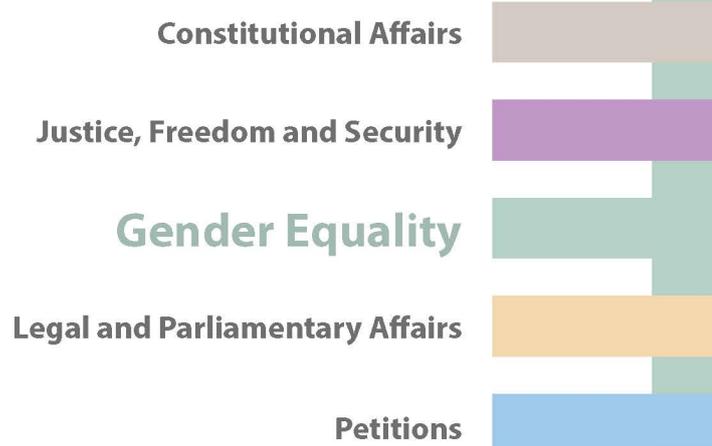


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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



The Policy on Gender Equality in Poland - Update

Study for the FEMM committee



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

WOMEN'S RIGHTS & GENDER EQUALITY

**The Policy on Gender Equality
in Poland - Update**

STUDY

Abstract

The study was requested by the European Parliament's Committee on Women's Rights and Gender Equality and commissioned, overseen and published by the Policy Department for Citizens' Rights and Constitutional Affairs. The study 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: women in political decision-making, reproductive rights, trafficking in human beings and domestic violence, access to different forms of employment, as well as the policies addressing the reconciliation of work and family life. The final section describes the problem of public attitudes towards gender and gives examples of programs aimed at counteracting gender stereotypes.

ABOUT THE PUBLICATION

This research paper was requested by the European Parliament's Committee on Women's Rights and Gender Equality and commissioned, overseen and published by the Policy Department for Citizens' Rights and Constitutional Affairs.

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LIST OF ABBREVIATIONS

- EC** European Commission
- NAP** National Action Plan (for Equal Treatment)
- PIS** Prawo i Sprawiedliwość (*Law and Justice*)
- PO** Platforma Obywatelska (*Civic Platform*)
- PSL** Polskie Stronnictwo Ludowe (*Polish People's Party*)
- SLD** Sojusz Lewicy Demokratycznej (*Alliance of the Democratic Left*)
- UP** Unia Pracy (*Union of Labour*)
- UN** United Nations
- UW** Unia Wolności (*Alliance of Freedom*)

EXECUTIVE SUMMARY

The main goal of this note is to present a review of the most important legislation, institutional arrangements and policy programs with regard to gender equality in Poland.

The first chapter presents the institutional and legal setting of gender equality policy in Poland, with the Plenipotentiary for Civil Society and Equal Treatment as the central government institution for monitoring and carrying out the policies aimed at combating discrimination and the Commissioner for Human Rights as the non-political, constitutional body. The second chapter outlines the most important developments in the following policy fields: women in political decision-making, reproductive rights, trafficking in human beings, sexual and domestic violence, access to different forms of employment, as well as the policies addressing the reconciliation of work and family life. The improvements that took place during the last five years include establishing electoral gender quota system, extending the duration of (the basic) maternity leave to 20 weeks, introduction of paternity leave and increase in the accessibility of pre-school education. At the same time, low availability of childcare for children under three remains to be a problem for an effective work-life balance for women, and this is accompanied by relatively small engagement of fathers in child care. Other challenges include: limited reproductive rights and recent plans to introduce a complete abortion ban, low level of sex education at schools, or remaining gender stereotypes in the popular culture and in employment. Moreover, even though electoral gender quota has increased the number of women on electoral lists, it did not translate to a considerable increase of women's participation in politics. Finally, current political composition of the government (led by a conservative party) does not facilitate enhancing gender equality in Poland.

INTRODUCTION: CONTEXT FOR POLICY MAKING IN POLAND

The Republic of Poland has the largest population of all the post-communist countries which joined the European Union. With over 38 million 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 the 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 the NATO, and in 2004, Poland became a member of the EU.

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, which, in the early 2000s, exceeded 20% (for women, while for men it reached over 19%). 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 the government, many women's organisations conduct a great deal of initiatives and actions aimed at the enhancement of gender equality in Poland and have become important actors in this field, promoting equal opportunities through awareness raising campaigns, monitoring, lobbying and in the preparation of policy proposals.

Importantly, Poland is often regarded as a "Catholic" country, as more than 90% of the 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.

Between 2007 and 2015 the political scene was dominated by the political coalition of two parties: the Civic Platform (*Platforma Obywatelska*-PO) and the Polish People's Party (*Polskie Stronnictwo Ludowe*-PSL), while the Presidential Office was also held by a member of the PO. The presidential elections in May 2015, as well as the parliamentary elections in October that same year radically changed the political scene in Poland, and, most importantly, lead to a shift in the political composition of the government. The Law and Justice (*Prawo i Sprawiedliwość*, PiS) forming an election coalition with other right-wing parties (United Right) won the Parliamentary elections. As the coalition got 405 of the vote (out of 460 seats in the Sejm, lower chamber of the Parliament), there was no necessity for any further allies to form

a government. For the first time since 1989 there is no left-wing or social-democratic party in Parliament, due to the fact that the left-wing coalition did not receive 8% of the votes, which is the threshold in Poland for political coalitions to enter Parliament. This new political situation in Poland affects the gender equality policy in Poland to a great extent, as the parties in power do not perceive gender equality as a priority and prefer the conservative division of labour between men and women within the family.

During the recent economic crisis, Poland was the only country, where GDP still increased (by 1.6% in 2009 and 2013). At the same time, Polish public debt (as a percentage of the GDP) increased: from 44.2% in 2007 to 56.0% in 2013. However, this increase in public debt was one of the smallest ones when compared to other European countries during the times of crisis and this figure went down to 51.3% in 2015 (while GDP growth equalled 3.6%).

Poland has one of the lowest fertility rates in Europe, i.e. 1.32 in 2014.

1. GENERAL DISPOSITIONS

KEY FINDINGS

- The most important legal provisions with regard to equal treatment of women and men are included in the **Act on Implementation of Several EU Regulations on Equal Treatment** from 2010 that provides the legal ground for the **Plenipotentiary for Equal Treatment**, as well as delegates part of the responsibilities for monitoring the principle of equal treatment to the **Human Rights Defender**.
- The role of National Machinery was recently diminished by establishing the **Plenipotentiary for Civil Society** that performs the tasks of the Plenipotentiary for Equal Treatment;
- **There is no separate gender equality machinery**, as discrimination on the basis of gender is one of several fields of discrimination covered by the activities of the Plenipotentiary for Civil Society/for Equal Treatment;
- Another important key government-level document for gender equality is the promotion of the **National Action Plan for Equal Treatment 2013-2016**.

1.1. Key legislation

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 as “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 legal acts (or signed non-binding documents, like declarations) supporting gender equality including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the 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 among 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 some EU regulations regarding equal treatment**¹ in 2010 (also described as Law on Equal Treatment), which was signed by the President in December that same year (as the last

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.

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). While the previous drafts included the establishment of a central institution for monitoring gender equality that would be politically independent, the final act that was adopted states that the Plenipotentiary is appointed and dismissed by the Prime Minister. Moreover, it also enumerates the **"Commissioner for Human Rights" (Ombudsperson)** as the second central institution responsible for carrying out policies of equal treatment, which is politically independent.

As the Act lists a closed catalogue of grounds of possible discrimination, it has been regularly criticised by a considerable number of NGOs.² According to the assessment provided by the UN Committee on the Elimination of Discrimination against Women (CEDAW) with regard to the implementation of the corresponding Convention, the Act "does not provide protection from sex and gender-based discrimination in areas such as education, health care and private and family life", as well as intersecting forms of discrimination (UN 2014).

1.2. National machinery for gender equality

1.2.1. Plenipotentiary for Civil Society and Equal Treatment

The office of the 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. Afterwards, usually due to political changes, the name and the function of the post was changed for several times.³

² These views were expressed on many occasions mainly by the representatives of the Coalition for Equal Chances. See for example here: 'Z równością pod górke' ['At odds with equality'], <http://wiadomosci.ngo.pl/wiadomosc/1629397.html>, last time viewed 22.08.2016.

³ 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 a 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 the 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 the biggest party in the Parliament and formed a government together with PSL, the Prime Minister established the Government Plenipotentiary for the Equal Status of Women and Men, in the rank of Secretary of State in the Chancellery of the Prime Minister. 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 party (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. The administrative rank of the Plenipotentiary was changed from Secretary of State to Undersecretary of State, and the office was moved from the Chancellery of Prime Minister to the Ministry of Social Policy and Labour and functioned as a separate Ministerial Department. The Department was very active in organising several national campaigns mainly aimed at promoting women's economic and professional activity. After several modifications to its title and mandate, Elżbieta Radziszewska became the new Plenipotentiary for Equal Treatment after PO and PSL formed a new government in 2008. She was appointed Secretary of State in the Chancellery of Prime Minister (so the office came back to the Chancellery from the Ministry of Labour). Her successors were Agnieszka Kozłowska-Rajewicz (2011) and Małgorzata Fuszara following the election of her predecessor to the European Parliament in May 2014. For the recent developments, follow the text above.

The **main tasks of the Plenipotentiary** are described in the new aforementioned law from 2010 (on the implementation of several EU regulations relating to equal treatment) and include the preparation of policy drafts, monitoring of equal treatment in public institutions and public sphere, interventions in public debate or reactions to publicly displayed acts of discrimination (for example, in media), 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 reports to international bodies on the implementation of international agreements and treaties on equal treatment and non-discrimination. Apart from addressing 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.

It should be noted, thus, that there is no separate government office/central administration level agenda that would be solely responsible for the policy of gender equality in Poland. Additionally, the Plenipotentiary has no separate funds and only limited human resources, as the Office of the Plenipotentiary (closed in 2016, see below) has been an integral part of the Chancellery of the Prime Minister.

Although the new government was instated and began its operations on the 16th of November 2015, the post of the Plenipotentiary remained vacant until January 2016. The Council of Ministers appointed a new Plenipotentiary, **Wojciech Kaczmarczyk**, as “Plenipotentiary for Civil Society”. On the basis of the new decree from the 8th of January 2016, the duties of the new Plenipotentiary were established⁴, of which the main and most important one is to prepare the national plan for the development of civil society, as well as monitoring and coordinating the (future) plan’s implementation. As the new post did not have any relation to the previous Plenipotentiaries and that would leave a gap with regards to the requirements included in the Law on Equal treatment from 2010, Kaczmarczyk became the “Plenipotentiary for Civil Society and for Equal Treatment”. As before, the Plenipotentiary’s rank as Undersecretary of State, was maintained.

The name of the new post and placing “civil society” before “equal treatment” reflects the priorities set out by the actions of the Plenipotentiary so far. As declared by Wojciech Kaczmarczyk on several occasions, his main priority is developing the national action plan for strengthening civil society. In order to fulfil this goal, the present Plenipotentiary appointed five expert committees that meet on a regular basis.⁵

Even though the existing Office was already insufficient in terms of funding and personnel, the Office was closed and ceased to function under the new statute of the Chancellery of the Prime Minister that was adopted on the 5th of January 2016. Since then the ongoing work of the Plenipotentiary has been taken over by the new Department for Parliamentary Issues and the Service for Councils, Committees and Plenipotentiaries that carries out the tasks of multiple bodies and offices linked to the Chancellery.⁶

⁴ Decree of the 8th of December 2016 on establishing the Government Plenipotentiary for Civil Society. Available for viewing on <http://www.spoleczenstwoobywatelskie.gov.pl/sites/default/files/rozporzadzenie.pdf>, last time viewed 19th of August 2016.

⁵ The official web address of the office was changed, accordingly, from the previous version www.rownetraktowanie.pl that included the phrase „równe traktowanie”, i.e. “equal treatment”) to the present web address www.spoleczenstwoobywatelskie.gov.pl that includes the phrase “społeczeństwo obywatelskie”, i.e. “civil society”.

⁶ Executive Act of the President of the Council of Ministers of the 5th of January 2016 r. on establishing the statute of the Chancellery of Prime Minister. Available for view on <http://bip.kprm.gov.pl/kpr/bip-kancelarii-prezesa/podstawy-prawne/statut-kprm/3451,Statut-KPRM.html>, last time viewed 19th of August 2016.

1.2.2. Commissioner for Human Rights

The Commissioner for Human Rights (Ombudsperson) is the constitutional authority, who is responsible for the legal protection of human rights and freedoms. According to the Law on Equal Treatment of 2010, The Commission for Human Rights is the second national institution which involves the national machinery for the enactment of equal treatment. In consequence, the responsibilities with regards to the policy field of equal treatment have been added to the main tasks performed by the Commissioner. These additional responsibilities are enumerated in a separate law⁷, and include examining facts described by a complainant, applying to another control body for examination of the case if he/she establishes that the principle of equal treatment has been violated or in cases, where only private entities are involved, the ombudsperson can indicate legal measures to which a given person is entitled.⁸

A crucial characteristic of the post is the Commissioner's integrity and independence from the government or any other state authorities. The current Commissioner, **Adam Bodnar**, was appointed in 2015, in accordance with the previous Parliament, after his candidacy was recommended jointly by the coalition of 67 NGOs dealing with human rights. Not being a politician and without links to the current government, Bodnar often undertakes tasks that do not reflect the political views of any of the political views, including PiS. Thus, with regards to the equal opportunity or gender equality policy, the Commissioner's interventions are concerned with, for example, the rights of women seeking legal abortion, equal treatment within the military service, the housing situation of the victims of domestic violence, the problem in the avoidance of alimony payments, the gender pay gap or the demand for special action with regards to the increase of women's participation in public life.

1.3. Key government-level documents

As a consequence of the Beijing Platform, the first **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. Afterwards, during a period of eight years, there has been not one central comprehensive document that would guide government policy on equal treatment or gender equality in particular.

The **National Action Plan for Equal Treatment 2013-2016** (NAP), adopted on 12th of December 2013, is based on the (abovementioned) Act on the implementation of several EU regulations on equal treatment dating from 2010. The Plenipotentiary for Equal Treatment is the main actor responsible for its implementation. The NAP contains the medium-term goals and instruments of the government's policy for equal treatment. The document is in line with the key government-level documents with regard to the labour market, education, human capital development, the policies against violence and the migration policy. Not only does the NAP refer to the European Strategy for Gender Equality 2010-2015 and to the European Pact for Gender Equality, but also to the overall EU gender equality policies, and to the Beijing Platform for Action. The NAP is a comprehensive document diagnosing the situation with regard to equal opportunities in various policy spheres, and discussing alternative trends in policies and research on equal opportunities, including an emphasis on gender equality.

The document consists of three parts, i.e.:

⁷ Ustawa z dnia 15 lipca 1987 r. o Rzeczniku Praw Obywatelskich, tekst jednolity [Act of 15 July 1987 on Human Rights Defender, a uniform text], Journal of law 2001, no 14, item 147.

⁸ See the Ombudsperson's webpage, where the list of activities with regard to equal treatment are listed <https://www.rpo.gov.pl/en/content/equal-treatment>, last time visited 23.08.2016.

Non-discrimination clause and the principle of equal treatment within the Polish legislation currently in force

The NAP lists the national and international legal acts to which it refers, provides legal mechanisms for enforcing the effective implementation of the principle of equal opportunities, and lists the main institutions responsible.

The areas of intervention

According to the NAP, the Plenipotentiary should monitor and promote equal treatment of men and women in the following areas:

- anti-discrimination policy;
- equal treatment on the labour market and within the social security system;
- counteracting violence, including domestic violence and the protection of persons experiencing violence;
- equal treatment in the education system;
- equal treatment in healthcare;
- equal treatment with regard to the access of goods and services.

The main activities of the Plenipotentiary for the Equal Treatment in these fields are **monitoring**, the organisation of **awareness raising campaigns**, the promotion of gender equality and **counteracting gender stereotypes**, the dissemination of information on the legal provisions, delivering and issuing opinions on legal acts and drafts, as well as on the government's reforms that might impact gender relations.

Further according to the NAP, the Plenipotentiary's office should also engage in **research** on gender equality. One of the office's goals is to prepare the **methodology for calculating the gender pay gap**, to conduct research among migrant men and women on the Polish labour market, or the analysis of the family and guardianship law.

The actions are planned in cooperation with various ministries, local governments and in particular, with the involvement of non-governmental organizations.

Implementation and monitoring

While the Plenipotentiary for Equal Treatment is the central institution responsible for the implementation of the actions foreseen in the NAP, all major central administration institutions are involved and should be aware and actively implement the policy directions (including gender mainstreaming). At the same time, no separate funds were earmarked from the central budget for the implementation of the NAP from the side of the public administration; however, the document states that funds should be secured in order to effectuate the cooperation with the NGOs.

The programme's final evaluation report should be concluded in the first half of 2016, which should be followed by recommendations. Additionally, mid-term evaluation reports are to be issued. The basic **monitoring body** should be the inter-ministerial team for the implementation of the NAP that was to include both representatives of the central administration institutions, as well as experts and representatives of NGOs (the latter as observers).

In 2015 the Plenipotentiary has issued one **report** about the implementation of the NAP for the year 2013. The government was criticised for not providing adequate funding for the

implementation of the NAP, as well as for not placing enough emphasis on the cooperation with the Polish NGOs dealing with the issues of gender equality (Karat 2014, UN 2014).

The current Plenipotentiary continues to work on the implementation of the NAP. The second meeting of the Monitoring Committee session was held at the Chancellery of the Prime Minister on the 27th of June 2016, chaired by Wojciech Kaczmarek.⁹

⁹ A brief note on the meeting available for viewing on <http://www.spoleczenstwoobywatelskie.gov.pl/aktualnosci/ii-posiedzenie-komitetu-monitorujacego-krajowy-program-dzialan-na-rzecz-rownego>, last time viewed 19.08. 2016.

2. GENDER EQUALITY POLICY AREAS

2.1. Equal participation in politics and in economic decision-making

KEY FINDINGS

- **Since 2011, an electoral gender quota system is in force.** The new system leads to a considerable increase in female candidates, but female MPs still represent slightly more than a quarter of all seats in the Parliament.
- The current **Council of Ministers** comprises 24 ministers, among which are six women, including the Prime Minister.
- Women comprised 15% of the **supervisory boards** and 7% of CEOs in 2013, and these figures have not significantly changed since 2010.

2.1.1. Political decision-making

Until 2011, no legislation aimed at increasing women's participation in politics had been adopted. In the absence of national regulations, some political parties introduced gender quotas for their candidate lists for national elections.¹⁰

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 legislation had been initiated by 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 required all parties to place more women on the lists took place in October 2011. One of the possible effects of the new legislation was that the percentage of women on the candidate lists increased from 23,1% in 2007 to 43.5% in 2011, however, only 21% of all the candidate lists had women at the top (Druciarek and Niżyńska 2014). The result was, consequently, that the percentage of women elected to the Sejm increased only by four percentage points as compared with 2007 (from 20% to 24%). The percentage of female candidates on the lists for the elections to the European Parliament in May 2014 equalled 44% (N=557, twice as many as in 2009), however, only 12 women were elected (out of 51 Polish MEPs, one more woman compared to 2009).

Presidential elections as well as Parliamentary elections took place in 2015. Among the political parties that are currently officially registered as political groups in the Parliament, only the SLD decided to propose a female candidate for President of the Republic of Poland.

¹⁰ For the 2001 elections, the following parties introduced 30% quotas: SLD with the Labour Union, and the Union of Freedom (Unia Wolności-UW). Furthermore, the SLD guaranteed a 40% electoral gender quota in the local elections of 2010.

Andrzej Duda, a candidate supported by PiS, won the elections in the second round. After 1989 all Polish Presidents have been male.¹¹ As far as the recent Parliamentary Elections are concerned, the percentage of women elected as MPs to the Sejm (lower chamber of the Parliament) increased by two percentage points when one compares that to 2011, where it equalled 25% (see Annex Figure 1), while the share of women in the Senate (upper chamber) remained the same (13%). Simultaneously, the percentage of women on the candidate lists remained similar as compared to 2011 and equalled 42%.

The Council of Ministers (the executive) is comprised of 24 Ministers: the **Prime Minister, Beata Szydło** and five more women, of whom three are the Ministers for (The Ministry of Family, Labour and Social Policy, The Ministry of National Education and The Ministry of Digital Affairs), while three others perform various tasks with no attachment to specific central administration fields. Beata Szydło was preceded by a female Prime Minister (from PO), and is the third female Prime Minister since 1989.

2.1.2. Economic decision-making

The Ministry of Labour and Social Policy issued a report **on women and men's participation in economic decision-making** in 2014 (MPiPS). Its findings included figures for women's share in decision-making positions of listed companies in the period between 2010 and 2013. In general, women comprised 15% of the supervisory boards and 7% of CEOs for 2013 and these figures have not changed much since 2010. When all supervisory boards are taken into account (except for the central banks), the female share equals 10.3%, which is below the average EU level, which stands at 16.6% (EC 2013). Though the Plenipotentiary supports the "Directive on Women on Boards"¹², the Sejm has voted against the proposal in January 2013, arguing that the proposal for the Directive is "incompatible with the principle of subsidiarity, as referred to in Article 5(3) of the Treaty of the European Union"¹³. The NAP obliges the Ministry of Treasury to implement the principle of gender balance on boards of the state-owned companies, i.e. to have at least 30% of the underrepresented sex on state owned company boards.

¹¹ Lech Wałęsa, Aleksander Kwaśniewski, Lech Kaczyński and Bronisław Komorowski.

¹² Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures, COMM (2012) 614 final.

¹³ Resolution of the Sejm of the Republic of Poland of 4 January on Declaring the proposal of a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures to be incompatible with the principle of subsidiarity, with annex.

2.2. Women in the labour market

KEY FINDINGS

- The labour Code guarantees **equal treatment and non-discrimination** on the labour market. Many of these provisions were adopted in the process of transposition of the EU Directives.
- **The gender employment gap** is almost 14 percentage points.
- According to the official comparative statistics, Poland has **one of the smallest gender pay gaps in the EU** (6,4% for 2013). However, the results of the national research suggest that the gap might be as high as 20-25%.
- The level of average **women's pensions** is about one third lower than the old-age pension benefit for men.

2.2.1. Equal treatment provisions and anti-discrimination measures

Before 1996 the Polish **Labour Code** did not include any reference to the principle of equal treatment of women and men. In 1996¹⁴ the first provision 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 the Labour Code regarding gender equality were introduced in two waves: in 2001 (in force since 2002) and in 2004. The changes to the Labour Code in **2001**¹⁵ 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 relations;
- relationships, employment conditions, promotion and access to training for raising professional qualifications (Article 183a Paragraph 1);
- the prohibition of direct discrimination as violating the principle of equal treatment of women and men (Article 183a Paragraphs 2 and 3 and Article 183b);
- the right to uniform remuneration for equal work or work of equal value regardless of gender (Article 183c Paragraphs 1-3);
- the right to compensation of a person who faced violation of the equal treatment principle by his/her employer (Article 183d);

¹⁴ 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.

¹⁵ 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.

- guarantees that employees must not face any negative consequences for claiming their rights due to violations of the principle of equal treatment in employment (Article 183e).

Due to the incorporation of the **EU Directives** in the Polish legal system, the following amendments dealing with anti-discrimination measures and equal treatment were included in the Labour Code in **2004**¹⁶:

- definition of direct discrimination (Article 183a Paragraph 3);
- definition of sexual harassment; treatment of sexual harassment as gender discrimination (Article 183a Paragraph 6).

Though not central to discrimination on the labour market (which is the case of labour contracts regulated by the abovementioned acts), the Act of 3 December 2010 on the implementation of several European Union regulations regarding equal treatment refers to atypical employment (Civil Code contracts) and has effect for male and female workers.

2.2.2. Employment rate and temporary employment

The situation of women on the labour market in absolute terms has improved over the last decade. While half of all working aged women (20-64) were employed in 2005, the female employment rate increased to 60.9% in 2015, this despite it being beyond the EU average, i.e. 64.3% (Eurostat). At the same time, due to an increase in male employment rate (from 65.1% in 2005 to 74.7% in 2015), the **gender employment gap** even slightly increased: from 13.4 to 13.8 percentage points between 2005 and 2015. Consequently, while the average unemployment rate decreased from 17% at the beginning of the period to only 7.5% in 2015 (LFS, Eurostat), women remained to be slightly more affected by unemployment than men, however this gap seems to be closing: while 16.7% of economically active men and 19.4% of women were unemployed in 2005, these figures reduced to 7.4% and 7.7% for men and women, respectively¹⁷ (see also Annex Figure 2).

While the overall employment situation seems to be improving for both men and women, the Polish labour market is characterised by a relatively high level of **precarious employment**. Poland has become the EU leader in temporary employment, which amounted to 28% of all employment contracts for both men and women (2015). Although there are no considerable gender gaps when all age groups are considered, statistics show differences with regards to the youngest age group (15-24), where 71.9% of women work on the basis of temporary employment, as compared to 59.4% percent of men in this age group. Other forms of atypical employment include civil code contracts (1.5% of employees), self-employment (6.2 % of all employees), self-employment in the individual agricultural farms (9.6%), non-formal employment (2.6%), and other forms of short-term employment (3.5%) (Strzelecki, Saczuk et. al. 2015).

¹⁶ Ustawa z dnia 14 listopada 2003 r. o zmianie ustawy - Kodeks pracy oraz o zmianie niektórych innych ustaw [Act of 14 November 2003 amending the act – Labour Code – and amending several other acts], Journal of Law, no 213, item 2081.

¹⁷ The fact that over two million Poles have decided to become migrant workers in Western Europe contributed to the outflow of the labour force to a considerable extent.

The European Commission has repeatedly stressed the problem of labour market segmentation in Poland, a possible misuse of temporary employment contracts as well as relatively high incidence of civil-law contracts.¹⁸

Part-time employment is not particularly popular in Poland: in 2015, only 9,8 % of Polish women worked part-time, while the EU average is 32.3%. For Polish men the figure is 3,9% (against the EU average of 8.2%).

2.2.3. Gender pay gap

When compared to the rest of the EU Member States concerning the size of gender pay gap, Poland demonstrates an improvement over the last decade: According to Eurostat the unadjusted (raw) gender pay gap in Poland decreased from 14,9% in 2007 to 6,4% in 2013, representing one of the lowest scores in the whole EU. However, Eurostat's data for Poland show a broad range of values over the years and quite remarkable changes from one year to another (2006=7,5% and 2007=14,9%, 2009=8,0% and 2009=4,5%). At the same time, results of research conducted in Poland show higher figures, such as 20%¹⁹ or even 25%. Some researchers explore alternative methodologies to grasp an adequate result for Poland, a so-called "adjusted" value. The estimated adjusted gender wage gap equalled 20% in 2012²⁰, similar figures have been recently reported by the Government Statistical Office (20,6%).

2.2.4. Gender pension gap

Before 2013, the retirement age for women was 60 while the level was set at 65 for men. Since 2013 the retirement age of men was increased from 65 years to 67 years, to be effective, gradually, by 2020. As for **women, their retirement age is to be progressively increased from 60 to 67 years by 2040**. Apart from the necessity to equalize the retirement age of women and men, the argument of the reformers was that an increase in retirement age for women would contribute to closing the gender pension gap.

According to EU comparative statistics, the unadjusted gender pension gap in Poland (23%) is lower than the EU average (39%).²¹ Again, the national statistics, as reported by the Social Insurance Institution, demonstrate higher disparities between the levels of average pensions for men and women. Thus, while the average old age pension benefit for men equalled 2522 PLN (about 565 euro, data for March 2015), the female average pension benefit was one-third lower than men's (1698 PLN=about 387 euro, data for March 2015) (ZUS 2013).

At the moment a draft law reforming the retirement age and submitted officially by the President, is in discussion with Parliament. The law, if adopted, changes retirement age to its previous levels, i.e. 60 years for women and 65 years for men.

¹⁸ Commission Staff Working Document: Country Report Poland 2015 {COM(2015) 85 final}, Brussels, 26.2.2015 SWD(2015) 40 final, available at http://ec.europa.eu/europe2020/pdf/csr2015/cr2015_poland_en.pdf last time visited 23.08.2016.

¹⁹ Ogólnopolskie Badanie Wynagrodzeń [National Research on Wages], conducted by Sedlak&Sedlak, available at www.wynagrodzenia.pl

²⁰ L. van der Velde, J. Tyrowicz i K. Goraus (2013) "What is the true gender wage gap? A comparative analysis using data from Poland". University of Warsaw Faculty of Economic Sciences Working Paper No. 28/2013 (113). WNE UW, Warszawa.

²¹ Francesca Bettio, Platon Tinios and Gianni Betti, *The gender gap in pensions in the EU*, Brussels: European Commission 2013.

2.3. Reconciliation of work and family life

KEY FINDINGS

- Poland has considerably reformed the **system of parental leave** during the last 8 years: (basic and additional) maternity leave was extended to 26 weeks, a new paid parental leave scheme was introduced (26 weeks) together with two weeks of paternity leave (one week since 2012) and finally, a parental allowance for the uninsured was also introduced since 2016.
- Using the EU structural funds, the government issued a programme in support of establishing **new childcare services for children under three**, but the progress still does not match the demand and needs of working parents.
- A **semi-universal system of child allowances** was introduced in 2016, which considerably improves financial support for families.

2.3.1. Parental leave

For almost two decades after the 1989 family policies, including leave policies, have remained outside of the main reform agenda in Poland. This has changed, when the recent governments introduced important family policy measures, also as a reaction to a general decline in fertility levels. Introduced as family support and work-life reconciliation measures, the new policies included the further extension of maternity leave, accompanied by the option of part-time work (for 12 months), the introduction of paternity leave, as well as establishing a new parental leave scheme, including a parental allowance for uninsured workers.

Maternity benefit is paid on the condition of a previous employment of at least 6 months. Since 1974, its basic duration was 16 weeks and this solution remained in place for more than three decades. Since 2006 the duration of the leave has been gradually extended up to 26 weeks, however, since 2016 six weeks of the leave were “transferred” to the new scheme of parental leave (see below). Its present 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 born simultaneously. During the period of maternity leave the benefit amounts to 100% of the previous wage, without limit. Fourteen weeks are reserved for women, and are obligatory. A father can use the remainder of this maternity leave.

Paternity leave is available for fathers for the duration of two weeks and the leave must be used within the period of 24 months after childbirth (12 months before 2016). The right to use paternity leave is an individual and non-transferrable entitlement. The level of paternity leave benefit amounts to 100% of wage replacement. The leave was introduced in 2010, first as a one-week leave that was extended to two weeks as of 2012. More and more fathers decided to use this entitlement: while only 14 900 fathers used the leave in 2011, the number increased to almost 130 000 in 2014 (although the increase in statistics was caused also by including data from companies with fewer than 20 employees in 2014).²²

In 2013, the government introduced 26 weeks of **new parental leave**, which could be used either by the mother or the father. No special incentives (individual and non-transferable entitlements) for fathers were included. Consequently, the new scheme, together with two

²² According to survey results, 47% of the fathers use their entitlement to paternity leave (data published by the The Empowering Children Foundation, formerly Nobody's Children Foundation).

maternity leave schemes existing at that time (the basic one and the additional scheme 20+6), have been perceived as “one year of maternity leave”, as it is almost exclusively used by women. Since 2016 the leave was extended to 32 weeks: was the result of reform of 2015 that liquidated six weeks of maternity leave and transferred those 6 weeks on the top of parental leave’s original duration. The leave’s duration is 34 weeks in the case of multiple births.

After parental leave is finished, this can be followed by a longer **childcare care leave** and its basic duration is 36 months. The allowance attached to the leave is paid for 24 months, after an income test, and amounts to 400 PLN /93 euro per month. Both mothers and fathers are entitled to use the leave. In order to comply with the Parental Leave Directive, the government reserved one of the 36 months of the childcare leave for each parent (they were intended to represent an incentive for the father to use the leave), however, without attaching any payment to the leave.

There are also **short-term leave and allowance** for insured parents. A parent is entitled to take a leave to take care of a sick child under eight years of age (14 years if the child is disabled) or to take care of a healthy child under the circumstances of an unforeseen closure of a crèche, kindergarten, or school, with a higher age limit – until the child’s 14th birthday. The allowance is paid at the rate of 80 per cent of a parent’s earnings for up to 60 days per year.

Finally, as many parents did not qualify for parental leave and benefits, the previous government introduced a **new scheme for uninsured parents of new-born children**. The new policy is addressed to unemployed persons, students, farmers and persons employed on the basis of civil code contracts. Each mother (or a father) of a new-born child would be entitled to a monthly allowance of 1.000 PLN (about 230 euro) for twelve months. The allowance will be a part of the system of family allowances, although no additional conditions will have to be met in order to be eligible for the payment. The scheme came into force as of January 2016.

2.3.2. Financial support for families

Up until 2016 there was no universal system of family or child benefits in Poland; family allowances were only paid to families that met the income criteria. The current government’s flagship reform, labelled “**Family 500+**”, was initially planned as providing each child under 18 years of age with an allowance of 500 PLN (116 euro) per month. Eventually, though, families with only one child were excluded from the programme, apart from those who met the income criteria (800 PLN per month per family member and 1200 PLN in the case of a disabled child). The government’s main goal is to boost demography, but also to compensate for the cost of having a child, especially to large families that have also so far been in a vulnerable income situation. The new “Law on child raising” was adopted on the 11th of February 2016 and was implemented as of the 1st of April 2016. The introduction of such a social policy in Poland is unprecedented. The annual average cost of the programme amounts to 22 million PLN per year (about 5.2 million euro), and 2.7 million of families should benefit from the allowance, which represents about a half of all the families in Poland. This has been by far the most expensive social policy programme that has been implemented in Poland since 1989.

Additional scheme of family allowances is available to low-income families. Thus, the monthly income threshold is 674 PLN /156 euro per capita in a family (764 PLN/177 euro in

cases concerning disabled children) and the amount of allowance varies between 89 PLN/21 euro and 129 PLN/30 euro per child monthly, depending on the dependent child's age.

Other forms of financial help for families with new-born children include an additional one-off **birth grant** (the so called *becikowe*), introduced in 2005 (in force since 2006). However, in 2013, this became conditional upon an income-test.

Finally, working parents are entitled to **tax credits**: families with one child²³ or at least with three children are allowed to apply for an increased tax credit for a third child (139 PLN per month, 1668 PLN per year), while families with four children are allowed the highest tax credit (185 PLN per month, 2220 PLN per year) for the fourth (and each subsequent) child.

2.3.3. Early childhood education and care

2.3.3.1. Preschool facilities

After the fall in enrolment figures observed in the 1990s, rates have, however, increased recently. While about 40% of children aged 3-5 were enrolled in kindergartens in the school year 2005/2006, the rate has reached 79.4% in 2014/2015 (GUS 2014). The increase has been possible thanks to contributions from the EU structural funds and governmental programmes supporting the local communities in opening new kindergartens. Additionally, since 2013, the government started to directly co-finance these services. In 2013, for the first time since 1991, when financing early education was decentralised, the government introduced a new law on education that would provide **permanent financial support to the municipalities in the form of an earmarked subsidy** (co-financing). This has resulted in an important step bearing in mind that since 2013, the municipalities and the parents had to cover all the costs of early education facilities.

Moreover, the reform of 2013 introduced the rights-based approach for pre-school children: the right for each child to be admitted to a preschool facility was introduced for each 5-year-old child, as well as for each 4-year old child from 2016 and for each 3-year-old child from 2017. Additionally, a compulsory, preparatory year for children at the age of 5 had already been introduced beginning in 2011. This was in addition to a compulsory "zero" class for children at the age of six that had already been introduced during the period of state-socialism.

Another important reform possibly increasing the capacity of the existing net of preschool facilities was the lowering of the primary education entry age from seven to six years. The reform began its gradual phase in 2013 and as of 2015 all children at the age of six were obliged to enter primary school. The school age reform was reversed by the current government in 2016, as now parents are again able to choose whether their child should stay one more year in the preschool centre or enrol in primary school. This impedes the capacity of the kindergartens to answer the demand, especially when it comes to children at the age of three. This might create further tensions, especially that since 2017 each child aged three should, by law, be admitted to a kindergarten.

²³ Income test applies for families with one child – in order to qualify for the tax credit parents' annual income may not exceed 112 000 PLN/26 000 euro.

2.3.3.2. Childcare centres for children under three.

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”).²⁴ The regulation does not guarantee any permanent financial state support. Instead, the MLSP established **the Programme Maluch** [Toddler], with the main objective to offer co-financing for the new childcare centres. Thus, 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. The government increased the level of co-financing to 80% of the costs of starting the centre in 2013. The enrolment rate of children under three in formal childcare increased from 2,5 % in 2010 to 7,1% in 2014, and the number of all centres increased from 511 to 2705 (see also Annex Table 1). Yet, the enrolment rates still represents one of the lowest figures in comparison to other countries within the EU.²⁵ Additionally, as private entities received co-financing, the sector of childcare became heavily privatized: among all crèches, 71% are run by non-public entities, while the same stands for 83% of all children’s clubs. As fees for childcare in non-public centres might be as high as three quarters of the minimum wage, many parents cannot afford them. As a result, there is huge demand (long waiting lists) for municipality-run crèches, but faced with shortages, most of the parents must consider other options (family-based care, nannies, resigning from paid employment).

2.3.4. Unpaid domestic work

Unpaid domestic work, including childcare and elderly care is still predominantly a woman’s task in Poland. The need to take care of household and children is the reason for remaining economically inactive for over 96% of women and 6.5%-7,0% of men (Strzelecki, Saczuk, et. al. 2015).

The time budget surveys show that women devote almost twice as much time as men to domestic chores (women: 4 h 24 min., men: 2 h 21 min. on average, daily) (GUS 2014). Furthermore, while only 56% of men engage in any activities connected with the preparation of meals, among women the indicator equals over 90%. As a result, even if women have on average a lower employment rate, women have less free time than men.

The feminization of domestic work is clear within the gender division of labour with regards to domestic chores: in the case of such daily duties such as laundry or ironing, the percentage of women who say they are the only performers of these duties exceeds 80% (5% in the case of men, see also Annex Figure 3).

The lack of gender balance in employment and in informal work directly affects gender outcomes for the access to social benefits, and might seriously impact the economic security of female pensioners.

²⁴ 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.

²⁵ Data provided by the Ministry of Labour and Social Policy.

2.4. Eradication of gender based violence

KEY FINDINGS

- Although official statistics show relatively small numbers with regards to sexual crimes, alternative studies show that many of the acts of sexual violence are not reported.
- A vast majority of the **victims of domestic violence** are women (71%) and children (18%).
- The **Act on Counteracting Family Violence** provides a definition of violence as well as the basic mechanisms of counteracting and assisting the victims of violence.
- Ratification of the **Istanbul Convention** was approved by the Parliament, as well as by the President, and the process should be completed this year.
- In order to combat trafficking in human beings, the government sets up programs in **cooperation with non-governmental organizations** that trace the victims and that act within transnational networks.

2.4.1. Sexual violence

The Polish Penal Code (Chapter XXV) regulates several forms of sexual violence contained in Chapter XXV "**Offences against Sexual Liberty and Decency**". Most importantly, in the case of forced sexual intercourse (rape) the perpetrator might be subject to 2-12 years of imprisonment. The period of imprisonment should be at least three years if the victim is underage, if the perpetrator is a family member or there were at least two rapists, and at least five years in the case of rape including particular cruelty. In 2014, 2444 criminal proceedings were initiated, among which 1254 cases were recognized as a crime. About 30-40% of all the rape convictions were sentenced to probation, which represents a considerably high figure when compared to other European countries, including the fact that the average length of the sentence is also relatively low (5 years).

Although the official statistics on sexual violence in Poland show relatively small figures, it is mostly due to the fact that on the whole sexual violence is not reported by the victims. In the study based on focus groups, women were asked about their experience of various forms of violence (molestation, instead of the generic category of 'sexual violence') (STER 2016). Positing questions in such way revealed a significantly higher scale of sexual violence against women compared to other studies.

While the research conducted by the FRA indicated that 19% of Polish women experienced physical and sexual violence from a partner and/or stranger, the discussed research revealed that the extent of the phenomenon is significantly larger. Accordingly, 87.6% of Polish women were molested in public places or at work, beginning when they were 15 years of age. According to the form, 77.5% of women have experienced jokes with sexual connotations, and abusive conversations (also via email or SMS), while 61.3% have experienced someone exposing themselves in a public place or in another unwelcome context, followed by obscene

behaviour (55.4%) and offensive remarks about their body or sexuality (52.2%).²⁶ The situation of non-reported violence is widespread: 94.1% of the respondents have never reported it to the Police. The main reasons given were the following: 'I managed myself' (67%), 'I considered it trivial' (66%), 'I felt the Police could nothing about it' (55.3%) and 'I felt ashamed/embarrassed' (33.8%).

Finally, 22.4% of surveyed women indicated the experience of rape. In the majority of cases it took the form of pressure for intercourse against their will (79%). As many as 46% of women experienced repeated rape (2-5 times) while 21% were raped once. 20% of women were raped more than 10 times in their life. The main category of the perpetrator is a former partner (63.3%). This form of violence usually takes place in a common place, i.e. a flat/house of a victim, closely followed by a house other than that of a victim. 91.2% of victims did not report the rape to the Police. An important fact is that less than half of all the respondents (56.1%) did not possess a proper knowledge of the legal procedure (that since 2013 rape is an offence prosecuted ex officio).²⁷

The current plans of the Minister of Justice are to extend the possible length of imprisonment for the perpetrators of rape, especially for the cases of rape with particular cruelty or rape committed by family members (proposing the possible imprisonment to last even up to 30 years or a life sentence).

2.4.2. Domestic violence

Gender segregated statistics on domestic violence demonstrate that women and children are mostly the **victims** of domestic violence in Poland (71% and 18% of all victims, respectively), while men predominate among the **perpetrators** (93% of all perpetrators). According to the survey commissioned by the Ministry of Interior which was conducted in 2014, 14% of the respondents have witnessed domestic violence. 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 Code.²⁸

The main legal act dealing with combating domestic violence in Poland in a systematic way was introduced in 2005. Before this date, domestic violence was treated as any other form of assault or ill-treatment. The **Act on Counteracting Family Violence** defines domestic violence and indicates the public institutions responsible for counteracting this phenomenon. The Act was subsequently changed: the amendments of 2010 included more effective

²⁶ Importantly for 41.4% of women, the abovementioned situations happened up to five times, for 19.8% women from 5 to 9 times, while as many as 24.6% woman experienced such sexual violence more than 10 times. The perpetrator is most often an unknown individual (66.8%), distant friend (42.3), friend or colleague (41.8%) (STER 2016).

²⁷ When it comes to an attempt of rape, 23.1% of respondents experienced it. The most common instance was the connection of rape with physical violence (51%), a chemical substance (42.3) and a relation of power. Importantly, while 52% of women who faced an attempt of rape, experienced it once in a lifetime, 33.3% of women experienced it 2 to 5 times. Once again, the most common perpetrator is a former partner (34%) and a friend/colleague (27.2%) and an attempt of rape happens in a private house/flat other than that of a victim (52.4%). As in previous instances, the majority (93.1%) of women did not report it to the Police. With regards to the so-called 'other forms of sexual violence' (physical contact but no sexual intercourse), 37.6% of women experienced them. While 60.9% of respondents reported such experience where a relation of power was exercised by a man, 45% of women reported sexual violence where physical power was used. Finally, 28.4% of women stated a chemical substance was used – drugs, alcohol or Date Rape Drug. In this form of violence, the most common perpetrator is a former partner (35.7%) and a friend/colleague (31.5%), while the place is a private house/flat other than that of a victim (47.3%).

²⁸ Ustawa z dnia 6 czerwca 1997 r. - Kodeks karny, [Act of 6th of June – Penal Code], Journal of Laws 1997, no 88, item 553.

measures for the isolation of the perpetrator of violence (such as eviction) as well as the 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 the years 2006-2016). The National Action Plan assumes 4 major areas of activities: preventive measures (such as monitoring the scale of this phenomenon), interventions, 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 spouses, but at all intimate partners.

Poland signed the **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)** in December 2012 and according to the plans outlined in the National Action Plan 2013-2016, the process of the Convention's ratification was to be completed by the end of 2013, however, it took the Parliament two additional years to conclude the process. The attempts to effectuate the vote on the law ratifying the Convention first took place in 2014. PiS and the MPs from other conservative parties argued that the Convention was unconstitutional and requested an expert commission on the topic, which has further extended the proceedings of Parliament of the ratification. The principal argument of the right-wing parties and conservative NGOs is that the Convention defines the term "gender" as socially and culturally constructed roles for men and women and that the document links gender stereotypes with violence. The Catholic Church has officially declared itself against the ratification.

Eventually, the Parliament has voted in favour of ratification of the Convention: The Sejm, the lower house, on the 6th of February 2015 and the Senate exactly one month later. Finally, the former President signed the document ratifying the Convention on the 13th of April 2015. According to a survey conducted by the Institute of Public Affairs in December 2014, only 13% of Poles were against the ratification of the Convention.

2.4.3. Economic violence within the family and alimony payments

The problem of domestic economic violence has been recognized quite recently. According to the survey report from 2015, 19% of women and 11% experienced economic violence, while 20% of the female and 14% of the male respondents knew a person, who was afraid to leave the relationship due to financial reasons.²⁹

Avoiding the payments of child maintenance by the non-custodial parent is also regarded as a form of placing financial pressure on a family member and represents a very serious issue, as Poland has the lowest rate of paid alimonies, between 12% and 16%. As over 90% of single parents are female, the culprits are mostly men who avoid alimony payments. Those who do not receive these payments remain under great financial pressure. A special national Alimony Fund provides a child allowance which does not exceed 500 PLN per child per month for the families concerned, however, an income test applies and the monthly income per family member must not exceed 725 PLN (167 euro).

In order to provide policy recommendations and for the exchange of information, the Commissioner for Human Rights in cooperation with the Commissioner for Children's Rights appointed an Expert Committee for Alimonies that held its first meeting in February 2016. Apart from that both Commissioners have undertaken several interventions within various

²⁹ Statistics available on the website of the project on domestic economic violence <http://www.przemocekonomiczna.pl>

offices responsible for either law design or enforcement, or prosecution of the persons that do not pay alimonies.

2.4.4. Trafficking in human beings and sexual exploitation including 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 Polish organized crime groups.

The laws addressing the problem of human trafficking stem from the 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 of 1950. It provided for at least 3 years of imprisonment for the trafficking of women and children. While the Penal Code of 1997 introduced changes, trafficking in *persons* (so not only “women” and “children”), also with their consent, was still subject to imprisonment not shorter than 3 years. Besides, it introduced imprisonment of 1 to 10 years for the abduction of a person into prostitution abroad.

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 redefining the sanction (Art. 189a, Art. 211a and Art. 240). Consequently, trafficking in persons (including enticement or abduction of a person into prostitution abroad) is now subject to more than 3 years of imprisonment. In addition to the Palermo Protocol, the new regulations were based on 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.³⁰

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 is called the **National Action Plan against Trafficking in Human Beings**. The subsequent plans covered the years 2011-12, and 2013-2015. An important part of the Action Plan concerns the awareness-raising of public officials dealing with trafficking – police, border guards, prosecutors and judges, as well as victims.

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 currently runs 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. Since 2013,

³⁰ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating the trafficking in human beings and protecting its victims replaced the Council Framework Decision 2002/629/JHA and has been transposed to national legislation, including the Penal Code and the Act on Aliens (simplifying the temporary and permanent residence permit procedure).

La Strada runs the Centre jointly with the Po Moc Association. For 2016 the Ministry of Interior allocated 1,1 million of PLN (255 000 euro) for this purpose. Additionally, a net of regional committees has been gradually created, with the purpose of establishing such committee in each voivodships (altogether sixteen).

The Polish police operates a Central Unit for Combating Human Trafficking, within the structure of Headquarter ordnances, as well as the relevant teams within the voivodship police departments. Also, in September 2013, a website dedicated to human trafficking was launched by the Police Headquarter (www.handelludzmi.pl).

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

The number of persons working as prostitutes is estimated at 18,000-20,000 (US Department of State 2010). Moreover, Poland is mentioned as the 6th country of origin of migrant sex workers in the whole of Europe (ibid.).

2.5. Reproductive health and rights

KEY FINDINGS

- Poland has a **very strict abortion law** that allows for the termination of pregnancy only under three specific circumstances. Even though official statistics show 972 incidents of legal abortion, the number of all abortions per year might even be 190 000 due to the so-called “abortion underground”.
- A draft law introducing a **complete ban on abortion** has already been presented to the Parliament.
- Most contraceptives are not covered by health insurance. Recently, the government reversed the reform allowing the access to **emergency contraceptives** without a prescription for each person over 15 years old.
- In vitro fertilization and other modern techniques of fertility treatment are no longer co-financed by the government. **National Programme in Support of Fertility**.

2.5.1. Perinatal care and conditions for childbirth

According to the recent report presented by the Supreme Audit Office (July 2016), most of the hospitals do not provide the **standards of perinatal care** as set out in government executive acts³¹ (NIK 2016). In 16 out of the 24 hospitals that underwent the control, patients’ privacy was not guaranteed at a satisfactory level, with overcrowded wards or the lack of equipment for nursing an infant. Another problem was insufficient staff – in 20 hospitals women did not have access to epidural anaesthesia due to the lack of anaesthesiologists (even though the National Health Fund covers the cost of such a procedure).

Poland has one of the highest rates of **caesarean sections** in Europe (according to the OECD=34.6%, Polish domestic data show the figures above 40%) and the indicator has been increasing. Still, there are also cases where hospitals refused to perform caesarean section, in spite of the medical conditions demonstrated by women giving birth. The share of all births, where perineal incision was performed during childbirth was 57%, which represents a relatively high figure as compared to, for example, Sweden or Great Britain, where these indicators equal 9% and 12%, respectively.

2.5.2. Abortion

Formalised by the law of 1956, abortion was legal during the period of state-socialism, when pregnancy termination was possible based on social grounds. In spite of the organised protests of many women’s organisations, a new legislation was adopted in 1993 that severely restricted the possibility of having a legal abortion.³² In particular, according to Article 4a of

³¹ Rozporządzenie Ministra Zdrowia z dnia 26 czerwca 2012 r. w sprawie szczegółowych wymagań, jakim powinny odpowiadać pomieszczenia i urządzenia podmiotu wykonującego działalność leczniczą [Executive act of the Minister of Health on detailed requirements for the premises providing medical service, adopted as of 26th of

³² 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.

the new law, **termination of pregnancy is possible only in the case of three specific circumstances:**

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. On the one hand, doctors are allowed to use the "clause of conscience" 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 part of the so-called "abortion underground" (Nowicka 2007). The official statistics show a constantly increasing number of legal abortions performed each year, from 153 terminations in 2002 to 972 in 2014³³. At the same time the number of illegal surgeries or pharmacological interventions have been estimated at between 80,000-190,000 per year (Grzywacz et al. 2013). Due to high prices, illegal abortion in Poland or abroad (the latter phenomenon is often referred to as "abortion tourism") is only accessible for women who can financially afford them.

Catholic circles and pro-life organizations in Poland periodically collect signatures supporting the draft law introducing an absolute ban on abortion or, at least, making the law even stricter. Recently, Parliament held a vote on such a draft law took place in September 2015. However, the majority of political parties in Parliament were at that not in support of changes to the existing legislation and so the initiatives failed.

However, since the conservative coalition's term in office beginning in November 2015, the political circumstances for introducing **a complete ban on abortion** changed. An initiative – Committee for Legislative Action "Stop Abortion" – was formed in March 2016 to collect signatures under the draft law with a complete ban on abortion. The draft changes the name of the law to "Law on the universal protection of human life and on the Introduction to a Family Life" and deletes all the three abovementioned circumstances of legal abortion. Additionally, the draft penalizes women who perform the termination of pregnancy. The draft was officially submitted on the 5th of July 2016. 450 000 signatures were collected (although

³³ Sprawozdanie Rady Ministrów z wykonywania oraz o skutkach stosowania w roku 2014 ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży. [Government Report on the implementation of family planning, protection of the human embryo and conditions of termination of pregnancy act of 7th of January 1993, for the year 2014], available (in Polish) at <http://bip.kprm.gov.pl/download/75/15559/RM-24-48-18sprawozdanieplanowanierodziny.pdf>

100 000 are required).³⁴ The draft should be officially discussed and voted in the Parliament in autumn 2016, with no specific date set so far (September 2016).

Already in March and April 2016 the initiative to completely ban abortion led to a series of street protests and the mobilization of women's organizations, especially, that the Prime Minister, as well as several Law and Justice leaders expressed their support for such a change in the law. Additionally, the Catholic Church released a statement in support of such an initiative.

A counter-initiative, the Committee for Legislative Action "Save the Women", was formed by women's NGOs and other left-wing organizations. The initiative proposed **a draft law liberalizing the existing abortion law** – with the option of abortion on demand until the end of the 12th week of pregnancy, a more direct access to contraception, and a stronger emphasis on sexual education.³⁵ The initiative was successful, as 215 000 signatures were collected. The draft must be officially proceeded by the Parliament. None of the parties in Parliament (including opposition parties) has so far expressed support for the liberalization proposal.

3.1.1. Contraception

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. According to a recent survey, the condom is the most popular contraceptive among Poles (45% of the respondents), while the second most popular method is the pill (24%), and 16% rely on coitus interruptus (Izdebski 2012). Survey conducted among young Poles (in 2013: age 18-35 and in 2014: age 18-28) showed similar results, although higher figures for using contraceptives (54% in 2014) and the pill (31% in 2014 and 41% in 2013), while only 3% of the respondents use modern contraception methods, such as an intrauterine device (IUD). At the same time, 12% of the respondents say using the "natural" method, the, so-called "marriage calendar" (Izdebski 2012). It is important to note that both the "natural method" and the coitus interruptus might be popular because they do not require any financial expenditure or prescription.

Until 2015 **emergency contraception** was only available with an adequate prescription and not easily accessible. Answering to the European Commission's recommendation to a change in the classification status from prescription to non-prescription for emergency contraceptive ellaOne, the Polish Ministry of Health has declared that the new EC recommendation will be incorporated into Polish legislation: as of February 2015 each person that is at least 15 years old are free to purchase the pill in the pharmacy, without a prescription. This law was reversed by the current government in March 2016, and again emergency contraception is only available after prescription. Additionally, pharmacists started to use the so-called "conscience clause" which allows them to refuse selling contraception in their pharmacy.

³⁴ Druk nr 784 - Obywatelski projekt ustawy o zmianie ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz ustawy z dnia 6 czerwca 1997 r. - Kodeks karny [Civic Bill on amendment of Family Planning, Protection of Human Embryo and Conditions of Termination of Pregnancy Act adopted on 7th January 1993 and the Criminal Code, adopted on 6th of June 1997], Sejm's legislative process webpages, available on <http://www.sejm.gov.pl/Sejm8.nsf/druk.xsp?nr=784>, last time visited on 29.08.2016.

³⁵ The draft is available (in Polish) on the website of the Legislative Committee <http://www.ratujmykobiety.pl/index.php/ustawa>

3.1.2. Sexuality education

Although the abovementioned Act on Family Planning includes regulations on the introduction of sexuality education in schools, so far this issue has been neglected. In fact, many schools of different levels do not carry out regular sexuality education classes and approximately 14% of the pupils do not attend any classes in sexuality education (Ponton 2014), while, in 2008, this was almost one third of all students (Dzierzowska 2008). Importantly, sexuality education is incorporated in the overall course named "Preparation for Family Life". The existing research demonstrates that 86% of Poles accept the idea of sexuality education at schools (Izdebski 2012). The current Minister of Education does not seem to be in favour of extending the access to sexual education at school, as she declared, among others, that she will not allow the (external) sexual educators to teach at public schools.³⁶

3.1.3. In vitro fertilization and the National Action Plan for Fertility Treatment

Although in vitro fertilizations (IVF) have been available in private clinics in Poland, the debate on ethical, legal and financial aspects of the IVF continues for several years already, also due to the lack of adequate legal provisions. Consequently, Poland was the only EU Member State, where the issue was not regulated by law and in fact, Polish legislation is not in compliance with the EU Tissues and Cells Directive (EUTCD)³⁷. The Catholic Church, backed by the right-wing parties, has for long argued against legalizing IVF, as the treatment might lead to destruction of fertilized embryos. At the same time, infertility is estimated to be a problem of about 1,5 million of couples in Poland. Considering various standpoints on the issue, the **government agreed on a "compromise" version of a policy act regulating the IVF treatment** on the 10th of March 2015. The new legal provisions would first of all set the rules of refunding the treatment that would be available both to married and unmarried couples, but it also sets the limits for the number of fertilized cells (no more than six under regular circumstances).

The current government withdrew from refunding IVF treatment as of the 1st of July 2016. Instead, the Minister of Health proposed a National Action Plan for Fertility treatment based on other treatment techniques, such as naprotechnology, as an alternative to IVF.

³⁶ Interview with Anna Zalewska, available at <http://wpolityce.pl/spoleczenstwo/273677-anna-zalewska-szefowa-men-we-wsieci-nie-wpuszcze-seks-edukatorow-do-szkol-trzeba-szanowac-intymnosc-mlodych-ludzi>, last time visited on 29.08.2016.

³⁷ Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells.

3.2. Gender stereotypes and education

KEY FINDINGS

- Together with other post-communist East-European countries, Poles belong to the **most conservative societies** in the EU, as far as gender equality is concerned.
- The government runs some programs counteracting gender stereotypes, however, the scale of these programs is quite limited.

According to international comparisons, Poles are not significantly more conservative with regard to gender roles than other nations in Eastern Europe.³⁸ However, in comparison to other EU countries, gender stereotypes and a conservative view of the family seem to prevail: according to a recent Eurobarometer survey on the attitudes towards gender equality, as much as 87% of Poles disagree with the statement that gender equality is a fundamental right.³⁹

National survey results for Poles show relative stability over the years: 77% of the respondents support the idea of gender equality in public life (as compared to 76% in 2006) (CBOS 2013a). Sex is the most important factor differentiating the responses: for example, 75% of men as compared to 58% of women think that there is gender equality in their family life (ibid.). At the same time, government policy towards gender equality is more often positively evaluated by men (41%) than by women (29%) (CBOS 2013a).

The previous Plenipotentiary for Equal Treatment has engaged in several small-scale actions counteracting gender stereotypes, like, for example, the project "I am a boss" for schoolgirls aimed at overcoming gender stereotypes. Another example are two campaigns conducted by the Ministry of Education: "Girls as Engineers!" and "Girls as Scientists!". The current government continues its support for both of these campaigns. Overcoming social roles for women and men in the media has become one of the goals of the **National Broadcasting Regulatory Strategy 2014 – 2016** adopted in 2014 (KRRIT 2014).

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. More attention has been paid to the issues of gender equality at the workplace and overcoming stereotypes concerning economic power and family life. 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.⁴⁰ To a great extent this is possible thanks to the financial support of the EU structural funds.

Although the signs of **anti-gender equality discourse** have been present especially among the right-wing party leaders already in the 2000s, the current wave of critique against the

³⁸ See for example International Social Survey Programme: Family Database for the survey Role of Family and Gender: III.

³⁹ Eurobarometer „Gender equality: Report”, Special Eurobarometer 428 / Wave EB82.4 – TNS Opinion & Social, Publication: March 2015, available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_428_en.pdf last time viewed 20.03.2015.

⁴⁰ One example is the campaign "Women without space" [Kobiety bez przestrzeni] inspired by the film "Miss Representation", conducted by the Association WAGA. The foundation "Point of view" [Punkt Widzenia] issued a report on gender stereotypes present in compulsory readings for public schools (Punkt Widzenia 2014).

concept of “gender” (and not biological “sex”) has intensified since 2013, especially via the help of the Catholic Church. Thus, the pastoral letter explicitly relating to the “gender ideology” was entitled: “Threats to the Family Stemming from the Ideology of Gender”⁴¹. The (word, concept, category of) gender was explained as “deeply destructive” to “the person, inter-human relations and all social life”. The Church, also, mobilised a series of prayers and other initiatives aimed against “spreading the ideology of gender that destroys families and children”.⁴² The previous government did not undertake any particular measures to counteract the campaign and its potentially harmful effects on the support for gender equality, while various stakeholders that might be linked to PiS are openly in support of such anti-gender campaign.⁴³ Importantly, the anti-gender discourse is also associated with the external influence and “colonizing” powers of the European Union both in terms of the EU’s cultural impact, as well the meaning of the EU structural funds to strengthen the policy of gender equality (i.e. to strengthen “gender ideology”).

⁴¹ The letter was read on 28th of December 2013 at churches, during the holy mass.

⁴² See for example the initiative published by one of Warsaw’s main dioceses <http://diecezja.waw.pl/3260> , last time visited 30.08.2016.

⁴³ The UN Committee on the Elimination of Discrimination against Women recommended that the government should “promote the equal rights of women and combat efforts made by any actors including the Catholic Church to downplay or degrade the pursuit of gender equality by labelling such measures as ideology” (UN 2014).

4. CONCLUSIONS

The implementation of policies aimed at the enhancement of gender equality in Poland still requires improvements, while the recent government does not seem to have an interest in the further development of gender equality.

Firstly, the meaning of the national machinery was seriously undermined, when the government decided to appoint the same person for the new post of Plenipotentiary for Civil Society and the Plenipotentiary for Equal Opportunities and in conjunction diminishing the Plenipotentiary's office's administrative capacities.

Currently, the Commissioner for Human Rights, remaining politically independent, is the most active body intervening in the cases of discrimination based on gender.

Secondly, recent improvements in childcare policies, facilitating the development of new forms of childcare for the youngest children should contribute to the enhanced chances for more **continuous professional careers for women**. Furthermore, the semi-universal programme of child allowances might seriously improve the financial situation of many households and thus, the financial autonomy of many women. And yet, the lack of formal childcare remains a serious problem. This is true for both the centres for children under three and for kindergartens. The latter are faced with increasing demand, also due to the renewed inflow of children at the age of six, as the reform decreasing the school age was reversed by the current government.

Thirdly, **women's reproductive rights would be seriously limited** if the draft law introducing a complete ban on abortion is adopted. So far, the current government has discontinued refunding IVF treatment and re-entered obligatory prescription for emergency contraception.

Finally, persisting gender stereotypes and anti-gender equality discourses do not seem to be counteracted by the authorities. The discourse treating the idea of gender equality as an alien concept being described as "gender ideology" and communicated as a "threat to family" has become an official line of the current government and may cause a serious backlash in the development of a more effective gender equality policy in Poland.

REFERENCES

- CBOS (2013a), "Równouprawnienie płci?" [Gender equality?], Report no BS/31/2013. Warsaw: Public Opinion Research Center.
- CBOS (2013b), « O roli kobiet w rodzinie » [On women's role in the family]. Report no BS/30/2013. Warsaw: Public Opinion Research Center.
- Czapiński, Janusz and Tomasz Panek (2014), *Diagnoza Społeczna. Badanie jakości życia Polaków* [Social Diagnosis. Survey on the Quality of Life in Poland]. Warsaw: Ministry of Labour and Social Policy.
- Druciarek, M. and A. Nizyńska (2014), "Women's participation in political life", in: *Alternative Report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) submitted to the UN Committee on the Elimination of Discrimination Against Women by KARAT Coalition in Consultative Status with the Economic and Social Council of the United Nations on behalf of CEDAW Coalition of Polish NGOs*, Warsaw: September 2014.
- Dzierzgowska A. (2008), "Edukacja, Polityka i Płeć" [Education, Politics and Gender], in: A. Dzierzgowska and I. Rutkowska eds, *Ślepa na płeć. Edukacja równościowa po polsku* [Gender blind: Polish education policy], Fundacja Feminoteka, Warsaw, pp. 24-39.
- EC (2013), *Women and men in leadership positions in the European Union, 2013, a review of the situation and recent progress*, Brussels: European Commission.
- Grzywacz A., B.Jawień, et al. (2013). *20 lat tzw ustawy antyaborcyjnej w Polsce. Raport 2013*, Warsaw: Polish Federation for Women and Family Planning.
- Grzebalska, W. (2015), „Poland”, in: E. Kováts and M. Pöim, *Gender as a symbolic glue. The position and role of conservative and far-right parties in the anti-gender mobilizations in Europe*, FEPS in cooperation with the Friedrich-Ebert-Stiftung.
- GUS (2011), *Mały Rocznik Statystyczny* [Small Yearbook of Statistics], Warsaw, Central Statistical Office.
- GUS (2012), *Reconciliation of work and the family life in 2010*. Warsaw: Central Statistical Office.
- GUS (2014), *Mały Rocznik Statystyczny* [Small Yearbook of Statistics], Warsaw, Central Statistical Office.
- ISP (2016), *The 2015 Parliamentary Elections in Poland: Obstacles to Women's Political Participation*, Warsaw: Instytut Spraw Publicznych.
- Izdebski, Z. (2012), *Seksualność Polaków na początku XXI wieku. Studium badawcze* [Sexuality of Poles at the beginning of the XXIth century. A research study], Cracow: Jagiellonian University.
- Karat (2013), *Rozwiązania prawne w zakresie przeciwdziałania dyskryminacji i przemocy wobec kobiet - Sprawozdanie z warsztatu strategicznego* [Legal solutions with regard to counteracting discrimination and violence against women – report from strategical workhop], Warsaw, 18 – 21 April 2013 r. Available at

http://www.karat.org/wp-content/uploads/2013/01/warsztat_raport_2013.pdf - last time visited 29.01.2015.

- Karat (2014), *Alternative Report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) submitted to the UN Committee on the Elimination of Discrimination Against Women by KARAT Coalition in Consultative Status with the Economic and Social Council of the United Nations on behalf OF CEDAW Coalition of Polish NGOs*, Warsaw: September 2014.
- KRRiT (2014), *Strategia regulacyjna na lata 2014-2016* [Regulatory Strategy 2014 – 2016], Warsaw: National Broadcasting Council.
- MPiPS (2014), *Kobiety i mężczyźni na stanowiskach decyzyjnych w polskiej gospodarce w latach 2010–2013* [Women and Men in decision-making positions in Polish economy], Warsaw: Ministry of Labour and Social Policy.
- NIK (2016), *Opieka okołoporodowa na oddziałach położniczych* [Perinatal care on perinatal wards], Warsaw: Najwyższa Izba Kontroli.
- Nowicka, W. (2007), „Ustawa antyaborcyjna w Polsce – stan prawny i rzeczywisty” [Anti-abortion Law in Poland: the real and the legal situation], in: *Prawa Reprodukcyjne w Polsce: skutki ustawy antyaborcyjnej* [Reproductive Rights in Poland: the Implications of Anti-Abortion Law in Poland], W. Nowicka ed., Federacja na rzecz Kobiet i Planowania Rodziny, Warsaw 2007, pp. 19-53, available (in Polish) at http://www.hfhrpol.waw.pl/precedens/images/stories/federa_raport.pdf
- Ponton (2014), „Sprawdzian (z) WdZ, czyli jak wygląda edukacja seksualna w polskich szkołach” [Test in the Preparation for Family Life, what does sexual education at Polish schools look like], Warsaw: The Report of the Sexual Educators: Ponton.
- Punkt widzenia (2014), *Męskość i kobiecość w lekturach szkolnych. Analiza treści lektur w szkole podstawowej i gimnazjum z perspektywy równości płci* [Masculinity and femininity in school readings. Content analysis of school readings from gender perspective]. Warsaw: Foundation „Punkt Widzenia”. Available at <http://www.punktwidzenia.org.pl/wp-content/uploads/2014/09/Raport-Męskość-i-Kobiecość-w-lekturach-szkolnych1.pdf> - last time visited 14.01.2015.
- STER (2016), *Przełamać tabu. Raport o przemoc seksualnej* [Breaking the taboo. Report on sexual violence], Warszawa: Fundacja na rzecz równości i emancypacji STER
- Strzelecki, P., Saczuk, K., Grabowska, I., Kotowska, I. E. (2015). Warunki życia gospodarstw domowych. Rynek pracy. Diagnoza Społeczna 2015, Warunki i Jakość Życia Polaków - Raport. *Contemporary Economics*, 9/4, 131-175.
- TAMPEP (2009), *Sex work in Europe. A mapping of the prostitution scene in 25 European countries*, TAMPEP International Foundation, Amsterdam.
- TNS OBOP (2010), *Diagnoza Zjawiska Przemocy w Rodzinie w Polsce Wobec Kobiet i Wobec Mężczyzn. Część I-Raport z Badań Ogólnopolskich. Wyniki badań TNS OBOP dla Ministerstwa Pracy i Polityki Społecznej Listopad 2010r.* [The Diagnosis of Domestic Violence Against Women and Men. Part I- Report from National Survey. Results of research conducted by TNS OBOP for Ministry of Labour and Social Policy, November 2010], available at http://www.niebieskalinia.org/download/Badania/TNS_OBOP_II_2010.pdf
- UN (2014), *Concluding observations on the combined seventh and eighth periodic reports of Poland*. Distr.: General, 7 November 2014, UN: CEDAW/C/POL/CO/7-8

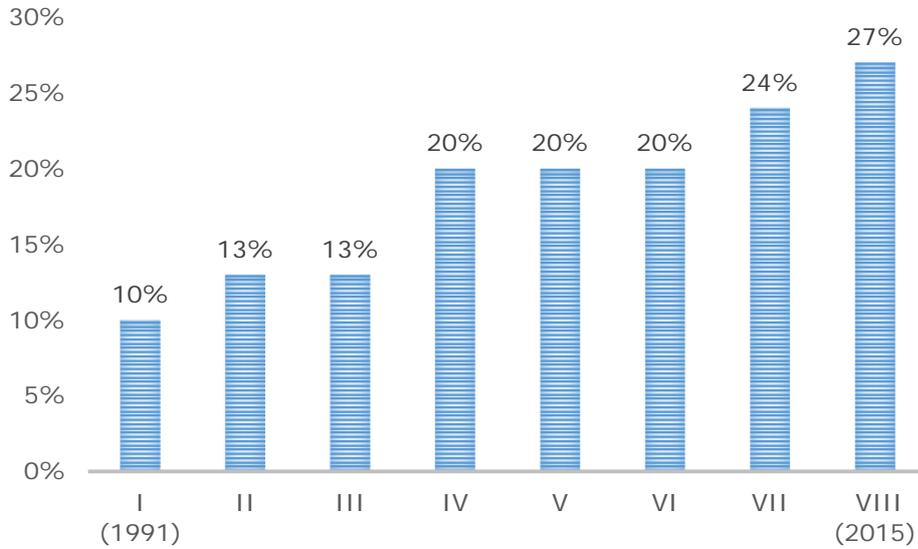
- US Department of State (2010), *2009 Human Rights Report: Poland*. March 11 2010.
- ZUS (2013), *Struktura wysokości emerytur i rent wypłacanych przez ZUS po waloryzacji w marcu 2013 roku* [The level of old-age pension benefits and disability pensions after indexation in 2013], Social Insurance Institution: Warsaw.

LINKS

- www.lastrada.org.pl
- www.handelludzmi.pl
- www.feminoteka.pl
- www.karat.org
- www.kongreskobiet.pl
- www.mpips.gov.pl
- www.mswia.gov.pl
- www.rownoscplci.pl
- www.rpo.gov.pl/en
- www.spoleczenstwoobywatelskie.gov.pl
- www.stat.gov.pl
- www.zus.gov.pl

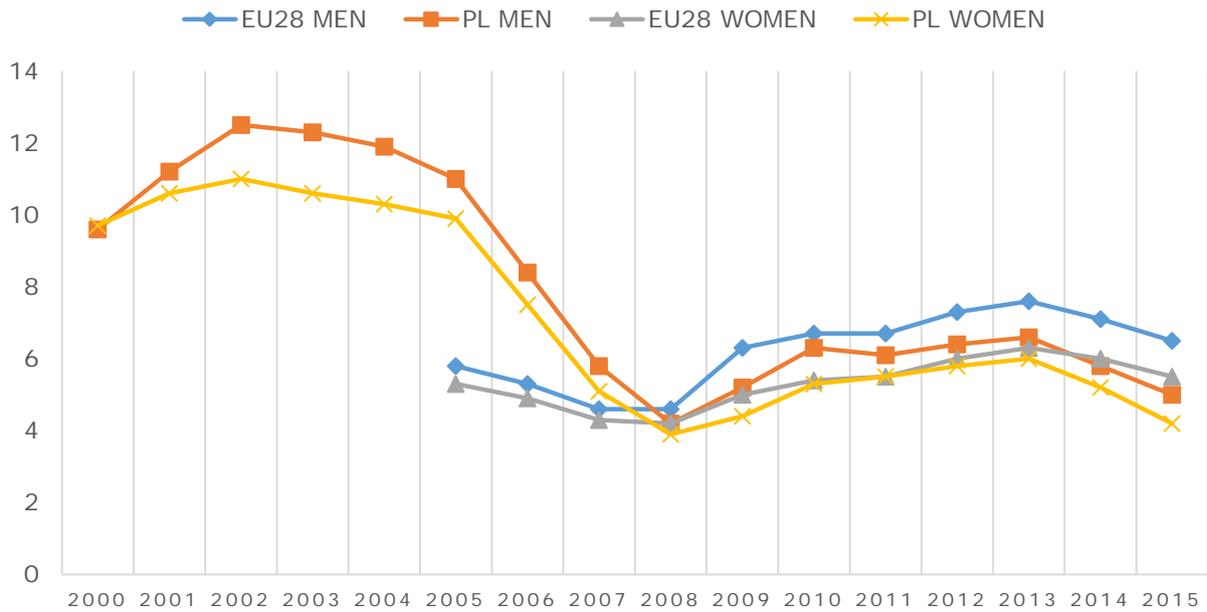
ANNEX

Annex Figure 1: Percentage of Women in the Sejm during the I-VII terms.



Source : ISP 2016

Annex Figure 2: Unemployment rates in Poland and in the EU28, women and men, 2000-2015.



Source : Eurostat, LFS.

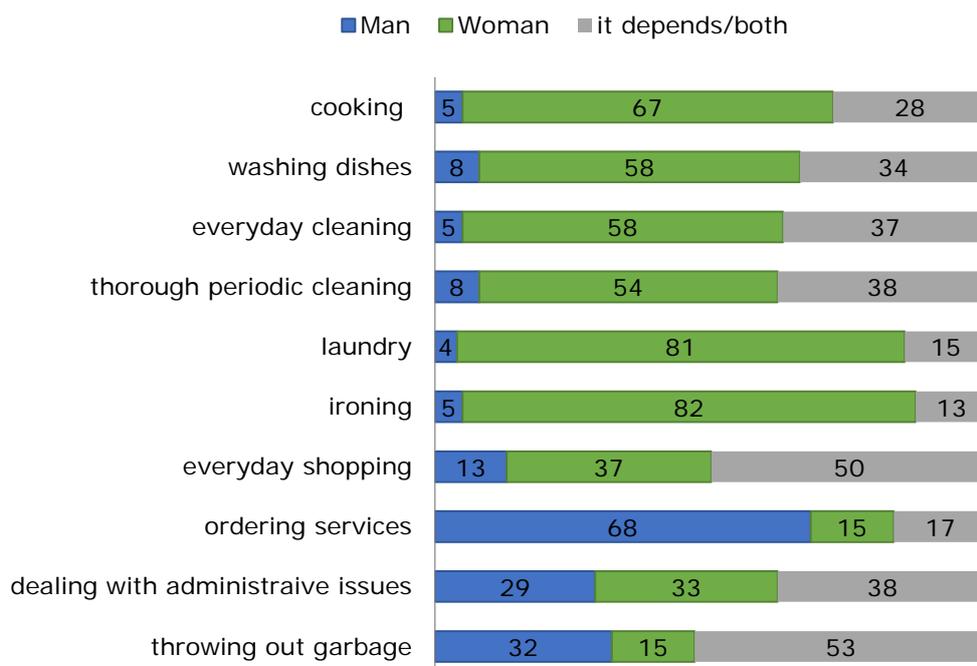
Annex Table 1: Changes in the availability of childcare services 2010, 2011, 2015.

Year	2010		2011		2015*			
	crèches	crèches	children's clubs	total	crèches	children's clubs	daily carers**	total
Number of crèches/ childcare centres	511	523	48	571	1.767	407	531	2.705
Places in crèches (in thousands)	32,50	31,9	0,29	32,19	68,92	6,37	0,70	75,99
% of children enrolled in crèches as the percentage of all children under 3	2.5%	3.1%		7.1%				

Sources: for 2010 – Statistical Yearbook of Poland 2011, for 2011 and 2015: data provided by the Ministry of Labour and Social Policy.

*data for June 2015.

**Daily carers were not present in the statistical report of the Ministry of Labour for 2011.

Annex Figure 3: Gender division of labour within the family/couple, figures in percentages.

Source: CBOS 2013b.

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