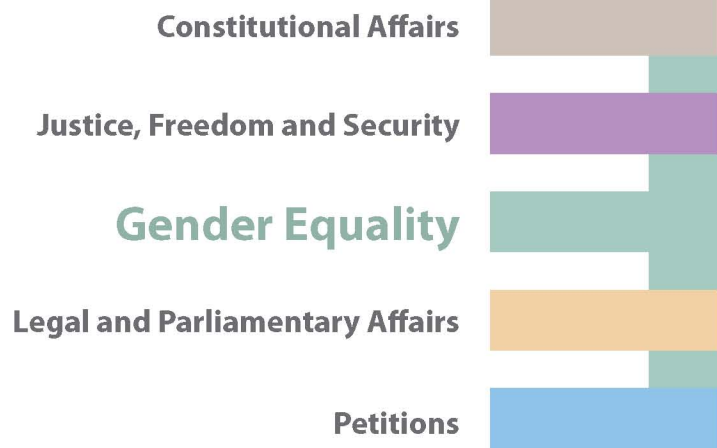


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



The policy on gender equality in Poland

NOTE



DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRES

GENDER EQUALITY

**The policy on gender equality
in Poland**

NOTE

Abstract

The text presents a review of the most important legislation, institutional arrangements and policy programs with regard to gender equality in Poland. In particular, the following policy fields are covered: gender and politics, reproductive rights, human trafficking and domestic violence, access to different forms of employment, as well as the solutions within the field of reconciliation of work and family. The final section describes the problem of public attitudes towards gender and gives examples of programs aimed at counteracting gender stereotypes.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality.

AUTHOR

Dorota Szelewa (PhD), Bremen International Graduate School of Social Sciences, Germany and International Centre for Research and Analysis, Warsaw, Poland.

RESPONSIBLE ADMINISTRATOR

Claire GENTA
Policy Department C: Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Bruxelles
E-mail: claire.genta@europarl.europa.eu

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ABOUT THE EDITOR

To contact the Policy Department or to subscribe to its newsletter please write to:
poldep-citizens@europarl.europa.eu

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CONTENTS

CONTENTS	3
BACKGROUND: CONTEXT FOR POLICY MAKING IN POLAND	4
1. GENERAL DISPOSITIONS	5
1.1. Key legislation	5
1.2. National machinery for gender equality	6
1.3. Key government-level documents	7
2. THEMATIC DISPOSITIONS	7
2.1. Equal participation in politics	7
2.2. Reproductive rights	7
2.3. Human trafficking and prostitution	9
2.4. Domestic violence	10
2.5. Access to paid work	11
2.6. Reconciliation of work and family	12
2.6.1. Financial support for the families with children	12
2.6.2. Childcare services	13
2.7. Gender Stereotypes and Education	13
3. CONCLUSIONS	14
REFERENCES	16
LINKS	17

BACKGROUND: CONTEXT FOR POLICY MAKING IN POLAND

The Republic of Poland has the largest population of all the post-communist countries that joined the European Union. With over 38 million of inhabitants, it is the 6th most populous country in the whole of the EU.

Poland became an independent state in 1918 after 123 years of partition between Austria, Prussia and Russia, which led to huge regional disparities in terms of the economic and social development of the country. After the Second World War Poland was left under Soviet influence and consequently a state-socialist system was imposed. The next major upheaval was a result of the actions of Solidarity movement and the so-called "Round Table" talks which led to the establishment of a democratic system in 1989. In 1998 the country joined NATO, and in 2004 Poland became an EU member.

During the first years following the fall of state-socialism, Poland had to deal with a huge economic crisis, and so stabilisation of the economy (stopping hyperinflation) was the primary task of the first governments. The Polish population suffered severely from unemployment that, in early 2000s, exceeded 20%. Partially due to the opening of labour markets in some of the Western EU countries, many of the unemployed emigrated from Poland and found jobs outside the country.

Another trend after 1989 was the rise of "anti-feminism" which spread all over the post-communist part of Europe, mostly due to the aversion towards the gender equality policies that were part of the state-socialist policies and official propaganda. This was also true in Poland, where the traditional vision of the woman's role within the family and society was very popular among the new political elites governing the country. Consequently, gender equality has not become a significant policy issue.

And yet Poland needed to introduce important amendments to legislation in the EU accession process. The national machinery for gender equality was changed several times together with the political composition of the governments, but it has remained in place. Outside of government, many women's organisations conduct a great deal of initiatives and actions aimed at enhancement of gender equality in Poland and have become important actors in this field, promoting equal opportunities through awareness campaigns, watchdog activities, lobbying and in the preparation of policy proposals.

Importantly, Poland is often regarded as a "Catholic" country, as more than 90% of population declare themselves Catholics. Additionally, the Catholic Church is often regarded as having been one of the key actors in the pursuit for democracy, when Poland was still under "communist" rule.

The current government was formed in 2007 by the political coalition of two parties: the Civic Platform (*Platforma Obywatelska*-PO) and the Polish People's Party (*Polskie Stronnictwo Ludowe*-PSL).

1. GENERAL DISPOSITIONS

1.1. Key legislation

The Constitution of 1952 introduced the principle of gender equality, as well as the right to equal pay and guarantees of state support for working mothers.

According to the new Constitution adopted in 1997, Poland assures equal rights for women and men in all spheres of life. In particular, Article 33 of the Constitution states that "men and women shall have equal rights (...) regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold office, and to receive public honours and decorations". Additionally, article 18 defines marriage "being a union of a man and a woman" and guarantees the protection of "family, parenthood and motherhood". Article 71 states that mothers before and after birth should receive assistance from the public authorities.

Poland has ratified most of the international law acts (or signed non-binding documents, like declarations) supporting gender equality including Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Beijing Declaration and Platform for Action. The ratified international agreements are an especially important resource for the legal framework for gender equality in Poland, as they are enumerated as the sources of universally binding law in the Polish Constitution (Art. 87).

Certainly joining the EU contributed to a general enhancement of the legal framework for gender equality, including considerable amendments to the Labour Code in line with the *acquis communautaire*.

Subsequently, the Polish Parliament adopted the Act on implementation of several EU regulations on equal treatment¹ in 2010 and it was signed by the President in December that same year (as the last stage of the legislative process). The law implements several EU Directives including Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation as well as the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The new law provides a general framework for the policy of equal treatment in Poland and legally strengthens the office of the Plenipotentiary for Equal Treatment (previously this was handled by governmental executive acts). However, it also enumerates the "Human Rights Defender" (Ombudsman) as responsible for carrying out the policies of equal treatment, while previous drafts included the establishment of a central institution for monitoring gender equality that would be politically independent (currently the Plenipotentiary is appointed and dismissed by the Prime Minister). Moreover, the Act lists somewhat closed catalogue of grounds of possible discrimination. For these and other reasons it was criticised by a considerable number of NGOs (Siedlecka 2010).

¹ Ustawa z dnia 3 grudnia o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania, [Act of 3rd of December 2010 on the implementation of several European Union regulations in the field of equal treatment], Journal of Law 2010, no 254, item 1700.

1.2. National machinery for gender equality

The office of Plenipotentiary is not a new institution. In 1986, still within the old system, the Governmental Plenipotentiary for Women was established, the first of its kind in the communist bloc. It was designed to introduce gender equality policy in every sphere of life, and to shape policy towards family, youth and children. In 1991 the Council of Ministers introduced similar post, however, the "and family" was added to its name. One of the well known holders of the post - Anna Popowicz - was dismissed in 1992 by a new government. As the Alliance of Democratic Left (*Sojusz Lewicy Demokratycznej*-SLD) together with PSL gained power in 1993, a new Plenipotentiary was appointed. However, in 1997 - after parliamentary elections and new coalition coming to power - the word "women" disappeared from the name of the office and policies towards the "family" as such became the priority of the post holders.

In 2001, when SLD was again a major party in Parliament, the Prime Minister established the Government Plenipotentiary for the Equal Status of Women and Men. The position was held by Izabela Jaruga-Nowacka, the leader of the Union of Labour (*Unia Pracy*-UP). The office's actions were aimed at monitoring gender equality in different spheres of life, reflecting and referring to the idea of "gender mainstreaming". After being appointed deputy Prime Minister in 2004, Jaruga-Nowacka was replaced by Magdalena Środa, a Polish academic and intellectual.

In the following elections of 2005, two new parties (the League of Polish Families, *Liga Polskich Rodzin* - LPR, and Self-Defense - *Samoobrona*) had their representatives elected and formed the new government with the Law and Justice (*Prawo i Sprawiedliwość* - PiS). The name and status of the office was changed again: Joanna Kluzik-Rostkowska was nominated the Plenipotentiary for Women, Family and Counteracting Discrimination, but the office was moved from the Chancellery of Prime Minister to the Ministry of Social Policy and Labour. The Office was very active in organising several national campaigns mainly aimed at promoting women's economic and professional activity.

After the early elections in 2007, PO and PSL created government. The Department was closed in 2010, but for some time co-existed with the new **Plenipotentiary for Equal Treatment** - Elżbieta Radziszewska - who was appointed in 2008 as a Secretary of State. The main tasks of the Plenipotentiary are now described in the new aforementioned law from 2010 (on the implementation of several EU regulations relating to equal treatment) and include preparation of policy drafts, monitoring of equal treatment in public institutions and public sphere, interventions, as well as cooperation with non-governmental organisations and social partners with the aim of enhancing equal treatment in different spheres of life. The Plenipotentiary is also obliged to prepare adequate reports to the international bodies. Apart from monitoring possible discrimination on the grounds of gender, the Plenipotentiary is responsible for counteracting discrimination with respect to race, ethnicity, nationality, religion or beliefs, political views, age, sexual orientation, and marital and family status.

1.3. Key government-level documents

As a consequence of the Beijing Platform, a National Action Plan was adopted in 1997 in cooperation with civil society organisations. However, it was discontinued after the elections later in 1997. A new plan was developed for the years 2003-2005.

Since then there has not been one central comprehensive document that would guide government policy on equal treatment or gender equality in particular. Plans did include working on a National Road Map; however, no such document has so far been introduced.

2. THEMATIC DISPOSITIONS

2.1. Equal participation in politics

Poland was one of the first countries in Europe where women were granted the right to vote (1918). Currently women represent 20% of all MPs in Sejm (the lower chamber of Parliament), and 8% of Senate's composition (the upper chamber of Parliament). The government (the executive) comprises 19 Ministers, including 5 women who are head of the following ministries: 1) Labour and Social Policy, 2) National Education, 3) Science and Higher Education, 4) Health, and 5) Regional Development.

Until 2011 no legal solutions were adopted that would be aimed at increasing women's participation in politics. In the absence of national regulations, some political parties introduced gender quotas for their candidate lists to national elections. For example, for the 2001 elections the following parties introduced 30% quotas: SLD with the Labour Union, and the Union of Freedom (*Unia Wolności-UW*). More recently, SLD guaranteed a 40% electoral gender quota in the local elections of 2010.

In January 2011 an **electoral gender quota system** was adopted for parliamentary and local elections, as well as for the elections to the European Parliament. Candidate lists should include at least 35% of the representatives of one gender. The law does not relate to elections for the Senate, because of the majoritarian voting system. This new regulation was proposed as the initiative of a broad umbrella organisation called the "Congress of Women", though in the initial proposal submitted by the Congress quotas were established at the level of 50%. The first national elections that would require all parties to place more women on the lists are to take place in October 2011. So far SLD has declared that it would retain a 40% gender quota on its candidate lists.

Interestingly, in 2007 the "Women's Party" was established with the purpose of participating in the parliamentary elections. However it did not manage to reach 5% of the vote, which is the threshold required for entering Parliament. The Party is joining SLD in the forthcoming elections in 2011.

2.2. Reproductive rights

Formalised by the law from 1956, **abortion** was legal during the period of state-socialism, when it was enough to base pregnancy termination on social grounds. In spite of the organised protests of many women's organisations, new legislation was adopted in 1993

that severely restricted the possibility of having a legal abortion.² In particular, according to Article 4a of the new law, termination of pregnancy is possible only in the case of three specific situations:

1. If the pregnancy constitutes a threat to the life or health of the mother
2. If the pre-natal examination or other medical reasons point to a high probability of severe and irreversible damage to the foetus or on an incurable life-threatening disease of the child
3. If there is a confirmed suspicion that the pregnancy is a result of a criminal act. The termination of pregnancy in this case is allowed, if the woman is less than 12 weeks pregnant.

These circumstances need to be confirmed by a doctor other than the one conducting the abortion, and by a prosecutor in cases where pregnancy is a result of a criminal act. In the case of the first two situations, abortion needs to be conducted in a public hospital. With regard to the last point pregnancy must last no longer than 12 weeks, afterwards termination is illegal. Performing an illegal abortion is a criminal offence subject to a fine and/or 10 years imprisonment.

In reality, even these restricted rights are often hard to execute, as doctors are allowed to use the "clause of consciousness" and refuse to conduct an abortion (although they are obliged to direct the woman to another doctor that is "available"), and where there is room for interpretation with regard to the woman's or the foetus' health. As emphasized in feminist circles and by NGOs in Poland, doctors are often performing terminations unofficially, becoming the part of so-called "abortion underground" (Nowicka 2007). While the number of legal abortions is relatively low (538 in 2009)³, NGOs have estimated that the number of illegal surgeries or pharmacological interventions might be between 80 and 190 thousand per year.⁴ Due to high prices, illegal abortion either in Poland or abroad (the latter phenomenon is often referred to as the "abortion tourism") is available mostly for middle-class women.

In 2010 Catholic circles initiated a social campaign and started collecting signatures supporting the draft law introducing an absolute ban on abortion. The draft was officially submitted on April 14th 2011 with over 450,000 signatures. However, the majority of political parties in Parliament are so far not in support of changes to existing legislation and so the initiative is most likely to fail.

Access to contraceptives in Poland is *de facto* quite restricted, as in most cases no refunds are available from the National Health Fund and the costs of contraceptives need to be covered privately. Consequently, the use of contraceptives in Poland is one of the lowest in Europe. For example, only 30% of women make use of the contraceptive pill, while 15%

² Ustawa o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży z dnia 7 stycznia 1993 r. [Family Planning, Protection of Human Embryo and Conditions of Termination of Pregnancy Act adopted on 7th January 1993], Journal of Laws 1993, no 17, item 78.

³ Government Report on Implementation and Impact of the Family Planning, Protection of Human Embryo and Conditions of Termination of Pregnancy Act adopted on 7th January 1993, Warsaw 2010, available (in Polish) at [http://orka.sejm.gov.pl/Druki6ka.nsf/0/4E7EB8CE20055D6EC12577FC0042390B/\\$file/3724.pdf](http://orka.sejm.gov.pl/Druki6ka.nsf/0/4E7EB8CE20055D6EC12577FC0042390B/$file/3724.pdf)

⁴ Ustawa antyaborcyjna w Polsce, funkcjonowanie, skutki społeczne, postawy i zachowania, Raport (wrzesień, 2000) [Anti-Abortion Law in Poland: implementation, social implications, attitudes and reactions. Report September 2000], Federacja na rzecz Kobiet i Planowania Rodziny, Warsaw.

rely on coitus interruptus and 20% on "natural" methods (so-called "marriage calendar") (Izdebski 2007), where the last two methods do not require any financial costs.

Finally, although the abovementioned Act on Family Planning includes regulations on the introduction of **sexual education** in schools, so far this issue has been neglected and in fact many schools of different levels do not carry out regular sexual education classes and almost one third of the pupils do not have any access to sexual education (Dzierzgowska 2008). At the same time, existing research demonstrates that over 90% of Poles aged 18-49 accept the idea of sexual education at schools (Izdebski 2006).

2.3. Human trafficking and prostitution

With the opening of the national borders, the phenomenon of human trafficking has become a much more severe problem in post-communist countries. Initially, Poland was mainly a source country of women forced into prostitution, mostly in Germany and in the Netherlands. With time, Poland became the transit and the destination country of the victims from other Eastern European countries (mostly Belarus and Ukraine, but also from Moldova, Romania and Bulgaria), as well as from Asia and Africa. Often trafficking operates through international networks, frequently with the help of the Polish organized crime groups.

The regulations relating to the problem of human trafficking were adopted in Polish Penal Code of 1969. The legislators based them on the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others from 1950. Therefore, the Code from 1969 penalised trafficking in women and children as a crime subject to at least 3 years of imprisonment. The Penal Code of 1997 introduced changes. Trafficking in *persons* (so not only "women" and "children"), even with their consent, was still subject to imprisonment not shorter than 3 years. The new sanction for enticement or abduction of a person into prostitution abroad was established to range from 1 to 10 years.

In 2000 Poland signed the Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol). In September 2010 new regulations in the Penal Code were introduced explicitly defining human trafficking as a crime (Art. 115) and regulating the sanction (Art. 189a, Art. 211a and Art. 240). Thus, any trafficking in persons (including enticement or abduction of a person into prostitution abroad) is now subject to more than 3 years of imprisonment. The new regulations have been based on: Palermo Protocol, the Council framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, and the Council of Europe Convention on action against trafficking in human beings.

The Governmental actions aimed at fighting human trafficking include establishing several comprehensive programmes that involve both governmental and non-governmental actors. In 2003 a National Programme for Combating and Preventing Trafficking in Human Beings was adopted by the Council of Ministers and was extended in the following years. Since 2008 the program has been named the **National Action Plan against Trafficking in Human Beings**. The most important non-governmental actor dealing with the issues of human trafficking is La Strada Foundation against Trafficking in Human Beings and Slavery, an organisation which is currently running the National Consulting and Intervention Centre for the Victims of Trafficking, established in 2009. One of the aims of the Foundation is a transnational network of cooperation, especially in the region of Eastern Europe. The Police,

Border Guards and public prosecutors are also actors responsible for fighting human trafficking.

Part of the abovementioned actions and documents is also directed against **sexual offences and crimes**, especially in the case of facilitating or forcing sexual acts without the consent of the victim (Art. 203 of the Penal Code), or when the perpetrator is profiting by another person's prostitution (Art. 204). In Poland prostitution cannot be performed on the basis of any civil contract. In reality, sexual services are offered by so called "social agencies" (*agencje towarzyskie*) or "massage saloons".

There were 750 such agencies registered in 2003 (Ozminkowski 2003). The number of persons working as prostitutes is estimated between 18,000-20,000 (US Department of State 2010). 15% of the Polish sex-worker population is male, which is a relatively high share compared to other European countries; 33% are migrant workers, the biggest group of which coming from Ukraine (TAMPEP 2009). Moreover, Poland is mentioned as the 6th country of origin of migrant sex workers in the whole Europe (ibid.).

2.4. Domestic violence

According to the recent surveys commissioned by the Ministry of Labour and Social Policy and which were conducted at the end of 2010, 45% of respondents (40% of men and 49% of women) live or lived in households where domestic violence took place. 22% of all respondents (26% of women and 16% of men) were reported to have been victims of domestic violence (TNS OBOP 2010). The legal basis for prosecution of domestic violence is outlined in Article 207, Paragraphs 1-3 of Penal Code, while marital rape can be prosecuted on basis of Article 197 of Penal Code⁵.

The main legal act dealing with combating domestic violence in Poland systemically was introduced in 2005. Before this date, domestic violence was treated as any other forms of assault or ill-treatment. The **Act on Counteracting Family Violence**⁶ defines domestic violence and indicates the organs of public authorities responsible for counteracting this phenomenon. Importantly, a category of economic violence (failure to meet other's basic material needs) has been included in the catalogue of acts that constitute domestic violence. The Act was subsequently changed: the amendments from 2010⁷ included more effective measures for the isolation of the perpetrator of violence (such as eviction) as well as more extensive involvement of public prosecutor's offices and courts on behalf of the victim.

An important part of this machinery is the **National Action Plan on Counteracting Domestic Violence** (the current Plan covers years 2006-2016). The National Action Plan assumes 4 major areas of activities: preventive measures (such as monitoring the scale of this phenomenon), intervention actions, support actions, and corrective-educational measures. Importantly, both the legal framework and the National Action Plan on Counteracting Domestic Violence are targeted not only at formal spouses, but also those who remain in informal relationships.

⁵ Ustawa z dnia 6 czerwca 1997 r. - Kodeks karny, [Act of 6th of June – Penal Code], Journal of Laws 1997, no 88, item 553.

⁶ Ustawa z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy w rodzinie [Act of 29th July 2005 on Counteracting Family Violence], Journal of Laws 2005, no 180, poz. 1493.

⁷ Ustawa z dnia 10 czerwca 2010 r. o zmianie ustawy o przeciwdziałaniu przemocy w rodzinie oraz niektórych innych ustaw [Act of 10 June 2010 amending the Act on Counteracting Family Violence and Other Acts], Journal of Laws 2010, no 125, item 842.

2.5. Access to paid work

Before 1996 the Polish Labour Code did not include any reference to the principle of equal treatment of women and men. In 1996⁸ the first regulation was introduced which stipulated that:

- Employees have equal rights resulting from the performance of identical duties; this applies in particular to the equal treatment of men and women in the area of work (Article 11²), and
- Any direct or indirect discrimination in work relations, especially on the grounds of gender, age, disability, race, nationality, beliefs - especially political or religious - and trade union membership is prohibited.

The major changes in Labour Code regarding gender equality were introduced in two waves: in 2001 (in force from 2002) and in 2004. The changes to the Labour Code in 2001⁹ were driven by the lack of precise definitions that could be used to assess the discriminatory behaviour of employers. Therefore, the amendments included:

- equal treatment of women and men in establishing and dissolving employment relationships, employment conditions, promotion and access to training for raising professional qualifications (Article 18^{3a} Paragraph 1);
- the prohibition of direct discrimination as violating the principle of equal treatment of women and men (Article 18^{3a} Paragraphs 2 and 3 and Article 18^{3b});
- the right to uniform remuneration for equal work or work of equal value regardless of gender (Article 18^{3c} Paragraphs 1-3);
- the right of a person who faced violation of the equal treatment principle by employer to compensation (Article 18^{3d});
- guarantees that employees must not face any negative consequences for claiming their rights due to violation of the principle of equal treatment in employment (Article 18^{3e}).

Due to the incorporation of the EU directives in the Polish legal system, in 2004¹⁰ the following amendments dealing with anti-discrimination measures and equal treatment were included in Labour Code:

- definition of direct discrimination (Article 18^{3a} Paragraph 3);
- Definition of sexual harassment; treatment of sexual harassment as gender discrimination (Article 18^{3a} Paragraph 6).

With regard to the situation on the labour market according to Eurostat in 2010 the employment rate for the whole population was equal to 59%, while it was 53% and 65.6%

⁸ Ustawa z dnia 2 lutego 1996 r. o zmianie ustawy - Kodeks pracy oraz o zmianie niektórych ustaw [Act of 2nd February 1996 amending the Act - Labour Code], Journal of Laws 1996, no 24, item 110.

⁹ Ustawa z dnia 24 sierpnia 2001 r. o zmianie ustawy - Kodeks pracy oraz o zmianie niektórych innych ustaw [Act of 24th August 2001 amending the Act - Labour Code], Journal of Laws 2001, no 128, item 1405.

¹⁰ Ustawa z dnia 14 listopada 2003 r. o zmianie ustawy - Kodeks pracy oraz o zmianie niektórych innych ustaw [Act of 14th November 2003 amending the Act - Labour Code], Journal of Laws 2003 no 213 poz. 2081.

for women and men respectively. Moreover, the employment rates are positively correlated with the achieved level of education, while the gender gap in employment rates decreases with the level of education. Accordingly, in 2010 for the individuals with a tertiary level of education, the employment level was 79.8% for women and 86.9% for men. For those with a maximum of upper-secondary and post-secondary education, the levels were 53.6% for women and 71.5 for men. For Poles with only a lower education level, only 30.1% of women were employed against 48.3% of men. Interestingly, Poland has the highest rate of temporary employees in the whole of the EU– over 26% both for women and men.

The Eurostat LFS data covering the period March 2010-March 2011 shows that the unemployment rate remained stable, with the gender gap of approximately 0.7 percentage points. At the end of the analysed period it equalled 9.5% for men and 10.2% for women. The gap was bigger than the EU27 average.

Part-time employment is not particularly popular in Poland: only 10.8% of Polish women work part-time, while the EU average is 31.4%. For Polish men the figure is 5 %.

2.6. Reconciliation of work and family

2.6.1. Financial support for the families with children

Maternity benefit is paid on the condition of previous employment of at least 6 months. Since 1974 its basic duration was 16 weeks and such solution remained in place for more than three decades. Though there was a period of time when it was extended (in the early 2000s), the laws turned out to be short-lived.

However, in 2006 the duration of the leave was extended to 18 weeks, with the plans to further lengthen it gradually. The recent wave of changes included the further extension of maternity leave, accompanied by the option of part-time work (for 12 months), and the introduction of **paternity leave**.¹¹ In particular, the leave's duration is 20 weeks in the case of the 1st child, 31 weeks in the case of twins, 33 weeks in the case of a triple birth, and with the number of weeks increasing by two with each next child. The benefit amounts to 100% of the previous wage. Fourteen weeks are reserved for women, and are obligatory. A father can use the rest of this maternity leave, plus he is entitled to one week (two weeks from 2012) of paternity leave with an adequate benefit fully covering his wage. An additional facultative period of maternity leave is available: 2 weeks from 2010, 4 weeks from 2012 and 6 weeks from 2014.

Maternity leave can be followed by a longer **childcare care leave** and its basic duration is 24 months. The allowance attached to the leave is income-tested and both mothers and fathers are entitled to use the leave; however, less than 3% of the fathers exercise this right (Matysiak 2007).

Other forms of financial help for families with new-born children include an additional one-off birth grant (so called *becikowe*) introduced in 2005 (and in force since 2006), short-term leave and allowance for insured parents of a sick child, and family allowances, but the latter are only paid to families that meet income criteria.

¹¹ Established by adequate amendments in the Labour Code by two Acts: the Act of 21 November 2008 amending the Act – Labour Code (Journal of Laws No. 223, item 1460) and the Act of 6 December 2008 amending the Act – Labour Code and some other Acts (Journal of Laws No. 237, item 1154).

2.6.2. Childcare services

Poland has one of the lowest enrolment rates for children in pre-school facilities and crèches in Europe. Even during the period of state-socialism the network of childcare centres in Poland had been developing slowly and in fact the enrolment rate hardly ever reached 50% for children under 6 and 5% for crèche attendance. The most important changes for the functioning of childcare services came after 1989, and were connected with decentralization of financial responsibility over kindergartens. Faced with financial austerity and demographic decline, local authorities decided to close many of the centres if their economic calculation showed deficit. Additionally, almost all crèches and two thirds of the company-owned kindergartens were closed.

After the fall in enrolment observed in the 1990s, rates have increased recently. While about 40% of children aged 3-5 were enrolled in kindergartens in the school year 2005/2006, the rate has reached almost 60% in 2009/2010 (GUS 2010). The increase was possible mainly thanks to the inflow of the EU structural funds and governmental programmes supporting the local communities in opening new kindergartens. Therefore between 2005 and 2008 the Ministry of Education ran **the Programme "Alternative Forms of Pre-School Education"**, another example is the program "Year of a Pre-school Child" (MEN 2008). Recently, as there was a threat that many of these new kindergartens would be closed due to programmes of support phasing out, the government decided to support them financially. The government is currently preparing a new law on education that would introduce a permanent financial support in the form of state subsidy (so far the municipalities and the parents cover the costs of childcare facilities).

The responsibility for crèches (centres for the children under 3) has quite recently been moved to the Ministry of Labour and Social Policy (MLSP) (previously in the Ministry of Health). A new law was adopted in February 2011 establishing the forms of childcare centres for children under three: crèches, "children's clubs", and "daily carers" (or "nannies").¹² The regulation does not guarantee any permanent financial state support. Instead, the MLSP established the Programme *Maluch* [Toddler]. The programme gives the opportunity to apply for financial support for the municipalities that would like to establish one of the forms of childcare listed in the new law.

2.7. Gender Stereotypes and Education

According to international comparisons Poles are not significantly more conservative with regard to gender roles than other nations in Eastern Europe.¹³ Though in comparison to other EU countries, gender stereotypes and a conservative view of the family seem to prevail, attitudes of younger age groups tend to reflect more gender balanced relations at home and in the workplace (Baranowska 2007).

Though NGOs have postulated this for many years, there has been little effort to introduce changes in school curricula that would include explicit education regarding different aspects of gender equality. Much more attention has been paid to the issues of gender equality at workplace and overcoming stereotypes concerning family life, also facilitated by the EU structural funds used for financing different programmes and campaigns aimed at raising awareness.

¹² Ustawa z dnia 4 lutego 2011 o opiece nad dziećmi w wieku do lat 3 [Law of 4th February 2011 on care for children under 3], Journal of Laws 2011, no 45, item 235.

¹³ See for example International Social Survey Programme: Family Database for the survey Role of Family and Gender: III.

At the governmental level such activities have been especially visible since 2005, as implemented by the **Department for Women, Family and Counteracting Discrimination** in the Ministry of Labour and Social Policy (closed in 2010). Therefore, several campaigns were aimed at overcoming gender and age stereotypes among employers. One example was the campaign: "Wanted: women over 45 – reliability, commitment, experience" aimed at counteracting discrimination of women over 45. Other actions promoted economic activity of women from the rural areas (the campaign "Stereotype and equal opportunities for women and men in rural societies"), anti-discriminatory laws, flexible forms of employment, equal responsibilities in care work at home, or women's entrepreneurship (notably the campaign "How good to be an enterprising woman!"). TV spots were presented showing mothers with children who are working or setting up their own business. Awareness campaigns of different types were also visible on a daily basis, due to large numbers of banners, posters and billboards. A special website was established (www.kobieta.gov.pl), but it is currently unavailable.

Some of the actions (including research-oriented projects with gender-sensitive analyses of labour market) were initiated before 2004 and were partially financed through the EU pre-accession funds. One example of a current awareness campaign is the series of weekly TV appearances of the Government Plenipotentiary for Equal Treatment Elżbieta Radziszewska within the frame of campaign "We are different, we are equal". The latter, is, though, more oriented towards the promotion of multiculturalism.

Many NGOs are continually carrying out numerous actions aimed at overcoming gender stereotypes, and try to monitor the principle of equal treatment in the media and public institutions.¹⁴ To a great extent this is possible thanks to the financial support of the EU structural funds.

3. CONCLUSIONS

The implementation of policies aimed at the enhancement of gender equality in Poland still requires some improvements. On one hand the legal framework guarantees formally equal opportunities in all spheres of life, but on the other - national machinery for gender equality as a politically independent agency has not been established. A general document in the form of a road map or national action plan could be developed in order to place the anti-discrimination policies within a general framework and a specific timeframe.

At the same time, the guarantees of equal treatment for women and men, as well as solutions regarding mobbing and sexual harassment in the workplace that were included in the Labour Code are quite satisfactory. However, enforcement of these new regulations requires monitoring and additional mechanisms, including promotion and awareness actions that would make many victims of discrimination aware of the existing legal instruments.

Recent improvements in childcare policies, facilitating the development of new forms of childcare for the youngest children should contribute to enhanced chances for more continuous professional careers for women, although the lack of permanent financing from the state budget might debilitate the process to a great extent.

Finally, it is worth mentioning that social attitudes towards gender in Poland tend to be shifting from the conservative towards more gender equality oriented views. One of the sources of such changes is the increasing number of contacts that young Poles have with

¹⁴ One example is the project „Gendermeria” conducted by the Foundation „Feminoteka”.

people of other nationalities, even during their stay abroad as migrant workers. Therefore, societal changes and the pressure to improve the policy of equal opportunities might in the future be more bottom-up.

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