

## POLAND

### CERD 26<sup>th</sup> No. 18 (A/8418) (1971)

28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ... Poland ...

**CERD 28<sup>th</sup>, No. 18 (A/9018) (1973)**

183. The initial report of Poland, submitted on 14 January 1970, and a supplementary report dated 19 May 1970, were considered by the Committee at its third session and deemed satisfactory. The second periodic report, submitted on 18 February 1972, was considered at the seventh session (the 136<sup>th</sup> meeting).

184. The report under consideration stated that, during the period which intervened since the earlier reports were submitted, there had been no changes in legislation; that there had been no amendments to the legislative, administrative and other measures described in the earlier reports; and that no civil or criminal cases based on racial discrimination had been brought before the courts. Several members expressed the view that, under these circumstances, the report under consideration should be deemed satisfactory.

185. Some members noted that the supplementary report of Poland had contained information on administrative and other measures adopted in order to promote and develop the cultural activities of minority groups, and stated that it would be desirable for future reports to contain information on the progress achieved in that regard. An inquiry was made regarding the status of the relations of the reporting State with the racist régimes in southern Africa, although it was noted that general recommendation III, which related to that subject, was adopted after the report under consideration had been submitted.

186. The representative of Poland stated that his Government would continue to furnish the Committee with all the relevant information that would be useful to its work. He assured the Committee that his Government had no relations with the Governments of any of the racist régimes in the world.

187. The Committee decided to consider the report satisfactory, and expressed the hope that the Government of Poland would continue to co-operate with the Committee and to supply it with information relevant to its work in future periodic reports.

**CERD 29<sup>th</sup>, No. 18 (A/9618) (1974)**

245. The Committee considered the third periodic report of Poland together with the information submitted by the Government of the reporting State in response to decision 3 (VII). It took note of the statements that, during the period covered by the report, no new legislative or administrative measures having direct reference to the implementation of the provisions of the Convention had been adopted; that the legal acts described in previous reports had continued to be in force; and that no cases concerning any form of racial discrimination had come before the courts. The Committee noted with appreciation that - although it had been informed by the representative of Poland at the seventh session (during the consideration of that country's second periodic report) that the Government of the reporting State had no relations with the Government of any of the racist régimes in the world (A/9018, para. 186) - the Government of the reporting State had formally confirmed in its third periodic report, in response to the Committee's general recommendation III, that it did not maintain diplomatic, economic or any other relations with the racist régimes in southern Africa. On the other hand, it was noted with regret that the report currently under consideration did not respond to the wish expressed at the seventh session (A/9018, para. 185) to receive information on the progress achieved by the administrative and other measures which had been adopted in order to promote and develop the cultural activities of minority groups, and that the report contained no information on the implementation of article 7 of the Convention.

246. The information submitted by the Government of Poland in response to the Committee's decision 3 (VII) relating to the implementation of the provisions of article 4, paragraphs (a) and (b), of the Convention appeared to meet the requirements of those provisions. It was noted with regret, however, that whereas the texts of the legislative provisions satisfying the obligations of the reporting State under paragraph (a) of that article were supplied, no legislative texts corresponding to the requirements of paragraph (b) were furnished; and the hope was expressed that, in future reports, the Government of Poland would provide the Committee with the legislative texts on the basis of which the statement was made that "no community organization or political party of a racist nature can legally operate on the territory of the Polish State", which appeared to be in full conformity with the provisions of article 4, paragraph (b), of the Convention.

247. In connexion with the statement, contained in the third periodic report, that there had been "no cases concerning racial discrimination of any form in Polish courts", it was asked whether that statement meant that there had been no cases of racial discrimination at all or that there were other state agencies competent to deal with allegations of racial discrimination. In the event that there were such state agencies, information about them, about the procedures followed in filing complaints with them, and about their practices was requested.

248. The representative of Poland assured the Committee that his Government's next report would deal with all the points raised during the discussion.

**CERD A/31/18 + CORR.1 (1976)**

178. The Committee considered the fourth periodic report of Poland together with the introductory statement made by the representative of the Government of the reporting State.

179. Members of the Committee noted that the bulk of the information contained in the report under consideration had already been supplied in previous reports. The appreciation of that information expressed at earlier sessions remained valid, it was observed; but it was also recalled that the gaps to which the Committee had drawn attention during its consideration of past reports of Poland had not been filled by the current report, and some of the questions raised in the past had remained unanswered. Recalling that, when the Committee considered Poland's third periodic report it had been assured that the next report would deal with all the points raised during the discussion, members of the Committee expressed the hope that the clarifications sought and the additional information requested would be included in the fifth periodic report of Poland.

180. Note was taken of the new elements in the report under consideration: namely, the information concerning the award of high State decorations to active members of socio-cultural national minority societies and the programme of education in the field of human rights.

181. In his statement, the representative of the Government of Poland referred to inquiries made at a previous session, and repeated at the current session, regarding legislation giving effect to the provisions of article 4 of the Convention and assured the Committee that such legislation existed and that the information requested would be forthcoming.

## **CERD A/33/18 (1978)**

278. The fifth periodic report of Poland was considered together with the introductory statement made by the representative of the reporting State.

279. The question whether the legal system of Poland contained provisions which give effect to article 4, subparagraph (b), of the Convention - which had been discussed at the Committee's tenth and fourteenth sessions, in connection with the examination of the third and fourth periodic reports of Poland respectively (A/9618, para. 246 and A/31/18 and Corr.1, para. 181) - was discussed again at the eighteenth session. A Member of the Committee was of the view that existing Polish law prohibited and punished the participation of individuals in racist organizations but did not prohibit and declare illegal such organizations. On the other hand, several members were of the view that, according to the information given in the report under consideration, the establishment of organizations which promoted and incited racial discrimination was regarded as prejudicial to security, peace or public order, within the meaning of Polish law, and that therefore Polish legislation was entirely in accordance with the requirements of article 4, subparagraph (b), of the Convention. Some members suggested that any uncertainty in that regard would be readily resolved if the Government of Poland furnished the Committee - as it had been requested to do in the past - with all the relevant legislation, including the Polish law on societies (the Decree of the President dated 27 October 1932, Dz.U. No. 94).

280. The information provided on the implementation of article 5 was, in the words of a member of the Committee, "as complete as any the Committee had received".

281. Some member regretted that the information received from Poland thus far did not contain any information on the right to legal protection and remedies, guaranteed under article 6 of the Convention. However, some other members of the Committee referred to article 86 of the Polish Constitution, of which paragraph 2 provided that "citizens shall have the right to approach all organs of the State with appeals, complaints and grievances", and observed that "all organs of the State" included the courts; they suggested, however, that the Government of Poland might provide in its next periodic report the text of the laws it had adopted in pursuance of those constitutional provisions.

282. In his reply, the representative of Poland said that "any individual could join in legal proceedings instituted by the public prosecutor and so become a party to the proceedings, and if no proceedings were pending, he could submit a complaint on his own behalf. The same remedy could be used when the offender was the State or some public institution. Criminal proceedings could only be instituted against the official concerned, whereas civil proceedings could be directed against both the official and the institution which he represented".

283. Several members of the Committee welcomed the detailed and specific information given in the report regarding the implementation of article 7 of the Convention. In that connection, some members expressed the hope that educational programmes would draw attention not only to the current difficulties experienced in Africa and Asia but also to art, culture and history of those

continents, with a view to inspiring respect for other cultures and peoples. It was noted also that, while the list of relevant books published in Poland was impressive and contained many foreign works, including books by African authors, most of the books were political rather than artistic or literary.

284. The information given in the report concerning relations with racist régimes, in response to general recommendation III and decision 2 (XI) of the Committee, was welcomed.

285. The demographic information, given in accordance with general recommendation IV of the Committee, gave rise to some questions. The report referred at one time to “inhabitants from other national groups altogether accounting for 1.3 per cent of the whole population” and, at another time, to “non-Polish citizens”; and it was not clear whether some members of the “other national groups” in question were not regarded as Polish citizens. Moreover, the detailed information on the social-cultural organizations of the national groups under discussion included information on a German Social and Cultural Association, whereas the list of national groups in Poland did not include Germans. Furthermore, that list included Jews; and some members asked whether Jews were regarded as a national, ethnic or cultural minority or as a religious community. Other questions were asked about the information given in the report with regard to the conditions of some of those groups. For example, referring to the German Social and Cultural Association, the report stated that “its activities are conducted on a limited scale due to the old age of most of its members, lack of newer members and no greater interest from the German community”, and it was wondered why that community was not renewing itself. And, with reference to the statement in the report that “Ukrainian youth gets education in two primary and two secondary schools in its native language”, it was asked whether the youth in question received their education in separate schools or in integrated schools with special classes.

286. In his reply, the representative of Poland referred to the question of the Jews and said that in his country “citizens were not asked what their religion was and no differences were made by reason of religion”. With regard to the reason why Germans were not listed among the national groups with respect to which statistical information was given in the report, he drew attention to the fact that the status of Germans in Poland had been settled by international agreements, especially by the 1970 Treaty between Poland and the Federal Republic of Germany; and he stated that, at the moment, “Poland had on its territory only a few hundred people who considered themselves German nationals”. With regard to the question of education in indigenous languages, he said that no uniform practice was followed, and that two arrangements were used: special schools using the indigenous language in places where it was spoken by a sufficient number of persons, and special classes in ordinary schools. “The choice depended largely on the wishes of the ethnic community concerned”.

287. Favourable comments were made on the measures taken by the Polish Government with respect to the national groups under consideration - including financial support of the cultural activities of the national groups in the country, education in minority languages, and encouragement of contact and cultural links between the minorities and their countries of origin. It was asked whether there were any specific legal provisions guaranteeing tuition in minority languages and use of those languages in Polish courts and administration.

288. It was noted that neither the Constitution nor any of the periodic reports of Poland referred to the situation of aliens in that country, and information on that subject was requested.

## **CERD A/35/18 (1980)**

435. The sixth periodic report of Poland (CERD/C/66/Add.17) was considered by the Committee together with the introductory statement of the representative of the reporting State who reaffirmed his country's commitment to the elimination of all manifestations of racial discrimination and referred to some of the initiatives taken by his Government in this regard at the international level, the most recent of which was the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in July 1980.

436. Members of the Committee expressed their satisfaction with the report which contained replies to questions raised during the consideration by the Committee of the previous report of Poland and which demonstrated the goodwill of the Polish Government and its desire for a constructive and positive dialogue with the Committee.

437. One member stated that, as in the case of other reports from the same region, he had been struck by the ideological considerations and the analysis of the causes of racism. He observed that beside neo-colonialism, social inequality also was a source of racism and that the emergence of racism was possible in all countries; therefore it was necessary to attack the roots of racism by means of social, economic and educational measures. Another member pointed out, in this connexion, that a broad-ranging legal basis existed in Poland for the eradication of any vestiges of racial prejudices and that, in his view, the entire social system of the country was directed towards eliminating such prejudices. He also expressed the opinion that Poland was fully complying with its obligations under the Convention. Some members emphasized the historical and cultural elements of the Polish past which enabled that country to combat racism.

438. Some members, however, felt that article 4 of the Convention, although covered to a large extent by the Polish legal provisions, was not being entirely implemented. It was noted that article 81 of the Constitution made a notable distinction between direct and indirect acts of discrimination, which were punishable offences, and dissemination of hatred or contempt, which was merely prohibited. It was noted also, in this connexion, that article 272 of the Penal Code stated that public instigation for quarrels on grounds of, *inter alia*, racial differences was punishable but it was observed that no parallel disposition appeared to be contained in the Penal Code with regard to the dissemination of hatred and contempt. Furthermore, it was noted that article 84 of the Constitution prohibited the formation of and participation in associations whose aims were harmful to the political and social system or to the legal order of the Republic, and it was asked what legislation gave effect to that prohibition, what penalty was imposed for participation in such associations and whether there had been any cases in which article 84 of the Constitution had been applied with regard to racist associations. Although it was stated in the report that there was no need in Poland to take special preventive measures against the forming of organizations based on racial prejudice, some members of the Committee felt that information in this field should be provided in the next periodic report.

439. Some members of the Committee also felt that the present report, like the previous ones, did not provide enough information concerning measures taken by the Polish Government to



implement the provisions of article 5 of the Convention and the wish was expressed, in particular, that the original text of the law on aliens residing in Poland, extracts of which appeared in the report, would be made available to the Committee. Some members of the Committee made reference especially to the provisions concerning the expulsion of aliens. It was noted that one of the grounds for expulsion was the deprivation of Polish citizenship after 9 May 1945, and it was asked whether that provision still had practical importance, since a decree had been enacted in 1953 stating that all who had been deprived of their citizenship in 1945 and had remained in the country could make a declaration to be rehabilitated and have all the rights of citizenship restored.

It was also asked whether it was possible for a Polish resident to be deprived of his citizenship if he had no other country of citizenship and, if so, for what reasons and by what judicial or administrative authority he could be so deprived; furthermore, it was asked whether there was a time-limit for expelled aliens to leave the country and if their cases could be reviewed, whether there was a time-limit for appeal against an expulsion decision and whether it could be extended. Information was requested on whether the right to travel was restricted and, if so, what restrictions were imposed; whether the right to strike was recognized in law as it was in practice and what safeguards were established by law in that regard.

440. In connection with article 6 of the Convention, specific information was requested on the possibilities available to individual citizens for protecting their rights, including the right of nationality, on texts relating to civil and administrative responsibility, for example, concerning the right of appeal against abuse of power by officials in racial matters, on how proceedings could be started in administrative and civil cases and on how an individual could institute criminal proceedings.

441. The representative of Poland assured the members of the Committee that their comments and questions would be transmitted to his Government and that more detailed information regarding the implementation of certain articles of the Convention would be provided in the next periodic report.

## **CERD A/38/18 (1983)**

97. The seventh periodic report of Poland (CERD/C/91/Add.19) was considered by the Committee after having been introduced by the representative of the reporting State who emphasized that in spite of the turbulent period his country had undergone, none of the exceptional measures applied violated the principle of non-discrimination on racial grounds. He also drew the attention of the Committee to the forthcoming fortieth anniversary of the Warsaw ghetto uprising which would serve to remind people of the tragic consequences of officially professed racial policies.

98. Members of the Committee welcomed the statement made by the representative of Poland that the exceptional measures taken by the Government had not violated the legal provisions relating to racial discrimination. One member pointed out, however, that in its next report the Polish Government should give more details concerning the situation which existed before the exceptional measures were promulgated and the present situation, particularly with regard to exercise of the rights referred to in article 5 of the Convention. Another member, while acknowledging that the curtailing of certain rights in Poland by the recent state of emergency had had no effect on the rights of citizens to protection against racial discrimination, emphasized the fact that the Convention could best be implemented in a climate of widespread respect for human rights.

99. Commenting on the references to legal texts made in the report concerning the implementation of articles of the Convention, several members suggested that in future reports the relevant legal texts should be cited in the body of the report in their entirety.

100. Attention was drawn by the Committee to the implementation of article 5 of the Convention. More information was requested with respect to legal aid and the conditions in which the right of defence was exercised. Concerning the right of persons who did not speak Polish and had to appear before a court, the question was raised whether the translator provided during court proceedings worked with a legal counsel so that the person concerned could obtain relevant legal advice, or whether a lawyer who knew the language was provided. Regarding the rights to freedom of movement and to leave any country, including one's own, and to return to one's own country, information was asked in order to evaluate the scope of the restrictions imposed over those rights. Several members observed that a passport could be refused not only according to the relevant article of the Law on Passports but also on grounds of specific important State or public reasons for which no reference to any text was given. Despite the assurance that the reason for the refusal to grant a passport must be stated and the assurance that the applicant had the right to appeal the decision, it was found strange that there were provisions under which a person could be deprived of his citizenship. With respect to the banning of specific trade union and the right of association, information was requested as to whether any such trade unions which might be set up in the future would also be banned. In connexion with questions about the implementation of article 5, one member of the Committee felt that the limitations referred to in the report were quite proper in view of the exceptional circumstances which Poland was facing. He pointed out, furthermore, that article 4 of the Covenant on Civil and Political Rights recognized that in time of public emergency,

States may limit the rights of citizens.

101. With regard to article 6 of the Convention, it was pointed out that the enumeration of rights in the report, though important, lost its significance unless more detailed information was provided concerning the domestic machinery for their implementation. In this context, a member asked whether the term “State organs” referred to administrative or judicial entities. Another member, noting that victims of “improper treatment” could complain to State organs and obtain compensation, expressed the opinion that compensation should be followed by rescinding of the discriminatory act and asked whether such a victim could appeal to any competent body. It was assumed in this connection that “improper treatment” meant discriminatory treatment based on racial or national rights.

102. More information was requested concerning the implementation of article 7 and the protection of national minorities, particularly Byelorussians and Ukrainians. The question was asked what the term “freedom of choice” meant for ethnic communities in regard to choosing a language in primary and secondary schools, by whom (pupils or parents) was such choice exercised and whether the same facilities were provided in schools in mixed communities.

103. Another member, referring to acts of violence motivated by ethnic prejudice and manifestations of chauvinism in Poland, asked whether the opposition movement had in any way harmed members of the national minorities during the state of emergency.

104. Replying to questions posed by the members of the Committee, the representative of Poland stated that the present report had been prepared to comply with the request of the Committee at previous meetings that problems pertaining to racial discrimination should be presented in the context of individuals’ rights. Yet, criticism had been raised by Committee members of the social situation at large. He then informed the Committee of an isolated incident of racial discrimination which had occurred on 10 September 1981, when a group of young people had attacked a gypsy camp. The perpetrators had been convicted and sentenced. One of them had been found not guilty of charges of incitement to national strife. Although the incident had been widely reported in the Polish press, it had been in no way connected with the actions of any political groups in that country.

105. With regard to questions concerning article 5, he said that limitations on freedom of movement and residence had been imposed for economic and social rather than political reasons. They had resulted from the rapid process of industrialization and had been necessary to prevent the population of Warsaw from increasing too rapidly. There had been some specific instances of restricting settlement in sensitive areas, but the Polish Government considered that to be normal. In so far as the deprivation of Polish citizenship was concerned, he pointed out that such action could not be taken with regard to a citizen residing in Poland. No Polish citizens living abroad had been deprived of their nationality since 1949, except by their own request. Furthermore, he added, such instances were not due to racial discrimination.

106. Answering questions related to article 6, he explained that the term “State organs” referred only to administrative organs; the terms “improper” or “incorrect treatment” were understood to

include racial discrimination since there were no specific references to racial discrimination in the Polish legislation.

107. As to the questions raised in connection with article 7, he said that there were a number of Polish schools in which courses were taught in Byelorussian, Ukrainian and sometimes in Latvian.

In secondary schools, students could choose to attend a school where those languages were taught and to learn a third language in addition to the two normally required. The question was one of parallel choice, for Poland had no official concept of bilingualism. He pointed out that the exceptional measures imposed under martial law had applied equally to all citizens and after a time national minorities had been allowed to resume any cultural activities unrelated to the exceptional measures.

108. In concluding, the representative of Poland said that those questions he had been unable to answer would be forwarded to his Government to be taken into consideration when preparing its next periodic report. The next report, he added, would also provide further information on legal rights of minorities and on the subject of minorities in general.

## **CERD A/40/18 (1985)**

518. The eight periodic report of Poland (CERD/C/118/Add.21) was considered by the Committee at its 736<sup>th</sup> meeting, held on 12 August 1985 (CERD/C/SR.736.).

519. The report was introduced by the representative of Poland who stated that his country considered racial discrimination foreign to its social and political system and that equal rights for all citizens were guaranteed by the Constitution and other relevant acts. He added that the principle of non-discrimination was guaranteed by the provisions of the Penal Code, under which dissemination of ideas based on national, ethnic and racial discrimination, including the use of print or other media, was subject to penalty. The ethnic and linguistic groups in Polish territory had every possibility of cultivating their languages, religions, customs and cultures; they were allowed by law to set up their own social and cultural societies and to pursue their own cultural interests. Finally, he pointed out that Poland did not support or maintain relations with Governments or régimes practising racial discrimination, and that his Government supported all existing national liberation movements recognized by the United Nations.

520. The Committee commended the Polish Government for its report which closely followed the Committee's general guidelines (CERD/C/70/Rev.1) and supplied appropriate information on questions raised during consideration of Poland's seventh periodic report. Some members sought clarification of the statement in the report that the Convention was an integral part of the Polish legal system which made specific legislation unnecessary. They also expressed the hope that the next report would contain demographic data on ethnic minorities.

521. With reference to article 2, paragraph 2, of the Convention, the Committee welcomed the reiteration in the report that the various ethnic groups in Poland enjoyed equality of rights and freedoms, in particular, that they were able to express themselves culturally and enjoyed the right to be educated in their own languages. Some members, however, requested more detailed information on the current situation of all minorities, other than the Byelorussians and the Ukrainians, as well as on the steps taken to preserve the cultural identity and the language of Gypsies and on the status of Jews and migrant workers. It was also asked whether there was still an ethnic association of the German-speaking minority, mentioned in previous reports. With reference to the education of minorities, some members wished to receive information on the percentage of minority teachers and asked whether special schools existed to train them and to train minority youth for other professions. Information was also requested on the participation of various minorities in the political, social and economic life of the country.

522. Where article 3 of the Convention was concerned, members of the Committee noted that Poland had an impressive record against apartheid, maintained no relations with the racist régime of South Africa and had fully supported all United Nations resolutions against apartheid.

523. With regard to article 4 of the Convention, members of the Committee observed that the article was implemented in the legal system of Poland by virtue of the Constitution and the Penal Code, which covered dissemination and acts of racial discrimination not only by individuals but

also by organizations.

524. Regarding article 5 of the Convention, members noted that, with regard to the right to leave the country, the report stated that every Polish citizen was entitled to receive a passport according to the Law of Passports of 17 June 1959 “with subsequent amendments”; clarification was requested concerning those amendments. It was also asked how the provisions of Polish law on the right to leave the country worked in practice, what restrictions were placed on travel abroad and return home, and under what conditions travel abroad was permitted. Referring to the conditions mentioned in the report, under which a Polish citizen might be deprived of his citizenship, it was asked who determined whether loyalty to the Polish People’s Republic had been respected and on what basis and whether there were specific criteria for defining when and how such loyalty had not been respected in cases other than those that were obviously detrimental to the vital interests of the State. Additional information was also sought on whether Polish residents living abroad actually wished to be deprived of their Polish citizenship. Clarification was asked for regarding the restrictions in force on the exercise of the right to freedom of association and how the law governing the organization and dissolution of associations worked in practice, with particular reference to article 278 of the Penal Code in conjunction with its article 18.

525. With reference to article 6 of the Convention, members of the Committee requested additional information on the remedies available and the procedure for obtaining redress and compensation, as well as on whether a right of redress existed against state authorities for arbitrary acts or harm caused to an individual citizen; what recourse procedure was open to such a person and whether there had been any specific instance of its use. Attention was drawn to the remarkable provisions concerning the participation of a victim in a case where a prosecutor was conducting a preliminary inquiry and the competence of a victim to lodge a complaint should the prosecutor decide to discontinue his inquiry.

526. In relation to article 7 of the Convention, members of the Committee commended the measures taken by the Government to promote human rights issues in the field of education. Further information was requested concerning the role of the mass media in the dissemination of ideas relevant to the struggle against racial discrimination, as well as on such activities in the framework of the celebration of the fortieth anniversary of the United Nations.

527. Replying to the questions raised during the consideration of the report, the representative of Poland said that in his country, the idea of equality of all peoples was widely covered in school curricula at all levels. Education was open to all groups of the population without any restriction or racial discrimination. Furthermore, measures aimed at mobilizing national public opinion against the evils of racism, racial discrimination and apartheid were initiated and carried out both by the Polish Government and by non-governmental organizations. Poland received victims of racial discrimination for medical treatment and rehabilitation. Each year it granted scholarships for higher education to victims of such discrimination.

528. In reply to the question concerning the German minority in Poland, he said that there was no such minority, since all Polish citizens who considered themselves to be of German origin had left Poland of their own choice in accordance with the provisions of the Final Act of the Conference on Security and Co-operation in Europe. The remaining 70,000 members of ethnic groups, other than

the Russians and Ukrainians, included Lithuanians, Czechs, Slovaks, Jews and Greeks.

529. Concerning the question on deprivation of citizenship, he stated that such action could not be taken with regard to a citizen residing in Poland and no Polish citizen living abroad had been deprived of citizenship since 1949 except at his own request.

530. In conclusion, he assured the Committee that all questions raised during the consideration of the eight periodic report of Poland would be taken into account when the next periodic report was prepared.

## **CERD A/44/18 (1989)**

109. The ninth periodic report of Poland (CERD/C/149/Add.20) was considered by the Committee at its 836<sup>th</sup> meeting, held on 10 August 1989 (CERD/C/SR.836).

110. The report was introduced by the representative of the State party who stressed that the basic legal provisions contained in the report remained unchanged. Of the recent changes in the country's legal system, he stated that the most significant were the establishment of the Constitutional Court in January 1986, the extension of the competence of the Supreme Administrative Court and the common courts, and the establishment in July 1987 of the post of Spokesman for Civic Rights, comparable to the institution of Ombudsman in other countries.

111. The representative pointed out that in April 1989 the Polish Parliament had adopted a new Law on Associations, creating better conditions for full implementation of some of the rights contained in article 5 of the Convention, and ensuring to all citizens equal right to participate in the public life of the country and to set up associations of their own choosing. Although this new law did not apply to trade unions, churches and religious organizations, the Parliament had also adopted an act amending the Trade Union Act of 1982 and a new act on trade unions of farmers, which developed the principle of trade union pluralism. The representative listed the total number of churches and religious denominations officially recognized in Poland, including the Roman Catholic Church, to which 90 per cent of the population belonged, 34 other Christian churches, and 11 non-Christian religious denominations.

112. Members of the Committee congratulated the State representative on the report and the detailed information provided in his introductory remarks. It was stated these sources indicated that articles 1, 4 and 6 of the Convention were being adequately implemented, and the report had attempted to answer questions raised by the Committee in accordance with the guidelines.

113. Questions on the eight periodic report of Poland that had remained unanswered were raised again. Detailed information had been sought on the current situation of all minorities, and the steps taken to preserve their culture identity, on the language of the gypsies, on the status of Jews and migrant workers, and on a breakdown on the composition of the 70,000 members of ethnic groups. Information had also been requested on the percentage of minority teachers and whether special schools existed for their training and for that of minorities for other professions. Doubt was expressed on the statement made during the discussion of the previous report that a minority group of German origin did not exist in Poland. Recent statistics suggested that over 200,000 people claiming to be of German origin had left Poland for the Federal Republic of Germany, since 1986, and this number had been increased during the first half of 1989.

114. Turning to the ninth periodic report, members asked for information on the Government's policy on a market economy, the status given to the public and private sectors, and whether the Government would grant subsidies on farm products.

115. Referring to specific articles of the Convention, members requested, in connection with



article 2, that the relevant sections of the proposed changes in the Constitution be sent to them. Clarification on the composition and methods of work of the new Parliament was also requested.

116. Noting that Poland had no diplomatic relations with South Africa, members wished to know, with regard to article 3 of the Convention, whether Poland made any contribution to the United Nations Trust Fund.

117. With reference to article 5 of the Convention, members asked for detailed examples of cases considered by the recently-established post of Spokesman for Civic Rights.

118. Mention was made of the legislation passed by the Polish Parliament treating certain crimes against public order as misdemeanours or felonies, and members asked whether the relevant law was still valid, how many people had been punished under it, and whether in the case of a felony the accused had the benefit of a defence counsel.

119. Clarification was requested of the term “to the detriment of the interests of the Polish People’s Republic” mentioned in the report in connection with deprivation of citizenship. Members also wished to know whether the provisions governing basic civil rights were being reviewed under the new régime.

120. It was asked whether the Government was considering providing subsidies to minority religious groups who find it difficult to maintain their places of worship and train their clergy, and whether the restrictions on contact between orthodox believers and their religious brethren in the Soviet Union could now be relaxed.

121. Members asked whether the Government of Poland would further revise the law on associations and clubs to eliminate the social utility criterion routinely used to prevent the forming of new clubs and associations.

122. Information on the acute housing shortage in Poland was sought, especially as the right to housing was among the rights guaranteed by the Polish Constitution.

123. Members asked whether the 1982 Higher Education Act would be repealed, which at present empowers the Minister of Science to approve all candidates for university rectorships and other high offices before the names of such candidates could be submitted to the university senate for election.

124. Finally, members asked whether the Government of Poland was considering withdrawing its reservation to article 22 of the Convention, relating to access to the International Court of Justice in the event of a dispute between States Parties on the interpretation of the Convention.

125. In response to questions raised by members of the Committee, the representative stated that Polish citizens of non-Polish origin constituted 1.5 per cent of the entire population; these included Ukrainians, Russians, Czechoslovakians, Slovaks, Lithuanians, Jews and Greeks, all of whom had their own organizations and published their own periodicals. There were also groups that

promoted gypsy culture. Many radio stations broadcast programmes in the language of the minority groups, and there were schools where children could learn their native language. There were no special schools to train minority teachers. Regarding the question of Polish citizens of German origin, he said that the question was a complicated one, having its origin in many legal and economic factors, and the departure of these people from Poland had been as a result of a post-war decision by the Allied Powers and later agreements that had been reached between the Federal Republic of Germany and Poland.

126. The representative confirmed that the Government intended to introduce a market economy. A law enacted in December 1988 had introduced freedom of economic activities regardless of ownership and had given the private sector equal status with the public sector. Subsidies on some food items were still maintained, but had been abolished on others.

127. Responding to questions on article 2 of the Convention, the representative said that amendments to the Constitution were designed to change the structure of the supreme authority in Poland, provision had been made for the introduction of the office of President, and the autonomy of the judiciary had been increased. Work on the new Constitution was scheduled to be completed in 1991.

128. In reply to questions on article 5 of the Convention, he said the difference between misdemeanours and felonies lay mainly in the penalties imposed, the latter incurring higher fines and longer prison sentences. The law on such offences was still valid; however, if the accused person did not agree with the sentence imposed he could appeal to an ordinary court and normal procedures would then be followed.

129. Regarding the question on deprivation of citizenship, he said this referred to acts of treason or spying. He did not have documents on this interpretation but would try to provide them. He stressed that the 21,000 aliens in the country had the same rights as Polish citizens, except for electoral rights.

130. Turning to questions on religious minorities, he said that, owing to the separation of Church and State, the Government did not provide subsidies to churches, but the State did provide funds for the renovation and maintenance of church buildings of historic value. There were no limitations placed on contacts between Orthodox believers and their religious brethren in the Soviet Union, and similar contacts were envisaged between Roman Catholics in both countries. He stated that all religious groups were equal in the eyes of the law. Although State laws concerning marriage and divorce had to be respected, within those limits people were free to follow their religious traditions. There were religious schools and publishing houses in Poland, as well as two religious universities.

131. The representative declared that housing was one of the most difficult problems in the present economic and social life of the country. Unfortunately, during the 1980s the number of constructions had decreased, although their quality had improved. In 1984, however, the Parliament had adopted a special resolution on housing policy up to 1990, and every effort was being made to implement that resolution.

132. Regarding the law on the filling of university posts, he stated that the university senate designated two or four candidates for the post of university rector for consideration by the Minister for Education, who had the right to object to any of the candidates. The possibility of repealing the law and giving wider autonomy to universities had been widely discussed, and may lead to a new law being adopted.

133. Regarding his country's reservation to article 22, the representative said that the withdrawal of both this and similar reservations to other international human rights instruments were being considered by the Parliament; although it was difficult to predict the outcome, there was a positive feeling in the country on the adherence to the compulsory jurisdiction of the International Court of Justice.

## **CERD A/48/18 (1993)**

178. The tenth, eleventh and twelfth periodic reports of Poland, submitted in one document (CERD/C/226/Add.2), were considered by the Committee at its 981st, 982nd and 983rd meetings, held on 17 and 18 March 1993 (CERD/C/SR.981-983).

179. The report was introduced by the representative of the reporting State, who explained that since the report had been drafted in 1992 there had been no notable developments concerning the situation of racial discrimination in Poland. There were no laws in Poland regarding the legal status of persons that made any distinction on the grounds of race or ethnic origin. The Constitutional Court had ruled on several occasions that the principle of equality before the law constituted the very foundation of the State and was to be strictly respected by all State organs. Poland had a comprehensive system of institutional guarantees for the rule of law based on the independence of the judiciary. Justice was administered not only through the courts, but also through the Commissioner for Human Rights/Ombudsman, who was empowered to act not only in cases involving breaches of the law, but also in cases of violations of accepted principles of community life. Cases of discrimination in Poland were few and were usually related to nationality.

180. With respect to the application of the international human rights treaties ratified by Poland, the representative informed the Committee that, in accordance with the decision of the Supreme Court in June 1992, such treaties would henceforth become directly applicable and binding provided that they were self-executing. Unfortunately, the International Convention on the Elimination of All Forms of Racial Discrimination, which had been ratified before the constitutional amendment of April 1989, could not yet be considered as directly incorporated in Polish law. However, that situation was expected to change with the adoption of the new Constitution, which would put all human rights treaties ratified by Poland on an equal footing and make them part of the internal legal order irrespective of the date of ratification.

181. Members of the Committee welcomed the recent trend towards greater democracy in Poland. The ratification by Poland of the European Convention on the Protection of Human Rights and Fundamental Freedoms and its acceptance of the jurisdiction of the European Court on Human Rights, as well as of the procedure whereby individual petitions could be made to the European Commission on Human Rights, were evidence that it had consolidated its status as a democratic State based on the rule of law.

182. Members of the Committee noted that the report under consideration was somewhat brief and not fully in accordance with the Committee's revised general guidelines. Those guidelines should have been taken into account when the next periodic report was prepared. Members wished to have more detailed information on the legal situation in Poland with regard to the implementation of the Convention. They observed that the Government should consider submitting a "core document" containing general information on the situation in the country that could be used by all human rights treaty bodies and which would make the task of reporting easier. Members also wished to have more precise demographic data showing the ethnic and racial situation in Poland. In

particular, further information was requested on attitudes and behaviour towards Jews and Gypsies in Poland and on the problem of racial discrimination against immigrants and refugees.

183. With respect to article 2 of the Convention, members of the Committee indicated that the Polish authorities should take into account the provisions of article 2.1 of the connection with any policy which the National and Ethnic Minorities Commission might adopt. The authorities should formulate a more comprehensive policy towards minorities, put it into written form and bring it to the attention of the persons it was intended to protect and those who were required to implement it. Furthermore, a governmental body should be specifically designated as responsible for its coordination. The Committee would welcome further information on all those points in the next report of Poland. Members requested more information with respect to the implementation of article 2.1 (d).

184. With respect to article 4 of the Convention, members of the Committee stated that the report should have been more informative about the Polish National Party, which sought to promote negative attitudes towards Jews. They asked whether the Polish Constitution allowed the establishment of political parties and organizations on racial, ethnic or religious grounds.

185. With regard to article 5 of the Convention, members of the Committee noted that the information provided in connection with that article related only to legislation and not to the actual situation in the country. Members wished to have more information on the groups organized by the Socio-Cultural Society, which had secured for the German minority a strong representation in local government; on limitations on the right to own property; on the cultural education provided and training in the languages of minority groups; on the national education system and the extent to which it reflected the interests of the different ethnic groups.

186. Referring to article 6 of the Convention, members of the Committee indicated that insufficient detail had been given with respect to the implementation of that article. Further information was requested on the functions of the Ombudsman and of the National and Ethnic Minority Commission. More information was also requested with respect to recent changes in the organization of the judiciary.

187. Concerning article 14 of the Convention, members of the Committee asked whether Poland planned to make a declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of any right set forth in the Convention.

188. Replying to the questions, the representative of the State party stated that, with regard to the demographic composition of Poland, the Minister of Culture had estimated that the population included 300,000 Ukrainians, between 200,000 and 250,000 Belarusians, between 200,000 and 500,000 Germans, between 20,000 and 25,000 Lithuanians, 15,000 Jews, 15,000 Greeks and Macedonians, 3,000 Russians, Tartars, Karaites, Ormians and Czechs, and between 10,000 and 15,000 Gypsies. Ethnic minorities thus totalled some 1.1 million out of a total population of 40 million. Apart from some isolated instances, there was no negative attitude or discrimination towards foreigners in the country.

189. With regard to article 1 of the Convention, he stated that, although that provision had not been literally incorporated in domestic legislation, there was no doubt that it had influenced the understanding in Poland of what constituted racial discrimination.

190. Concerning article 2 of the Convention, he gave further information on the status of the Convention in the Polish legal order and indicated that the Convention played an important role in Polish jurisprudence. There were, for example, frequent references to the International Covenants, which similarly had not yet been transformed into domestic law, in the jurisprudence of the Constitutional Court, the Administrative Court and in the activities of the Ombudsman.

191. With regard to article 4 of the Convention, he explained that, following decades of communist rule, Poland was still in the initial stage of establishing a multiparty system. The general approach adopted was to limit State interference in that process as much as possible. At present, there were more than 180 political parties active in Poland, most of which were very small with no political influence. That was the case for the National Party under the leadership of Mr. Tejkowski. Because of his statements and other activities, criminal proceedings against Mr. Tejkowski had been initiated, but they had not yet been completed. In that connection, the statute on political parties of 1990 made it possible for the Constitutional Court to declare a political party inconsistent with the Constitution. Legislation on associations provided similar restrictions in regard to organizations other than political parties.

192. Concerning article 5 of the Convention and the participation of minorities in representative organs, the local administration in Poland was based on the principle of self-government. Representatives of minorities were members of local parliaments, as well as of the national Parliament. In order to facilitate the access of minorities to the legislature, the electoral law of 1991 had established lower criteria for the registration and election of candidates representing minorities. With regard to educational opportunities for minorities, there were no restrictions as to teaching in minority languages. Availability of such instruction depended on the need and on material resources. Since 1 September 1992, German had been taught as a basic language in 7 schools and as an additional language in 170 schools in areas inhabited by the German minority. Ukrainian was taught in 3 primary schools and in 3 general secondary schools, while Belarusian was taught in 48 primary schools and in 2 general secondary schools.

193. With respect to article 6 of the Convention, the representative stated that the Sejm Committee for National and Ethnic Minorities had been established immediately after the political changes of 1989. It was a standing parliamentary committee that dealt with all matters relevant to the protection of minorities. In particular, the Committee discussed the question of a draft statute on that question.

194. In regard to article 14 of the Convention, he stated that, in general, Poland recognized the right of individuals to avail themselves of international complaints procedures in instances where they felt that their rights had been violated. It was only for technical reasons that Poland had not yet made the declaration under article 14 recognizing the competence of the Committee in that regard.

195. In conclusion, he stated that the observations and recommendations made by the members of

the Committee would be very useful to the Polish authorities.

### Concluding observations

196. The Committee recommended that the Government of Poland, in drafting its next periodic report, should make use of the possibility created by the revised guidelines on reporting to submit a core document covering the general legal, political and economic situation in Poland. It expressed the hope that the next periodic report would provide all the information requested during the Committee's consideration of the tenth, eleventh and twelfth periodic reports.

197. The Committee reiterated its request for further demographic data in accordance with general recommendation IV and for full information on the situation of ethnic groups.

198. The Committee considered the form in which the Convention had been incorporated in Polish law and noted that a different system had been provided for under the new Constitution. It recommended to the Government that it should consider giving the Convention the same status in domestic law as other international human rights instruments.

## **CERD A/52/18 (1997)**

462. At its 1222nd and 1223rd meetings, held on 7 and 8 August 1997, the Committee considered the thirteenth and fourteenth periodic reports of Poland (CERD/C/299/Add.10), and at its 1235th and 1236th meetings, held on 18 August 1997, adopted the following concluding observations.

### Introduction

463. The Committee welcomes the report submitted by the Government of Poland, which generally follows the guidelines and contains information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the supplementary information given to it during the consideration of the report. It expresses its appreciation for the dialogue with the high-level delegation and for the detailed answers given orally to the questions raised by members.

464. The Committee notes with satisfaction the commitment of the State party to make shortly the declaration under article 14 of the Convention recognizing the Committee's competence to examine complaints of persons who claim to be victims of violation by the State party of the rights set forth in the Convention.

### Factors and difficulties impeding the implementation of the Convention

465. The economic changes that are still taking place in Poland may affect the full enjoyment of economic, social and cultural rights, especially of those belonging to minority groups.

### Positive aspects

466. The recent adoption by the National Assembly of the State party of a new Constitution, which will enter into force on 17 October 1997 and under which the Convention will be directly applicable by the courts, is noted with interest. It is also noted that a new Penal Code, a Code of Criminal Procedure and a Code of Execution of Penalties have been adopted and all will enter into force on 1 January 1998.

467. The measures taken by the competent authorities of the State party in recent cases of incitement to racial hatred are welcomed. The work of the Ombudsman in relation to the promotion and protection of human rights is also a positive development.

468. The efforts undertaken by the State party to protect minorities are welcomed. In this regard, the bilateral treaties, which include specific provisions of protection against racial discrimination and guarantees of equal rights with regard to minorities, that have been signed with neighbouring countries are an encouraging development. It is also noted with satisfaction that the Act on the Elections to the Sejm of 28 May 1993 provides measures for promoting minority rights in the electoral process.



469. The agreement on the relation between the State and three main Churches adopted on 20 February 1997 is welcomed, as is the agreement between the State and the Jewish communities of Poland in which, *inter alia*, the State recognizes their ownership rights of the property which belonged to those communities on 1 September 1939 and was taken over by the State after World War II.

#### Principal subjects of concern

470. Despite the written and oral information provided by the Polish representative regarding the self-executing character of the Convention in domestic law, concern is expressed at the absence of specific legislative measures to enforce some of its provisions.

471. It is noted with concern that several cases of serious acts of violence relating to racial discrimination have taken place in the State party during the period under review, targeting especially Jews and Roma minorities.

472. Concern is expressed at the insufficient legal framework to declare illegal and to prohibit non-political groups and associations which disseminate ideas based on racial superiority or hatred and incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons.

473. With regard to the implementation of article 5 of the Convention, concern is expressed that the right to work and to housing of persons belonging to minorities may not be sufficiently protected from racial discrimination in the current period of economic transition.

474. It is noted with concern that, despite evident efforts made by the authorities, children belonging to minority groups do not always have access to education in their own language.

#### Suggestions and recommendations

475. The Committee suggests that the State party fully clarify in its next periodic report the status of the Convention in relation to domestic law, and it would welcome in the next report examples of court decisions related to this matter if any are available.

476. With regard to non-political groups and associations which disseminate ideas based on racial superiority or hatred or incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons, the Committee recommends that the State party take all measures required under the Convention to prohibit their existence.

477. With regard to statistical information on minorities, the Committee suggests that the State party take all appropriate measures to compile more precise information, and it recommends that such data be included in the next periodic report of the State party.

478. The Committee recommends that the State party also take measures to more fully guarantee economic, social and cultural rights, as defined in article 5 (e), for minority groups, including the

right to work and to housing, and that it include more comprehensive information in its next periodic report on the implementation of the provisions of article 5 (e). The Committee also recommends that the State party adopt a comprehensive programme of action to promote and protect the rights of the Roma population.

479. While acknowledging the recent efforts made by the State party in this regard, the Committee recommends that the authorities increase their efforts to give children belonging to minorities fuller access to education in their own language. It also recommends that the authorities take appropriate measures to meet the specific educational needs of Roma children.

480. The Committee recommends that the next report contain detailed information regarding prosecutions for acts of racial discrimination.

481. The Committee recommends that the State party ensure the wide dissemination of its report and of the Committee's concluding observations.

482. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

483. The Committee recommends that the State party's next periodic report be an updating report and address the concerns expressed by the Committee.

## **CERD A/58/18 (2003)**

151. The Committee considered the fifteenth and sixteenth periodic reports of Poland, which were due on 4 January 1998 and 2000, respectively, submitted as one document (CERD/C/384/Add.6), at its 1572nd and 1573rd meetings (CERD/C/SR.1572 and 1573), held on 14 and 17 March 2003. At its 1581st meeting (CERD/C/SR.1581), held on 21 March 2003, it adopted the following concluding observations.

### **A. Introduction**

152. The Committee welcomes the comprehensive fifteenth and sixteenth periodic reports, submitted in one document, as well as the detailed additional information that the State party's delegation provided during its oral presentation. The Committee expresses its appreciation for the attendance of the large and high-ranking delegation and their frank and constructive responses to the questions asked.

153. The Committee is also encouraged by the answers provided in the report to many of the questions and issues raised in its previous concluding observations.

### **B. Positive aspects**

154. The Committee welcomes the State party's withdrawal on 16 October 1997 of its reservation to article 22 of the Convention, its declaration under article 14 of the Convention, made on 1 December 1999, recognizing the Committee's competence to receive individual complaints, and its ratification on 23 August 2002 of the amendment to article 8 of the Convention.

155. The Committee welcomes the establishment of the Committee for National and Ethnic Minorities in the parliament (Sejm) in August 1999, as well as ongoing efforts to draft a comprehensive law on the protection of national minorities.

156. The Committee notes with satisfaction that the mandate of the Office of the Plenipotentiary for Equal Gender Status will be expanded to cover all forms of discrimination, including discrimination based on race or ethnicity.

### **C. Concerns and recommendations**

157. While welcoming the State party's clarification that according to the Constitution, the Convention is directly applicable in domestic law, the Committee reiterates its request that the State party provide in its next periodic report specific examples of court decisions making reference to the Convention.

158. The Committee, while noting the State party's efforts to prohibit, through legislation, all dissemination of ideas based on racial superiority or hatred and incitement to racial hatred, reminds the State party of its obligation under article 4 to prohibit all organizations and activities, including

those of the mass media, which promote and incite racial discrimination. It suggests that the State party strengthen its efforts to implement existing legislation in this regard.

159. The Committee is concerned that some cases of incitement to racial hatred have been dismissed with reference to their low degree of damage to society. The Committee expresses the view that, according to the Convention, all such cases are very harmful to society.

160. The Committee is concerned about reports of racially motivated harassment and discrimination against Jews, Roma and persons of African and Asian origin which have not been properly investigated by the law enforcement agencies. The Committee recommends that the State party intensify its efforts to combat and punish all such cases, especially through the strict application of relevant legislation and regulations providing for sanctions. It further recommends that law enforcement bodies be given adequate training and instructions on how to address complaints of racially motivated crimes and that similar training be provided to the judiciary.

161. The Committee shares the State party's concern about reports of irregularities during the census with regard to the recording of information of persons claiming a nationality other than Polish. It recommends that the State party take all effective measures to prevent similar incidents in the future.

162. The Committee welcomes the State party's efforts to implement the comprehensive programme to guarantee the rights of the Roma population in the Malopolska region and encourages the State party to extend the programme to other regions of the country, taking into account general recommendation XXVII (57) of 16 August 2000 concerning discrimination against Roma. It further recommends that the State party pay particular attention to the rights to housing and to employment of the Roma population, and requests the State party to include information on the economic, social and cultural rights of Roma in its next periodic report.

163. The Committee notes efforts to meet the specific educational needs of Roma children, but is concerned that in some cases these efforts have led to segregated classes having a lower standard of education than the Polish counterparts. The Committee recommends that new programmes integrate Roma children into mainstream schools as far as possible, in order to avoid discrimination, and that the State party recruit more teachers and teaching assistants from the Roma minority. The Committee invites the State party to include in its next periodic report more detailed information on this issue and on the progress achieved.

164. The Committee notes with satisfaction efforts to include human rights education in the school curriculum and encourages the State party to expand these efforts beyond the school system in order to promote understanding and tolerance among all racial and ethnic groups in society. In this regard, particular attention should be paid to the role of the mass media.

165. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.

166. The Committee recommends that the State party take into account the relevant parts of the

Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

167. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

168. The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth and nineteenth periodic reports, due on 4 January 2006, and that it address all points raised in the present concluding observations.