts were being made by the Government and women's organizations to achieve full de facto equality. Owing to the need for strengthening centrally programmed action, the Government Office of Plenipotentiary for Women's Affairs had been set up to integrate the functions of all quasi-governmental bodies for the advancement of women. The Office of Plenipotentiary would monitor research studies undertaken by the Main Statistical Office on the working and living conditions of women in Poland and on their participation in political, economic, social and cultural life. A special data bank was to be established on the social and occupational situation of women.

343. The main task of the Office of Plenipotentiary was to co-ordinate measures designed to enhance the status of women, to ensure equality of rights between women and men in all aspects of

political, economic, social and cultural life and to undertake activities aimed at bettering their living conditions and facilitating the performance of their manifold roles in society and in the family.

344. She explained that, in establishing the Office of Plenipotentiary, the Council of Ministers had also specified a Programme of Action to improve the socio-occupational status and living conditions of women, consisting of 22 areas of activity scheduled for implementation during the years 1987 to 1990.

345. The Council of ministers had requested central and regional administrative bodies to elaborate detailed plans of activities in favour of women.

346. With regard to “temporary special measures”, she stated that all measures and decisions undertaken so far in respect of women were of a permanent and not of a temporary character.

347. The representative stated that Poland had for many years been making efforts to eliminate existing shortcomings, particularly with regard to the participation of women in the decision-making process. Although some progress had been made, efforts would continue to be made to enhance the participation of women in the socio-economic development of the country as well as their level of education and professional qualifications.

348. In response to questions on the percentage of women in political parties, trade unions and administrative bodies, the representative presented statistics. In 1984, women constituted 26.9 per cent of the Polish United Workers Party, 26.0 per cent of the United Peasant Party and 32.4 per cent of the Democratic Party. In 1983, 15.2 per cent of the members of the Central Committee of the Polish United Workers Party and 16.2 per cent of the Central Commission of Intra-Party Control were women. She noted that there were 134 branch-oriented independent trade unions within the All-Poland Trade Unions Agreement; women occupied 48 per cent of the administrative posts in that Agreement, and in the Council, women constituted 9 per cent and in the Executive Committee, 8.3 per cent. Some unions were dominated by women; in the light industry and food-processing industries unions, women made up 75 and 60 per cent, respectively, of the membership. She stated that nine of the branch trade unions were chaired by women and that 15 per cent of the 1,480 delegated to the Congress of trade unions were women. According to recent statistics on women in central, regional and municipal administrative bodies, women occupied 32.9 per cent of posts in central administration and 5 to 6 per cent of posts of ministers, deputy ministers, voivods and mayors of the largest cities. The low representation of women at all governmental levels continued to be a matter of concern.

349. The representative said that setting quotas in the higher levels of Government and trade unions was not part of the Government’s policy. Women had to undertake activities to improve their level of representation. With regard to quotas for women in Parliament, she said that regulations on elections to the Sejm of the Polish People’s Republic, in force since May 1985, granted the right to propose candidates to women’s associations, among others.

350. The representative said that the establishment of a post of spokesman for civic rights had been initiated by the Patriotic Movement for national Rebirth and discussions were currently under way.

351. The representative stated that the members of the Constitutional Tribunal were elected by the Sejm, and its main task was to ensure that legal and other regulations of leading and central organs of the State were in compliance with the Constitution. Its five verdicts on non-compliance with the constitution were subject to review by the Parliament and were binding.

352. The representative stated that certain stereotypes and behaviour connected with long-standing traditions, customs and mentality still existed in Poland. Recent investigations proved that women spent five hours a day on household duties while men spent two hours. Women had four hours a day for leisure while men had five hours. She also reported that only 15 per cent of men did housework, 25 per cent did the shopping and 28 per cent cooked meals. She said that younger men, however, were taking on more household duties.

353. Concerning the meaning of “special respect” accorded to women in Poland, she said that women in Poland had traditionally and continued to be highly regarded because of the important roles they had played throughout Polish history, not only within families but also in the struggle for independence and maintaining national identity.

354. The representative said that prostitution existed in big cities and ports. Professional prostitution, however, no longer existed because the problem of poverty had been eliminated.

355. Measures had already been taken on the integration of women into diplomatic and consular services. In 1986, women occupied 34 per cent of the posts at the Ministry of Foreign Affairs, although only three were at high levels, and 58 women were employed in diplomatic and consular posts abroad, including 24 with diplomatic status, among them one ambassador.

356. The representative explained that the high percentage of girls in post-secondary schools derived from the fact that the majority of girls chose general secondary schools, which did not prepare them for a concrete profession. Girls tended to continue their vocational education in post-secondary schools in such fields as secretarial work, economic and commercial activity, linguistics, draughtsmanship, dental techniques, nursery care or medical rehabilitation, while boys tended towards vocational training in engineering industries, building construction and other jobs requiring physical strength. The representative said that the problem of illiteracy no longer existed.

357. Women and men received equal pay for work of equal value. Professions in such fields as education, health care services and textiles, where about 80 per cent of workers and employees were women, were less well paid.

358. She said that in Poland it was prohibited to employ women in jobs that were particularly onerous and hazardous to their health, and there were no plans to change regulations in that regard. She also stated that the problems of sexual harassment in the work place did not exist in Poland.

359. With reference to the legal age for marriages, the representative stated that for many years the age limit of 18 years was the same for women and men. The man’s age had been increased to 21 years because the majority of men between 18 and 21 years were in the military services.

360. The representative explained that the law of 1956 allowed women to obtain abortion for

medical, social or legal reasons. Juveniles, however, must have the approval of their parents or a decision by the court. She further stated that widely disseminated methods to prevent pregnancy had caused a decrease in the number of abortions. In 1962, about 200,000 abortions had been registered in Poland compared to 135,564 in 1985; however, not all cases had been registered. She also explained that the Catholic Church in Poland was opposed to abortion.

361. With regard to the functioning of family courts, the representative stated that they had become a durable institution in the Polish legal system.

362. With regard to the concern expressed about the same judge dealing with matters of a family, she said that while ruling on a specific case, the judge should use all relevant information.

363. With respect to the questions concerning divorce, she stated that the court might delay a final decision, especially when children were involved. Focus on children did not mean that the interests of women were not taken into consideration.

364. On the issue of the "Alimony Fund", she stated that a responsible father would acknowledge his responsibilities. The State had found it difficult to execute payments from irresponsible fathers, however, and only 50 per cent of such payments were regained. She stressed that the main priority was to ensure that mothers bringing up children alone had regular financial support.

365. The representative explained that spouses were entitled to choose a family name, but that, unless the woman was eminent in a professional, scientific or artistic field, they generally agreed to adopt the husband's name. She also explained that recently a considerable number of women had kept their name and added the name of the husband. Women who had names of historical origin did not change them. In some cases, both spouses kept their names and commonly decided about the name of their children.

366. The representative of Poland was thanked for her replies and for the offer to provide more information later; the presentation would provide useful guidelines for developing countries. The large and varied body of information the representative of Poland had submitted was considered to be very useful, particularly the sociological data, which showed the attitude of the women themselves to their work and to the changing social climate. It was asked whether there had been any research to indicate that women were interested in jobs that were closed to them by law. It had been shown that "protective" legislation only excluded women from highly competitive jobs and did not protect them from health hazards in traditionally female areas of work, such as the health services and catering. It was suggested that the next report could include details of any changes in protective legislation. Reference was made to the principle of equal pay for work of equal value, and it was asked whether there had been any attempt to compare jobs usually done by men with those usually done by women, since jobs involving physical labour were usually better paid, and the physical effort involved in many female-dominated jobs was often not acknowledged. It was asked whether any studies had been carried out in that area.

367. Concern was expressed that the lower retirement age for women meant that a woman had to withdraw from paid employment and return to her main priority in the society, such as household and family affairs. That attitude was an indirect obstacle to women's active participation in society.

368. Replying to the point raised by experts, the representative of Poland said that the list of professions closed to women was not considered to be an attempt at job segregation, but reflected the Government's special concern for women's health. She would report the Committee's comments to the Office of Plenipotentiary for Women's Affairs.

369. The Chairperson thanked the representative of Poland for the frank and informative report submitted by her Government and for the replies given to questions posed by the experts.

CEDAW A/46/38 (1991)

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 24th 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 educational 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: one 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 question 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 1988/99 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 gynecological 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

had initially been 8:1 and at the end of September 1990, 4:1. 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, which 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 expressed the hope that that attitude would change with time, if women could act decisively to defend their status.