



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: DB/follow-up/Poland/69

13 April 2018

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined seventh and eighth periodic report of Poland, at the Committee's fifty-ninth session, held in October 2014. At the end of that session, the Committee's concluding observations (CEDAW/C/POL/CO/7-8) were transmitted to your Permanent Mission. You may recall that in paragraph 49 on follow-up on the concluding observations, the Committee requested Poland to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 17 (a) and (b) and 29 (a) and (b) of the concluding observations.

The Committee welcomes the follow-up report received with a ten-month delay in September 2017 (CEDAW/C/POL/CO/7-8/Add.1) under the CEDAW follow-up procedure. At its sixty-ninth session, held in March 2018 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 17** of the concluding observations, recommending that the State party “**strengthen the mandate and authority of the Government Plenipotentiary for Equal Treatment**”: The State party did not provide information on measures taken to strengthen the mandate and authority of the Government Plenipotentiary for Equal Treatment.

Alternative information before the Committee indicated that the closing down in 2016 of the Office of the Government Plenipotentiary and the shifting of its responsibilities to the Equal Treatment unit, which is also in charge of the Civil Society Department of the Chancellery of the Prime Minister, weakened its role considerably.

Regretting the absence of measures taken to strengthen the mandate and authority of the Government Plenipotentiary for Equal Treatment, the Committee considers that the State party has taken not taken sufficient steps to implement the recommendation. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party has failed to address the recommendations. The Committee thus considers that the information provided is **unsatisfactory**.

His Excellency
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With regards to the recommendation that the State party “**provide the Government Plenipotentiary for Equal Treatment with the conditions enabling it to implement gender equality policies and ensure the implementation of a gender mainstreaming strategy in all government ministries and agencies, as well as at the municipal level**”: The State party indicated that the Government Plenipotentiary for Equal Treatment is responsible for the implementation of the State party’s equal treatment policy, and that as part of the national mechanism for equal treatment, it carries out activities in the framework of this policy, together with 16 Voivodes’ Plenipotentiaries for Equal Treatment (appointed in all voivodships) and Equal Treatment Coordinators appointed in 18 out of 19 ministries (with the exception of the Ministry of Justice). It further informed on the establishment of the Inter-Ministerial Monitoring Team for the National Action Programme for Equal Treatment in April 2015, informing that this team is currently evaluating the 2013 – 2016 National Action Programme for Equal Treatment, which served as the main instrument of the implementation of gender mainstreaming policies. It further reported on plans to implement a project to monitor the National Action Programme for Equal Treatment between 2017 and 2020, and to create an inter-sectoral cooperation model, as well as a system of cooperation that facilitates horizontal implementation of the equal treatment policy within central, regional and local government bodies, and with the participation of NGOs and social partners.

Alternative information before the Committee indicated that the State party did not extend the Plenipotentiary’s power to coordinate and implement gender equality policies and underline the lack of visibility of activities of the Voivodes’ Plenipotentiaries for Equal Treatment and of the Equal Treatment Coordinators. Reports also underline that although the Government Plenipotentiary for gender equality is required to prepare a new National Action Plan for Equal Treatment, no consultations in this sense have been held.

The Committee takes note of the information provided by the State party on the Government Plenipotentiary for Equal Treatment’s responsibilities with regards to its equal treatment policy, as well as on the creation of a national mechanism for equal treatment, which includes regional and sectoral representatives, and of an Inter-Ministerial Monitoring Team. It regrets however the lack of information on the relationship between the newly created entities and the Government Plenipotentiary for Equal Treatment. The Committee considers that the State party has taken substantial steps to implement the recommendation. It considers that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and relates directly to the recommendations. It thus considers that the information provided is **satisfactory**.

With regards to the recommendation that the State party “**increase the financial and human resources of the office of the Government Plenipotentiary for Equal Treatment**”: The State party indicated that between 2008 and 2016, the Office of the Government Plenipotentiary for Equal Treatment granted substantive, organizational and legal support to the Government Plenipotentiary for Equal Treatment, and that from 2016 on, this role was taken over by the Equal Treatment Unit. It indicated that both units are part of the Chancellery of the Prime Minister and that the activities of the Plenipotentiary are financed from the general budget of the Chancellery of the Prime Minister.

Alternative reports indicate the Civil Society Department of the Chancellery of the Prime Minister, which is also in charge of supporting the Government Plenipotentiary for Equal Treatment, is staffed with only 6 persons, and that the institutional change the Government Plenipotentiary for Equal Treatment has undergone has led to high staff turnover. Reports add that considering this weakening of the Government Plenipotentiary for Equal Treatment, the

Ombudsperson's office is the only office efficiently addressing gender equality, and that this office has seen its budget reduced drastically in 2016.

The Committee takes note of the information provided by the State party informing on organizational changes affecting the Government Plenipotentiary for Equal Treatment, and that its activities are financed from the general budget of the Chancellery of the Prime Minister. It however regrets the lack of measures taken to increase the financial resources of this institution. The Committee thus considers that it **does not have sufficient information to assess** whether the recommendation has been implemented.

The Committee considers that the information provided by the State party was vague and incomplete. It considers that the information provided was **unsatisfactory**.

With regards to the recommendation that the State party “**provide the Government Plenipotentiary for Equal Treatment with a separate budget to support its gender equality activities and programmes and to ensure effective coordination of government policies on gender equality, and ensure that every ministry allocates a special budget for the effective implementation of the National Action Plan for Equal Treatment**”: The State party informed that the Government Plenipotentiary for Equal Treatment does not have a separate budget to carry out its activities, as these are either fully financed through the general budget of the Chancellery of the Prime Minister or co-financed with European funds.

Alternative information before the Committee indicated that the State party did not extend the Plenipotentiary's resources to coordinate and implement gender equality policies.

The Committee takes note of information provided regarding source of financing for activities of the Government Plenipotentiary for Equal Treatment. It however regrets that this institution has not been provided with a separate budget not only for its activities, but also for the coordination of government policies on gender equality. It also regrets the lack of information on resources allocated to it by the different ministries for the implementation of the National Action Plan for Equal Treatment. The Committee considers that the State party has not taken sufficient steps to implement the recommendation. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party was vague and incomplete. It considers that the information provided was **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 17** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Strengthen the mandate and authority of the Government Plenipotentiary for Equal Treatment.

2. Provide the Government Plenipotentiary for Equal Treatment with the necessary conditions enabling it to implement gender equality policies and to ensure the implementation of a gender mainstreaming strategy in all government ministries and agencies, including by reinforcing its collaboration with Voivodes' Plenipotentiaries for Equal Treatment and the ministries' Equal Treatment Coordinators and civil society.

3. Increase the financial and human resources of the office of the Government Plenipotentiary for Equal Treatment.

4. Provide the Government Plenipotentiary for Equal Treatment with a separate budget to support its gender equality activities and programmes and to ensure effective

coordination of government policies on gender equality, and ensure that every ministry allocates a special budget for the effective implementation of the National Action Plan for Equal Treatment.

In relation to the recommendation made in **paragraph 29** of the concluding observations, that the State party “**amend the Electoral Act with a view to placing candidates, women and men, in alternating positions on electoral lists (so-called “slide” or “zip” system) in order to achieve parity**”: The State party informed on current provisions of the electoral code, which introduce a quota of 35% female candidates on electoral lists. It added that during the previous term of office of the Sejm, which ended in 2015, a draft law introducing a so-called “slide” system was debated, but that the current Sejm did not take up such discussions.

Alternative information before the Committee indicated that the Government Plenipotentiary for Equal Treatment communicated its position regarding the introduction of a so-called “slide” system, indicating that this measure would not only be contrary to the principles of social justice and proportionality, but that it may violate the constitutional rights and freedoms of citizen and undermine the dignity of women.

The Committee takes note of the information provided by the State party regarding its unmodified Electoral Code. It regrets that the draft law introducing a so-called “slide” system in the State party was not adopted, that the current Sejm is not taking up debates in this regard. The Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and relates directly to the recommendations. It thus considers that the information provided is **satisfactory**.

Regarding the recommendation that the State party “**adopt temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 on temporary special measures, including quotas, benchmarks with specific time frames and training, in order to achieve equal and full participation of women in political and public life and in decision-making at all levels, including in the judiciary, executive functions at all levels and in international organizations**”: The State party reported on the Electoral code being the main instrument to ensure a balanced share of women in parliament and local Government and added that to underline the importance of taking steps for a balanced on electoral lists, the Government Plenipotentiary for Equal Treatment specifically addressed leaders and board members of political parties, organized two conferences on women’s participation in local elections and training sessions for a group of women candidates in local elections.

The State party further reported on the introduction of evaluations for positions in the civil service in order to guarantee fair remuneration and foster equal treatment of men and women in terms of remuneration. It also reported on trainings on equal treatment and anti-discrimination for civil servants, and on such modules now being part of the compulsory training for senior diplomatic candidates.

The State party further indicated that recruitment into Police forces is now based on a competencies, allowing for the assessment of the candidate’s overall fitness and ability to ensure safety rather than the physical characteristics of each gender. It added that after having revealed some cases of mobbing, sexism or harassment within the Police force, police uniforms were modified and anti-mobbing and anti-discrimination procedures were introduced. The State party further reported on the introduction of parental leave for fathers in the Police force, limitations to night-time duties and breastfeeding breaks. It added that equal treatment training is a permanent component of the educational programme of all members of the police force.

The State party also reported that gender-specific criteria are used to evaluate the physical fitness candidates for border guards and the army, adding that “in the light of the principle of equal treatment in employment, this distinction is objectively justified by a legitimate objective, i.e. ensuring equal access to employment for men and women”. It indicated that in 2015, a module on human rights, addressing the topic of equal treatment in employment was introduced in trainings for Border Guards and that in the same year, special training for women soldiers on leadership competencies, legal bases for equal treatment in the military, combating discrimination, harassment and mobbing, and reconciliation of career in the military with family life was initiated.

The State party further informed on the training of senior staff of the Government Protection Bureau on human resource management, the prevention of discrimination and unequal treatment.

Alternative information before the Committee underlined that the electoral quota does not apply for selections of senators, and showed concern at the lack of understanding in government of the concept of special measures. Reports further pointed towards the abolition of competition-based procedures in recruitments for managerial positions in the civil service, which has led to the termination of employment of persons who are subject of protection, such as pregnant women, women on maternity leave or persons in the pre-retirement period, and that the appointment of managers rather than the open competition for such positions may further limit women’s access to decision-making positions.

The Committee welcomes initiatives to introduce gender-specific selection criteria for recruitment into the Border Guard and the Army, allowing for a better representation of women in these spheres. It further welcomes the conduct of trainings to ensure women’s participation in local government, in higher ranks of the military, as well as trainings on equal treatment for staff of diplomatic missions, the police, border guards and in the Government Protection Bureau. Stressing that the introduction of evaluations in the civil service is no gender-specific measure and can thus not qualify as a temporary special measure, the Committee regrets the absence of measures taken to introduce quotas and benchmarks to achieve equal and full participation of women in the judiciary, executive functions at all levels and in international organizations during the reporting period. The Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive. It thus considers that the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 29** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Amend the Electoral Act with a view to placing candidates, women and men, in alternating positions on electoral lists (so-called “slide” or “zip” system) in order to achieve parity.

2. Adopt temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 on temporary special measures, including quotas, benchmarks with specific time frames and training, in order to



achieve equal and full participation of women in the judiciary, executive functions at all levels and in international organizations.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hilary Gbedemah'.

Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women