



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/POL/CO/19
14 September 2009

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-fifth session
3-28 August 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

POLAND

1. The Committee considered the consolidated seventeenth to nineteenth reports of Poland (CERD/C/POL/19) at its 1938th and 1939th meetings (CERD/C/SR/1938 and CERD/C/SR/1939), held on 5 and 6 August 2009. At its 1963rd meeting (CERD/C/SR/1963), held on 24 August 2009, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the seventeenth to nineteenth periodic reports by the State party. It also expresses its appreciation for the constructive dialogue held with the high-level delegation and the written and oral responses provided to the list of issues and the questions posed by Committee members.

B. Positive aspects

3. The Committee notes with appreciation the following measures taken by the State party since the examination of its last periodic report:

- (a) The enactment, in January 2005, of the Law on National and Ethnic Minorities and Regional Language aimed at the protection of minority languages;

- (b) The enactment of the June 2003 law on Social Employment which provides for financial support, administered by designated social institutions, to persons at risk of social exclusion for reasons including long-term unemployment;
- (c) The establishment, in 2008, of the office of the Plenipotentiary for Equal Treatment, which coordinates Government action to combat racial discrimination and monitors Government policy in this area;
- (d) The National Programme for Counteracting Racial Discrimination, Xenophobia and Related Intolerance of 2004-2009, developed with a view to implementing the Durban Declaration and Programme of Action, as well as the establishment of the Programme Monitoring Team to monitor its implementation;
- (e) The steps taken, in consultation with the Polish Olympic Committee, to educate young people involved in sports on the negative effects of racism;
- (f) The efforts to educate children on racism and the importance of tolerance, including through the vetting of textbooks and educational materials with a view to the removal of racist and other discriminatory content;
- (g) The progressive abolition of separate education for Roma school children;
- (h) The State party's consultation with human rights non-governmental organizations in the preparation of its periodic report.

C. Concerns and recommendations

4. The Committee, while noting measures to address discrimination against the Roma, such as the 2003 Programme for the Roma Community in Poland, remains concerned about the continued social marginalization and discrimination faced by members of the Roma minority, particularly in the fields of education, employment and housing. The Committee notes the State party's indication that, relative to the general population, high poverty levels persist among the Roma. (arts. 2 and 5)

The Committee recommends that the State party, taking into account general recommendation No. 27 (2000) on discrimination against Roma:

- (a) Enhance its efforts towards the full integration of the Roma into Polish society and combat discrimination against the Roma by improving the enjoyment of economic, social and cultural rights, particularly in education, employment and housing;**
- (b) Develop and implement poverty eradication programmes to combat poverty among the Roma and other economically marginalized population groups;**

(c) Provide updated statistical information and data on life expectancy and poverty levels in the State party, disaggregated by region and ethnic group.

5. While welcoming the State party's innovative approach to the education of Roma children, including the introduction of Roma Teaching Assistants and the gradual phasing-out of separate education, the Committee notes with concern that many Roma children do not attend or remain in school and do not pursue higher education. The Committee is also concerned that a lack of facility in the Polish language places Roma children at a severe disadvantage in accessing opportunities for education. (arts. 2 and 5)

The Committee recommends that the State party, taking into account its general recommendation No. 27 (2000) on discrimination against Roma:

- (a) Implement the necessary measures to address the low attendance levels of Roma children, giving due weight to all the factors which account for these levels;**
- (b) Develop and implement strategies to improve access to mainstream education for Roma children;**
- (c) Increase the availability of bilingual education;**
- (d) Ensure adequate forms and schemes of education for members of Roma communities beyond school age, in order to improve adult literacy among them.**

6. The Committee notes the delegation's statement that racially motivated crimes against persons of Arab, Asian and African origin, are prosecuted when evidence is available. Nevertheless, the Committee remains concerned at the prevalence of racial violence and other acts of racial abuse against members of these groups. (art. 4)

The Committee recommends that the State party enhance its efforts to address racially motivated hate crimes by ensuring that all such incidents are thoroughly investigated and that perpetrators are brought to justice, and by continuing to raise awareness of the extent of ethnic discrimination and intolerance among local authorities and the general public.

7. The Committee notes the continued incidence of anti-Semitic activities in the State party, including the desecration of Jewish cemeteries, anti-Semitic hate speech and the dissemination of anti-Semitic material via the internet.

The Committee urges the State party to sensitize the public on the problems relating to anti-Semitism and to reinforce its efforts to prevent and punish such acts and to provide, in its next periodic report, information on any measures taken in this regard.

8. The Committee notes that, despite the State party's efforts to address manifestations of racial hatred during sports functions, the incidence of such activities remains high in the State party. (art. 4)

The Committee recommends that the State party embark on a sensitization and awareness-raising campaign against racism in sports and take additional steps to address these manifestations by, inter alia, enhancing its efforts to investigate them and punish those involved.

9. The Committee notes that, despite the State party's indication that there are no organizations promoting racial hatred and racial discrimination on its territory, groups such as the All-Polish Youth, the National-Radical Camp, *Liga Polskich Rodzin* (the League of Polish Families) and the local chapter of the Blood and Honour group, which are reported to be involved in promoting racial hatred and racial discrimination, remain active in the State party. (art. 4)

The Committee urges the State party to expedite the passing of legislation to criminalize the promotion of racial hatred and racial discrimination and the dissemination of racist material and ideology and to take firm measures to prosecute and punish those responsible.

10. The Committee has taken note of information indicating that the State party is a country of origin, transit and destination for trafficked persons. (art. 5)

The Committee requests that the State party provide, in its next periodic report, updated statistical data and information on the prevalence of trafficking as well as the impact of any measures taken to combat it.

11. The Committee takes note of the State party's efforts to integrate human rights education into school curricula. It, however, notes the lack of information on the use of the media in this area.

The Committee reiterates its recommendation, contained in its previous concluding observations, that the State party pay particular attention to the role of the media in improving human rights education. It also requests that the State party provide, in its next report, information on measures taken in this regard. (art. 7)

12. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

13. The Committee recommends that the State party take into account the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the

Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order.

14. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

15. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

16. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 4, 6 and 7 above.

17. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 5, 8 and 9 and requests that the State party provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

18. The Committee recommends that the State party submit its twentieth and twenty-first periodic report in a single document, due on 4 January 2012, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.
