



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

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## **Context Study Poland**

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## DATA TO BE COLLECTED

### DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

#### 1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

1.1 Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seems to have been omitted by the authority, please comment on this.

<u>Legislation</u>	<u>Year</u>	<u>Main provision(s)</u>
<b>Constitution of Republic of Poland</b>	1997	Art. 32-33 forbid discrimination on grounds of gender, race, ethnic origin in access to citizenship rights. Contains general provisions guaranteeing equality in employment and equal pay for women and men.
<b>Labour Code</b>	2004	Forbids discrimination in employment on grounds of gender, sexual orientation, ethnic origin, religion, race, and on grounds of trade union membership. The labour Code also prohibits sexual harassment; guarantees equal pay; and guarantees equal access to training and promotion.
<b>Law on family planning, foetus protection and conditions of permissible abortion,</b>	1993,	Defines the conditions of legal abortion, these conditions include cases when the pregnancy is an effect of a criminal act, when the foetus is seriously damaged or when the pregnancy is dangerous for the life/ health of a woman.
<b>Act on counteracting domestic violence,</b>	2005,	The Act formulates two main objectives: 1) to increase the efficiency of counteracting domestic violence and 2) to raise social awareness of domestic violence. The Act proposes several solutions, including the provision of assistance to victims of domestic violence (shelters, , prevention procedures.); and solutions directed towards perpetrators of domestic violence, including legal procedures aimed at preventing further contacts with victims and aimed at forcing perpetrators to leave home and re-education and training. The Act defines the scope of competencies of organisations, and local and governmental administrative bodies dealing with domestic violence.
<b>Law on prosecution towards alimony debtors and alimony instalments,</b>	2005	Law aimed at improving the efficiency of executing alimonies from alimony debtors and to define conditions of granting alimony in advance to persons eligible for alimonies after divorce. The law defines the responsibilities of various bodies in executing alimonies from debtors, and formulates mechanisms to excerpt pressure on alimony debtors. There is no explicit reference to gender, even if it is obvious that the majority of alimony debtors are male, while women are not paid alimonies for childcare after divorce.
<b>Act on social assistance,</b>	2004	Law defines rules of granting assistance to persons in need due to poverty, difficult family situations, illness, disability etc. Among other issues, it refers to issues of care, work, state support in providing long- term care for children, and to elderly and disabled persons.
<b>Act on Family Allowances,</b>	2003	Law defines various forms of family allowances and supplements granted to eligible persons to partially reimburse the costs of bringing up children
<b>Act on Foreigners</b>	(art. 33 and 53), 2003,	defines trafficking in human beings and procedures of dealing with victims of trafficking.

**COMMENT:** These two legal acts are the only documents protecting gender equality and prohibiting discrimination. Provisions in the Constitution have very general character and it is very difficult to use it in legal processes. There is no separate act or law on gender equality. There are several pieces of legislation on maternity leave, domestic violence, abortion, pension systems etc. They are not directly related to gender equality, so they are not mentioned here.

## 1.2 EU Directives and Member State Law: Comparisons and Struggles <sup>1</sup>

Are all aspects of EU Directives on gender equality fully integrated into national law? If some aspects are not fully transposed, what are they? Have there been disputes (1995-2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome? **Please fill in one table for each issue/policy listed in 1.2.1 (example provided).**

Issue	Equal pay/equal treatment
Prior to Directive	no
Legislation transposing Directive	Labour Code, 2002 and 2004
Fully transposed	No
Provisions not transposed	No provision on equality in pension system. Pension scheme and lower retirement age for women effect in lower incomes of women and is discriminatory.
Is leg. better than Directive	No
Better how and since when?	no
Content of dispute(s) + date	No disputes. Provisions on equality in employment (except pension system) accepted without major social debates
Parties to the dispute	
Location	
Outcome of the dispute	
Civil society engagement	No
Intersections	
Other notes	

Issue	Sexual harassment and discrimination
Prior to Directive	No
Legislation transposing Directive	Labour Code, 2004
Fully transposed	Defines sexual harassment as a form of gender discrimination. Forbids any form of behaviour of sexual character that is not accepted by the employee. Forbids any unwanted behaviour of sexual character related to the gender of the employee.

<sup>1</sup> Directives: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/legalacts\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html).  
ECJ cases: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/case\\_law\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html); More info on transposition: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/policy/aneval/legnet\\_en.htm#comp](http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp).

<b>Provisions not transposed</b>	Same sex harassment is not covered by the law.
<b>Is leg. better than Directive</b>	No
<b>Better how and since when?</b>	
<b>Content of dispute(s) + date</b>	Changes to the Labour Code concerning sexual harassment were accepted without major debates and under pressure from the EU.
<b>Parties to the dispute</b>	
<b>Location</b>	
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	No
<b>Intersections</b>	No
<b>Other notes</b>	

<b>Issue</b>	<b>Equality bodies</b>
<b>Prior to Directive</b>	No
<b>Legislation transposing Directive</b>	Equality body created by Ordinance of the Prime Minister in 2001. It covers all grounds of discrimination, there is no special unit for gender equality.
<b>Fully transposed</b>	Not fully transposed according to NGO's. According to i the government, the body was established in order to transpose EU Directive 2002/73/WE <sup>2</sup>
<b>Provisions not transposed</b>	The Department for Women, Family and Counteracting Discrimination is a part of Ministry of Labour and Social Policy and has limited independence.
<b>Is leg. better than Directive</b>	No
<b>Better how and since when?</b>	
<b>Content of dispute(s) + date</b>	Major debates concerning the need of creating a body counteracting gender-based discrimination and defending gender equality. In 2001 there was the attempt to create a Law on Equal Status of Women and Men and an independent Office of the Plenipotentiary for Equal Status of Women and Men, with high scope of competencies. The proposals were rejected. After the elections in 2005, the Office was closed down, and after protests, it was re-established as a department in Ministry of Labour and Social Policy (Department for Women and Family).
<b>Parties to the dispute</b>	Most of the political parties in Parliament were against creating such body.
<b>Location</b>	National level decision- makers
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	Women's NGOs lobbied on behalf of creating an independent equality body. They also protested when the Office of the Plenipotentiary for Equal Status of Women and Men, was closed down.
<b>Intersections</b>	

<sup>2</sup><http://www.kobieta.gov.pl/?1,23,459>

<b>Other notes</b>	In 2005 the National System for Monitoring Equal Treatment of Women and Men was established as a part of the PHARE program. <sup>3</sup> The main activity is a web page ( <a href="http://www.monitoring.rownystatus.gov.pl">www.monitoring.rownystatus.gov.pl</a> ) where information on implementation of gender equality policy is collected (however, when attempting to access the page in June 2008 it was not working).
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<b>Issue</b>	<b>4 NGO/civil society dialogue</b>
<b>Prior to Directive</b>	Yes
<b>Legislation transposing Directive</b>	There are numerous acts regulating the dialogue with NGOs and trade unions. One of the major demands after 1989 and the collapse of the communist system was the creation of a system and legislation guaranteeing civil dialogue. The main legal acts include: Constitution (1997) Labour Code, Ordinance on Group Agreements on Labour (Rozporządzenie w sprawie Komisji ds. Układów Zbiorowych Pracy), Law on organisations of employers, Law on Unions (Ustawa o związkach zawodowych) (1991) Law on public benefits and voluntary work (2003) Ordinance on local commissions of civil dialogue (Rozporządzenie o wojewódzkich komisjach dialogu społecznego) (2002)
<b>Fully transposed</b>	yes
<b>Provisions not transposed</b>	
<b>Is leg. better than Directive</b>	
<b>Better how and since when?</b>	
<b>Content of dispute(s) + date</b>	No information available
<b>Parties to the dispute</b>	
<b>Location</b>	
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	Probably yes
<b>Intersections</b>	
<b>Other notes</b>	

<b>Issue</b>	<b>Parental Leave</b>
<b>Prior to Directive</b>	Yes
<b>Legislation transposing Directive</b>	Labour Code (2008)
<b>Fully transposed</b>	No
<b>Provisions not transposed</b>	Leave may be granted to fathers under special circumstances, but no provisions granting independent (or obligatory) leave to fathers. Paid leave policy focuses primarily on maternity leave; paternity leave after the first 14 weeks is available to the father.

<sup>3</sup> <http://www.kobieta.gov.pl/?7,38,53>,  
[http://www.gendernet.at/opencms/opencms/gnet/de/topNav/extra\\_polski.html](http://www.gendernet.at/opencms/opencms/gnet/de/topNav/extra_polski.html)

<b>Is leg. better than Directive</b>	It's difficult to evaluate the impact of a longer maternity leave on the situation of women in the labour market
<b>Better how and since when?</b>	
<b>Content of dispute(s) + date</b>	The main debates concerned the length of obligatory maternity leave. The length of the maternity leave was changed several times. With each change, there were debates concerning the potential impact of the changes on the situation of women in the labour market and the on the well-being of a child.
<b>Parties to the dispute</b>	Left/ right parties in the Parliament
<b>Location</b>	
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	Mostly women's NGOs, critical to ideas of prolonging maternity leave.
<b>Intersections</b>	
<b>Other notes</b>	Length of maternity leave: 18 weeks (first child); 20 weeks (second child); 26 weeks (multiple pregnancy). Women with children up to 14 years of age are entitled to two additional fully paid days of annual leave. Parental leave up to 3 years. Parental leave is unpaid unless the income in the family is very low, that is around 120 Euros gross per month per head. In that case, the family is subsidized by the local government

<b>Issue</b>	<b>Organisation of working time</b>
<b>Prior to Directive</b>	Yes
<b>Legislation transposing Directive</b>	Labour Code Civil Code
<b>Fully transposed</b>	The labour law has a long tradition of provisions permitting part time work and forbidding discrimination in this form of employment
<b>Provisions not transposed</b>	
<b>Is leg. better than Directive</b>	
<b>Better how and since when?</b>	
<b>Content of dispute(s) + date</b>	
<b>Parties to the dispute</b>	
<b>Location</b>	
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	
<b>Intersections</b>	
<b>Other notes</b>	permit contract work, fixed-term work, part-time work, job sharing, on call work, home based work, and telework.

## **1.2.1 EU Directives to Consider**

### **1 Equal pay/equal treatment**

- Equal pay & equal treatment in employment (1970/1976)
- equal treatment irrespective of racial or ethnic origin (Directive 2000/43/EC)
- equal treatment on grounds of religion or belief, disability, age or sexual orientation (Directive 2000/78/EC)
- employers to systematically take equal treatment measures (Equal Treatment 2002 transposed by October 2005)
- equal treatment between men and women extended to goods and services (The Gender Directive - Goods and Services, 2004, to be transposed by Dec 2007)
- requirement for gender mainstreaming extended to Goods & Services (2006 Recast Directive, to be transposed by 2009)

### **2 Sexual harassment and discrimination**

- strengthening of sexual harassment policy: employers required to prevent sexual harassment (regarded as sex discrimination) (Equal Treatment 2002, transposed by October 2005)

### **3 Equality bodies**

- governments required to establish equal opportunity body to enforce EU legislation within employment and to promote, analyse, monitor and support equal treatment (Equal Treatment 2002 transposed by October 2005)
- Duty of governmental body to promote, analyse, monitor and support equal treatment extended to goods & services (The Gender Directive - G&S - 2004, to be transposed by Dec 2007)

### **4 NGO/civil society dialogue**

- governments to encourage dialogue with non-governmental organisations (Equal Treatment 2002 transposed by October 2005)

### **5 Parental leave**

- parents have the right to 3 months individual non-transferable unpaid parental leave (Parental Leave Directive 1996, transposed by 1999)

### **6 Organisation of working time**

- limited weekly working to 48 hours (Working Time Directive 1993)
- elimination of discrimination against part-time workers and assist the development of opportunities for working part-time (Part-time Work Directive 1997)

## **1.2.2 Other gender equality+ related directives you might want to consider**

Directive 75/117/EEC on the principle of equal pay for men and women.

Directive 79/7/EEC on the principle of equal treatment for men and women in social security.

Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes.

Directive 86/613/EEC on equal treatment between self employed men and women.

Directive 92/85/EEC on the safety and health at work of pregnant workers and workers

Directive 97/80/EC on the burden of proof in cases of discrimination based on sex.

Directive 2000/78 on equal treatment in employment and occupation.

Directive 2000/43/EC on equal treatment irrespective of racial or ethnic origin

Directive 2000/78/EC on multiple discrimination (extends the grounds to religion/belief, disability, age, sexual orientation)

1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?

	EU			Poland		
	Provision	Year	Notes	Provision	Year	Notes
Maternity	14 weeks	1996	Pay must not be less than wage during sickness leave.	18 weeks (first child); 20 weeks (second child); 26 weeks (multiple pregnancy)	2008	maternity leave is 100% paid. There are plans to gradually increase the length of maternity leave. In 2011 it will be 20 weeks for 1 child, 31 weeks for twins, and 1 additional week for another child.
Paternity	Optional	1995		2 weeks of maternity can be used by father	2006	optional
Parental	12 weeks	1996	Unpaid	Up to 3 years	2006	Unpaid unless low income family (less than €120/month/head)
Duty on all public bodies to promote GE	No	2004	Mainstreaming required by 2006	no		-
Equalities body (employment)	Yes	2002		State Inspection of Labour; Labour Courts		State Inspection of Labour and the Labour Courts deal with gender equality in employment )
Equalities body (goods & services)	Yes	2004		Department for Women, Family and Counteracting Discrimination	2008	Deals with various forms of discrimination on the labour market, including discrimination due to maternity
Equalities body for promotion	Yes	2006		Department for Women, Family and Counteracting Discrimination should deal with this issue.	1986	Units responsible for promotion and for providing information on gender equality have existed since 2001. Units dealing with 'women's issues' existed since 1986
Gender pay audits	Unspecified			State Inspection of Labour		
Gender Equality plan (employment)	Yes	2006		no		
Requires NGO dialogue	Yes	2006	Extent not specified	Yes.		Obligation of the state to consult NGOs and trade unions during the decision making process
Positive action measures	Yes/no	1975	Allowed, not required	no		Discussed in the part (quota system in politics), but never implemented



If there are no sanctions for violating the law, please state this					Sanctions for discrimination are limited to the labour market. It is very difficult to prosecute on grounds of different forms of gender discrimination, such as sexist advertisements; discrimination in and access to decision making processes and other "less obvious" forms of discrimination
Other:					
1. Women in decision making				No special provisions. Discussed in the past (1997-2004) during the debates on Law on Equal Status of Women and Men, but the law was never implemented, neither were quotas.	

#### 1.4 Equality law on intersecting inequalities

- Is discrimination on the grounds of ethnicity/'race' illegal YES
  - When was this law introduced? 1997 Constitution, 2004 Labour Code
  
- Is this restricted to employment related issues? Provisions on gender equality in the Constitution are very general and they do not function as regular law.
- Does it include the sale and supply of services? No. There was an attempt to create such law, but due to the elections in 2007, the work was interrupted. It's impossible to predict what will happen to the draft law.
  
- Is discrimination on the grounds of religion illegal YES
  - when was this law introduced? 1997 (The Constitution)
  - Is this restricted to employment related issues? No. It is rather general provision that prohibits discrimination based on religion and guarantees access to religious practices etc.
  - Does it include the sale and supply of services? No.
  - What disputes if any took place present during its introduction? No
  
- Is discrimination on the grounds of sexual orientation illegal? YES
  - when was this law introduced? 2004, Labour Code
  - Is this restricted to employment related issues? Yes
  - Does it include the sale and supply of services? NO
  - What disputes if any took place during introduction of these laws? None
  
- Is discrimination on the grounds of disability illegal YES
  - when was this law introduced? Ordinance Charter of Disable Persons [Karta Praw Osób Niepełnosprawnych] 1997 and Law on professional and social rehabilitation and employment of disable persons [Ustawa o rehabilitacji zawodowej i społecznej oraz zatrudnieniu osób niepełnosprawnych], 1997
  - Is this restricted to employment related issues? No. It emphasise existence of disabled persons in the society.
  - Does it include the sale and supply of services? No
  - What disputes if any took place during introduction of these laws? The ordinance is criticised by organisations dealing with disability. It is considered to have only declaratory

status, because no legal measures to promote participation of disabled persons are provided. There are no mechanisms to combat discrimination on grounds of disability.<sup>4</sup> The law is criticised for not being effective in combating discrimination of disabled persons.

- Is discrimination on the grounds of age illegal Yes
  - when was this law introduced? 2004, Labour Code
  - Is this restricted to employment related issues? Yes
  - Does it include the sale and supply of services? No
  - What disputes if any took place during introduction of these laws? The provision, which was accepted with the purpose to transpose EU Directives, was accepted almost without any debates.

## 2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country.

The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State.

### 2.1 National gender equality plans

#### 2.1.1 Is there a national gender equality plan?

There used to be special programs for women in the past: National Action Plan for Women, with two stages of implementation. . *National Action Plan for Women – the 1st stage of implementation up until 2000*, was adopted by the government in April 1997. The program was based on the recommendations of the Beijing Platform for Action. In 2003, The *National Action Plan for Women 2003–2005* was adopted. The program developed actions proposed in the first stage, and focused on issues such as violence, education, employment, media, and access to decision-making processes. Special attention was paid to rural women.

There are no recent plans on gender equality. Some elements of gender equality, especially in the sphere of employment, can be found in the “National strategy of social protection and social inclusion” or in the “Sector Operation Program: Development of Human Resources”. However, these programs are mostly de-gendered and do not focus on gender equality. Equality may be an outcome of policy, but is not the primary aim.

If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).

These partial programmes are mainly restricted to equality in employment/ integration in employment.

Is the focus restricted to non-discrimination?

No. Recent national strategies hardly ever refer to the notion of “non discrimination”. They use the notion of “integration”.

Is there reference to gender mainstreaming?

No. Gender mainstreaming is never mentioned.

Are there named policy instruments and/ institutions, if so what?

Not in relation to achieving gender equality.

Are there indicators and statistics to evaluate the policies?

Not in relation to achieving gender equality.

Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of

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<sup>4</sup><http://samisobie.clan.pl/NOWINKI/prawaon.htm>

children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

Not in relation to achieving gender equality. The Lisbon strategy is referred, in a de-gendered way, when discussing the necessity of developing a labour market policy, increasing employment rates and efficiency. There is no reference to gender specific provisions of the Lisbon strategy.

### 2.1.2 Is gender equality integrated with other equalities in a national plan?

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify.

*National Action Plan for Women 1997-2000 and 2003-2005* paid special attention to the situation of rural women. It considered not only issues of employment, but also access to education, stereotypes, burden of housework and childcare.

Recent plans do not treat gender equality as a separate issue. They usually mention women as a separate target group but only in the case of employment. Gender usually intersects with age (special programs for 50+ women) and with regional inequality (activation programs for rural women).

In 2007 the Department of Women, Family and Counteraction Discrimination launched the program "45+ Needed: responsibility, experience, engagement"<sup>5</sup>. The program was based on media and information campaigns and was aimed at counteracting stereotypes of women over 45 and their position on the labour market.

Between 11.2006 and 04.2008, the Department of Women, Family and Counteraction Discrimination conducted the program "Stereotypes and equal chances of women and men in rural areas"<sup>6</sup>. The program was co-funded by the European Social Fund. The program addressed rural women active in their communities. It was aimed at activating women and assisting them in taking action (social, economic, political, other) for their local communities. The program offered training and meeting places for leaders from rural areas on issues such as: program development; fund raising; communication and marketing.

### 2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence

Yes.

**National Program on Preventing Domestic Violence 2006-2016.** [Krajowy Program Przeciwdziałania Przemocy w Rodzinie 2006 – 2016]

If yes please name the plan. Does it cover:

- o Domestic violence and violence in partnerships Yes
- o Sexual assault/violence and rape No
- o Sexual harassment and stalking No
- o Trafficking and prostitution No
- o Forced marriage, honour crimes and FGM No

Does the plan include:

- o named policy instruments and/or institutions, if so what; Yes. The program divides tasks between particular ministries/ institutions.
- o indicators and statistics to evaluate the policies, if so which? Yes. The program proposes predicted effect of the program, but without giving specific numbers. It also proposes mechanisms for monitoring efficiency of policy actions (reports and analysis prepared annually by departments and institutions responsible for particular actions).

**National Action Plan for Prevention and Suppression of Trafficking in Human Beings 2007-2008**  
[Krajowy Program Zwalczenia i Zapobiegania Handlowi Ludzmi Na Lata 2007-2008]

If yes please name the plan. Does it cover:

- o Domestic violence and violence in partnerships No
- o Sexual assault/violence and rape No
- o Sexual harassment and stalking No

<sup>5</sup><http://www.kobieta.gov.pl/?1,27,320,200709>

<sup>6</sup><http://www.kobieta.gov.pl/?7,34,441>,

- o Trafficking and prostitution Yes
- o Forced marriage, honour crimes and FGM No

Does the plan include:

- o named policy instruments and/or institutions, if so what; Yes. Tasks are divided between particular ministries/ institutions.
- o indicators and statistics to evaluate the policies, if so which? The program proposes mechanisms to evaluate and increase efficiency of actions.
- o

**2.2 EU required National Reform Programme (National Action Plan) for Employment** Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these? Member state reports 2006: [http://ec.europa.eu/growthandjobs/key/nrp2006\\_en.htm](http://ec.europa.eu/growthandjobs/key/nrp2006_en.htm))

The plan is not only blind to the idea of gender equality, but to gender in general. It considers such possible grounds of inequality and social exclusion as age, disability, regional status, but almost never mentions gender and the different position of women and men. It uses a gender neutral language, 'person' is being used even in cases where the problem discussed mainly effects women. Gender (and discrimination of women) is often covered by the notion of 'family'. Policies addressing women (access to labour market, reconciliation of work and family life, flexible work) are addressed from a family perspective, not from a perspective of equal opportunities of women and men.

One paragraph of the plan mentions equalising the retirement age of women and men, but does not justify it by referring to gender equality as a goal, but rather in reference to the aging of society and higher unemployment of older 'individuals'.

Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state's programme? If so, what are these?

EGGSIE 2005 report see: [http://ec.europa.eu/employment\\_social/gender\\_equality/docs/2006/final\\_nrp\\_synthesis\\_2005\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf)

The report of the EU appointed National Expert is rather critical to the Polish national program. It mentions several problematic fields: low employment rates, no commitment to gender equality; insufficient engagement of the governmental machinery in gender equality:

"Targets for reducing women's unemployment and raising women's employment are included but these are less ambitious than for the working age population as a whole, suggesting a limited commitment to promoting women's employment. Nevertheless, women's current employment rate is deemed 'unsatisfactory'. No mention is made of the government plenipotentiary for the equal status of women and men as one of the co-authors of the NRP."<sup>7</sup>

The report mentions the lack of a gender mainstreaming approach and instrumental treatment of gender equality:

"The target for reducing the female unemployment rate in the provisional NRP does nothing to eliminate the gender gap. (...) Only one policy programme refers to gender equality – that is the operational programme for employment which aims to activate people from the most disadvantaged groups. Furthermore there is a small and decreasing proportion of women involved in the programmes and gender is only given cursory treatment at all policy stages."<sup>8</sup>

"There is no explicit mention of gender mainstreaming in these guidelines and no gender disaggregated data, targets or evaluations are provided. Although gender equality is considered in relation to programs aimed at upgrading teachers' skills, a comprehensive gender mainstreaming approach to training and education has not been adopted. The policy announced in last year's NAP to improve women's access to training through the provision of childcare and transportation is not featured in the NRP."<sup>9</sup>

<sup>7</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators' synthesis report prepared for the Equality Unit, European Commission, 2005, p. 18

<sup>8</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators' synthesis report prepared for the Equality Unit, European Commission, 2005, p. 31

<sup>9</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators' synthesis report prepared for the Equality Unit, European Commission, 2005, p. 175

Critique of the lack of a proper equality machinery at governmental level is raised: “the office of the Government Plenipotentiary for Equal Status of Women and Men was in existence when the NRP was being drawn up before the election but even so the document does not make clear whether any gender equality bodies partook in the drafting and only once was the office of the Plenipotentiary mentioned in the implementing/monitoring stages. Now that the office has been abolished the prospects for gender mainstreaming are even worse.”<sup>10</sup>

The Polish programme is criticised for being gender-blind, it does not mention gender in the analysis, the evaluation or in any targets: “There is no gender dimension to the life course discussion; gender is only mentioned in relation to raising the retirement age for women and even poor reconciliation policies are only mentioned in passing.”<sup>11</sup>

Even if a gender equality perspective is present in particular programs, the NRP does not recognise it as a gender equality approach: “Poland provides an example where there is a new first job programme, aimed at all graduates and those aged up to a 24 years old who have no work experience, where there is a clear intention to build equal opportunities for women and men into the programme (this aspect is not, however, identified in the provisional NRP).”<sup>12</sup>

There is no reconciliation of work and family policy: “There is almost no discussion of reconciliation policies in the provisional NRP. Maternity leave and benefits have been adjusted several times in different directions.”<sup>13</sup>

Childcare provision and the Barcelona targets are not discussed in the provisional NRP.

The gender experts evaluate the NRP as follows: “The current policy approach in Poland is inadequate both in the sense that the Lisbon targets will not be met and in the sense that there is no attention paid to gender issues. The policy of increasing employment and reducing unemployment will help women but there is no explicit gender policy. Moreover the target for raising female employment is less ambitious than for overall employment.”<sup>14</sup>

Moreover, it states: “The *provisional* NRP for Poland is qualitative and gender disaggregated quantitative data/targets are not provided. Gender equality goals are not pronounced and gender mainstreaming strategy is absent. The attention to gender equality in the *provisional* NRP, if compared with the NAPempl for 2005, declines from a limited commitment for 2005 to a scarce presence in the 2005-2008 programme. The recent change of government to a conservative administration may be even more harmful to gender equality and move towards promoting the view of women in the context of the family as evidenced by the discontinuation of the office of the Government Plenipotentiary for Equal Status between Women and Men and the creating of a post within the Ministry of Labour and Social Policy dealing with family issues instead.”<sup>15</sup>

[Did the EU Commission’s response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?](#)

According to the gender experts, “The Commission recommendations are addressed selectively-notable among the omissions are improvements to childcare and attention to affordability of childcare to promote the reintegration of women.”<sup>16</sup>

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<sup>10</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 184

<sup>11</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 43

<sup>12</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p.47

<sup>13</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 58

<sup>14</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 200-201

<sup>15</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 219

<sup>16</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 200-201

### 2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion

Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?

Member state reports: [http://ec.europa.eu/employment\\_social/social\\_inclusion/naps\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm)

The national Report is almost gender-blind and family oriented. It never mentions concepts such as “gender equality” or “gender mainstreaming”.<sup>17</sup> Actions that may be considered as a part of gender equality policy (support for childcare) are legitimised by supporting family and children. The promotion of flexible forms of employment is referred to in a gender-neutral language (employment for parents, support for parenthood-friendly employers).

Gender based violence is only mentioned in the following context: “participation in the correction and educational programme for people responsible for family violence”<sup>18</sup>, so issues of violence are not only approached from a gender-blind perspective, but the focus is on perpetrators of violence rather than on victims of violence. Once again, gender based violence is mentioned in the context of developing actions to support the family<sup>19</sup>, with no reference to gender.

Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

EGGSIE Synthesis report (2006)

[http://ec.europa.eu/employment\\_social/publications/2006/ke7606201\\_en.pdf](http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf)

- The report is rather critical, not so much of the national report, but of the implementation of gender equality policy in general. The fields that, according to the EGGSIE, are the most problematic are:
- Employment and gender gap in employment; low participation of women in the labour market, problems with implementing recommendations of the Lisbon Strategy concerning the rate of employment. The report notes: “Particular problems can be identified with Malta, Austria and Poland where significant overall declines in employment rates occurred despite already falling below the Lisbon target by 17.5 percentage points or more in 2003.”<sup>20</sup>
- No commitment to the idea of gender equality, especially not to gender equality in employment: “Poland and Lithuania provide examples of member states where explicit attention to a target female employment rate reveals in fact the lack of commitment to gender equality.”<sup>21</sup>
- No attempt to change the tendency of low employment of women: “No specific policies other than the proposal to raise women’s retirement age to reach even these low targets.”<sup>22</sup>
- Lack of gender mainstreaming: “In Poland there is a declining share of women participating in active labour market programmes and gender issues are only given cursory treatment at all policy stages.”<sup>23</sup>
- The lack of proper data makes implementation of gender mainstreaming inefficient: “In **Poland** the lack of information of on the current labour market situation makes it difficult to assess the

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<sup>17</sup>Lack of perspective of gender equality and concentration on family reflect policy of right government of Right and Justice that produced the program.

<sup>18</sup>National Report on Strategies for Social Protection and Social Inclusion for 2006-2008, p. 38

<sup>19</sup>National Report on Strategies for Social Protection and Social Inclusion for 2006-2008, p. 28

<sup>20</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 10

<sup>21</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 14

<sup>22</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 25

<sup>23</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The coordinators’ synthesis report prepared for the Equality Unit, European Commission, 2005, p. 27

extent to which gender mainstreaming would contribute to the promotion of equality and fulfil the requirements of the European Employment Strategy."<sup>24</sup>

Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?

EC report: [http://ec.europa.eu/employment\\_social/social\\_inclusion/jrep\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/jrep_en.htm)

N/A

## 2.4 EU funding

Does the EU provide any funding having a gender impact through programmes such as DAPHNE, European Social Fund? If yes, how much and over what period of time?

Many programs (addressing rural women, elder women, gender equality media campaigns, actions promoting employment of women after childbirth) were co-financed by the European Social Fund. Many actions against domestic and gender based violence were organised via support from DAPHNE II (2004-2008) and DAPHNE III (2007-2013). However, it is impossible to state the exact amount of the funding and its impacts on the promotion of gender equality.

## 3. Governmental Machinery For Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers).

(Approx. 250 words)

### Summary history:

The Office responsible for promoting women's rights has been operating under different names and scope of competences since 1986.

1995-1997: **Government's Plenipotentiary for Family and Women** was responsible for policies on family and children and for the promotion of gender equality in all spheres of life.

1997-2001: **Office of Plenipotentiary for Family** was promoting family values and sustained a traditional division of gender roles. There was no policy on gender equality or policy on counteracting discrimination.

On 25th June 2002, the Government extended the competencies of the **Governmental Plenipotentiary for Equal Status of Women and Men** to include counteracting discrimination based on race, ethnic origin, religion, age and sexual orientation. The decision was based on the European Union requirement that governments should create an office dealing with various forms of discrimination and inequality grounds.

Since 2005, the **Plenipotentiary for Women and Family** is responsible for prevention of discrimination (on various grounds, except ethnical origin) in all spheres of life. The Plenipotentiary coordinates the work of the Department for Women, Family and Counteracting Discrimination and the Department of Family Benefits.

There is no data available on the competences and activities of the most recent (post 2007 elections) equality office.

Do any or all of these forms of gender machinery exist in the country, and if so what are they called?

- o governmental (civil servants and ministers in central government);

The office responsible for promoting women's rights has been operating under different names and scope of competences since 1986. After the United Nations conference in Nairobi, in 1986, the Office of Plenipotentiary for Women's Issues was created within Ministry of Labour.

In May 1995 Jolanta Banach, an MP from the Democratic Left Alliance, was appointed to the position of the **Government's Plenipotentiary for Family and Women** as part of her function as under-Secretary of State. The Plenipotentiary was responsible for: coordination of policies on family and children; the promotion of gender equality in all spheres of life; analysis of the social and economic situation of families and children; coordination of actions and legislation aimed at improving the situation of families and children; cooperation with organisations engaged in actions for the family, children and women and international institutions; and preparation of international reports.

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<sup>24</sup>The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The co-ordinators' synthesis report prepared for the Equality Unit, European Commission, 2005, p. 107

After the elections in 1997, the new government closed down the Plenipotentiary for Women and Family Affairs (on 07.11.1997). Instead, the **Office of Plenipotentiary for Family**, headed by Secretary of State in the Chancellery of the Prime Minister, was created. The Plenipotentiary, initiated and coordinated state activities aimed at helping the family, promoting family values and sustaining a traditional division of gender roles. Governmental policy concentrated on the family. The problems of the economic and social positions of women were limited to the realm of the family. Most of the projects initiated by the Government Plenipotentiary for Women and Family were suspended (including programs against domestic violence). The new Plenipotentiary terminated the earlier cooperation with women's NGOs.

The Left wing coalition won the 2001 elections and the **Governmental Plenipotentiary for Equal Status of Women and Men** was placed as the Secretary of State in the Chancellery of Prime Minister (Minister Izabela Jaruga-Nowacka). On 25th June 2002, the Government extended the competencies of the Plenipotentiary to include counteracting discrimination based on race, ethnic origin, religion, age and sexual orientation. The decision was based on the European Union requirement that the government should create an office dealing with various forms of discrimination. However, gender based discrimination was the main field of activity of the Plenipotentiary. The Plenipotentiary started preparations to establish a central office (ministry) dealing with those issues within the governmental administration. The Plenipotentiary focused on women's position in the labour market, violence against women and on the implementation of a National Action Plan, the elimination of gender stereotypes; the introduction of sexual education into school curricula; and the promotion of a partner-model of the family. The competences of the Plenipotentiary were limited to monitoring, educating, promoting and giving opinions. The Plenipotentiary did not have any power to make decisions, but could influence policy-making by submitting, with the consent of the President of the Council of Ministers, drafts of governmental documents related to gender equality.

After the elections in 2005, the Office of Plenipotentiary for Equal Status of Women and Men was closed down, but due to national and international protests it was re-established as a part of the Ministry of Labour and Social Policy, with the Plenipotentiary in function of under-secretary of state. The name of the office was changed to **Plenipotentiary for Women and Family**. It was not independent and its competences were divided between different ministries. The Plenipotentiary was responsible for the prevention of discrimination (on various grounds, except for ethnic origin) in all spheres of life. The Plenipotentiary coordinates the work of the Department of Women, Family and Counteracting Discrimination and the Department of Family Benefits. In 2006, the Plenipotentiary requested to establish Plenipotentiaries of Voyevodas for Women and Family Affairs and Counteracting Discrimination within the local governments. Offices were created in most of the regions, albeit under various names and with different scope of competence.

In March 2008, PM Donald Tusk appointed Elzbieta Radziszewska to the position of **Plenipotentiary of Equal Legal Status**, situated in the position of Secretary of State. According to Tusk the aim of the office is to protect equal treatment of persons, citizens before the law but also to protect "equal treatment of persons by institutions in everyday practice not only based on gender, but also due to other distinctions: race, ideas, religion, age."<sup>25</sup>

- o enforcement and monitoring agency (e.g. equality authority, ombudsperson);

**The Constitutional Tribunal**, established in 1985, is an important institution for gender equality. Any person can bring a complaint before the Constitutional Tribunal if s/he thinks that her constitutional rights or liberties are violated. The Constitutional Tribunal examines if a normative act or law under which a decision was made, is in compliance with the Constitution. The Constitutional Tribunal decides on several gender-related issues, for example women's retirement age, social security, unemployment benefits and compensatory benefits.

At the end of 1980's, the Office of the **Commissioner for Civil Rights Protection (Ombudsman)** was created. The Ombudsman has extensive constitutional and legal competence. Many cases investigated by the Ombudsman relates to gender based discrimination. Interventions changed many legal provisions that were discriminating against women (mostly concerning conditions of work,

<sup>25</sup> "To sformułowanie zaczerpnięte jest z nazewnictwa europejskiego, ale to nazewnictwo ma swoje uzasadnienie. Mówimy dzisiaj o równym traktowaniu ludzi, obywateli względem prawa, ale także o równym traktowaniu przez urzędy w praktyce życia codziennego ludzi nie tylko ze względu na płeć, ale także wszystkie inne dystynkcje: rasę, poglądy, wyznanie, wiek - powiedział premier."  
<http://www.kprm.gov.pl/s.php?id=1834>



retirement age and social security services). Cases investigated by the Ombudsman include various forms of discrimination on the labour market: access to work and occupation; right to equal pay; right to sharing childcare leave by both parents and different retirement age of women and men and associated problems.

- o special legal apparatus (e.g. special courts for employment or domestic violence);

**Labour Court:** deals with issues of gender-based discrimination (especially after the 2004 amendment of the Labour Code).

**State Inspection of Labour:** deals with cases of violation of employees' rights; gender-based discrimination; sexual harassment and harassment in the workplace.

- o body for consultation / dialogue with women's NGOs

The Parliamentary Group of Women closely cooperated with women's organisations in the **Forum of Cooperation of NGOs and Parliamentary Group of Women..** The Forum was a space to discuss women's issues and proposals of equality policy. The Forum criticized governmental policy for defining women only from the perspective of the domestic sphere; for strengthening rigorous anti-abortion legislation; for the lack of sexual education and inexpensive contraception; for limited programs on counteracting violence against women. The Forum organised conferences. During 2001 election campaign acted on behalf of increasing participation of women in decision making process. After elections in 2007 there were major personal shifts in the Group and in consequence new Parliamentary Group of Women was created. It was dominated by MPs from conservative party Right and Justice and liberal Civil Platform. The change significantly influenced interests of the group and willingness to engage in defence of rights of women<sup>26</sup>.

In May 1996, the **Forum for Cooperation of Non-Governmental Organizations and the Government Plenipotentiary for Family and Women's Affairs** was established. The Forum consisted of representatives of several NGOs such as: Centrum Praw Kobiet (Women's Rights Centre), Centrum Promocji Kobiet (Center of Promotion of Women), Demokratyczna Unia Kobiet (Democratic Union of Women), Federation on Women and Family Planning, League of Polish Women, Children Right's Committee, International Forum of Women, Pro- Femina, PSF Centrum Kobiet, Association for Father's Rights, Association of Catholic Women and YWCA- Polska. The Forum was a consulting body engaged in exchanging information between Plenipotentiary and NGOs; evaluating governmental programs and legal acts concerning women, family and children; alarming on important social problems that should be solved by proper legislation and undertaking common actions aimed at the promotion of equality between women and men.

- o Other, for example, Parliamentary Committees

**The Parliamentary Group of Women** was founded in 1992 to monitor and support implementation of a gender equality perspective into laws and policies. Depending on the term of the office, a different number of women parliamentarians, usually left-wing, take part in the activities. The Parliamentary Group of Women played an important role in introducing a provision on equal rights for women and men to the Constitution. The Parliamentary Group of Women closely cooperated with women's organisations in the Forum of Cooperation of NGOs and Parliamentary Group of Women. Meetings were regularly organised (every 2-3 months). Between 1998-2001, the main issues of the meetings were: works on the Law on Equal Status of Women and Men; gender equality in the Polish negotiations with the European Union; participation of women in local government and their empowerment in local elections; divorce and separation; women in the social security system; women's situation on the labour market; problems of rural women and women in electoral ordinance and quota solution.

Depending on the government, there were Parliamentary Committees: on Women and Family, on Human Rights, etc. dealing with issues of gender equality.

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<sup>26</sup> Katarzyna Kądziała, *Parlamentarna Grupa Kobiet na Gwiazdkę*, [http://www.feminoteka.pl/readarticle.php?article\\_id=399](http://www.feminoteka.pl/readarticle.php?article_id=399)

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

*The nature of the institution*

Is there gender machinery that meets the minimum legal requirements of the EU?

A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex: YES (Department for Women, Family and Counteracting Discrimination at Ministry of Labour and Social Policy)

providing independent assistance to victims of discrimination in pursuing their complaints about discrimination; NO

conducting independent surveys concerning discrimination; YES (in 2005 the National System for Monitoring Equal Treatment of Women and Men was established as a part of the PHARE program.)<sup>27</sup>

publishing independent reports and YES

making recommendations on any issue relating to such discrimination. YES

Is there gender machinery that meets the 'Paris Principles'?

independence guaranteed by a constitutional or legislative framework, autonomy from government, NO

pluralism including pluralism of composition, NO  
a broad mandate, NO

adequate powers of investigation, NO  
sufficient resources N/A

Is there gender machinery that meets the further requirements of the UN Platform for Action?

responsibility vested at the level of a Cabinet minister.

YES (Plenipotentiary for Equal Treatment is a secretary of state in Chancellery of Prime Minister)

Develop indicators and statistics to monitor policy

YES

How close to the Prime Minister is the governmental machinery located?

PM's office: No

Other powerful department: No.

Other department: Yes.

The location of the governmental equality machinery changes as the governing party change. . Recently, the gender equality machinery has been situated in other departments such as the Ministry of Labour and Social Policy.

Would any of the bodies be described as following a feminist agenda? Not recently

- o Briefly explain the reasoning behind your answer.
- o If yes, then which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation)

In recent times, there are no equality bodies following a feminist agenda. In fact, women's feminist organisations are rather critical to the gender equality approach represented by the recent Plenipotentiary, Elzbieta Radziszewska. They criticise the lack of knowledge of theory and practice of gender mainstreaming, the lack of support for rights of homosexual persons, and the lack of willingness to combat gender discrimination.<sup>28</sup>

In the past (2001-2005), the Plenipotentiary for Equal Status of Women and Men was closely cooperating with women's and feminist NGOs. Policy was more feminist and women oriented, with an

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<sup>27</sup><http://www.kobieta.gov.pl/?7,38,53>,

[http://www.gendernet.at/opencms/opencms/gnet/de/topNav/extra\\_polski.html](http://www.gendernet.at/opencms/opencms/gnet/de/topNav/extra_polski.html) ;  
([www.monitoring.rownystatus.gov.pl](http://www.monitoring.rownystatus.gov.pl)) where information on implementation of gender equality are collected (however, when I attempted to access the page in June 2008- it was not working).

<sup>28</sup>Katarzyna Kądziała, Programów pomocowych dla kobiet nie ma, ale pełnomocniczka jest [There are no programs for women, but there is a plenipotentiary], [http://www.feminoteka.pl/readarticle.php?article\\_id=444](http://www.feminoteka.pl/readarticle.php?article_id=444)

emphasis on gender equality understood as equal valuation of different contributions and as transformation of society.

Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?

The Ministry of Labour and Social Policy deals with domestic violence<sup>29</sup>

The Department of Counteracting Trafficking in Human Beings in the Ministry of Interior Affairs and Administration

There is a special police department to counteract trafficking.

#### **Semi-state / state sponsored bodies:**

State Agency of Alcohol- Related Problems- dealing with domestic violence

National Hotline for Victims of Domestic Violence "Blue Line"

Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts?

As earlier mentioned, there are courts dealing with discrimination on the labour market, but the scope of competence is not limited to gender equality and gender based discrimination.

There are no special courts dealing exclusively with gender- based discrimination.

*Dedicated to gender or integrated with other equalities?*

Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights? If yes,

When did this happen?

25.06.2004, after pressure from the EU (Commissioner for EU Integration Günter Verheugen). The Office of Plenipotentiary for Equal Status of Women and Men is also responsible for counteracting discrimination on other grounds, race, ethnicity, religion and sexual orientation.. The existence of a body responsible for counteracting discrimination was one of the conditions for Poland's accession to the EU.<sup>30</sup>

*Was the change controversial (who fought whom, allied to whom)?*

There were no major controversies; an already existing office was given additional responsibilities.

*Is the division of responsibilities by function or by strand?*

There is no information available on the internal structure of the department. It seems that particular employees of the department are dealing with particular projects. There is no strict division in the department between particular inequalities. Anyway, most attention is paid to gender based discrimination, and other inequalities are rather marginalised (it may be due to ethnic/racial and religious homogeneity of the society and negligence of discrimination based on sexual orientation).

*Is there a separate mechanism for consulting civil society by strand, including women?*

Consultation with civil society is a part of decision making process.

*Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.*

Yes<sup>31</sup>. The most often addressed intersections are:

- gender and regional status (special programs addressing rural women)
- gender and age (programs promoting employment of women 45+)

*If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.*

See above.

<sup>29</sup><http://www.mps.gov.pl/index.php?gid=1070>

<sup>30</sup>[http://pl.wikipedia.org/wiki/Pe%C5%82nomocnik\\_Rz%C4%85du\\_do\\_spraw\\_R%C3%B3wnego\\_Statusu\\_Kobiet\\_i\\_M%C4%99%C5%BCczyn](http://pl.wikipedia.org/wiki/Pe%C5%82nomocnik_Rz%C4%85du_do_spraw_R%C3%B3wnego_Statusu_Kobiet_i_M%C4%99%C5%BCczyn)

<sup>31</sup>[www.kobieta.gov.pl](http://www.kobieta.gov.pl)

#### *Relationship of machinery with civil society*

Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery? If so, are they routinised or occasional?

There are routine consultations with civil society (the mechanism is described in appropriate part of the country context). Recently, there has not been any consultations with women's feminist organisations. Other groups dealing with women's issues (trade unions, NGOs) are consulted. It is impossible to present exact data on organisations being consulted or to classify them as "women's groups".

## **4. Policy summary questions**

### **4.1 Non-employment**

Is the tax system household based or individualised?

It's optional. Individuals may decide if they wish to pay taxes separately or as a family.

Is the benefit system household based or individualised?

In most cases, it is family-based.

How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops).

Such solution is non-existent.

Are there active labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

Yes.

Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market?

Yes.

What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)

- Childcare: care (under 3 years)
- Childcare: pre-primary education (3 yrs- school age)

None. The responsibility for providing and financing childcare facilities fall upon local governments (gmina). The amount and scope of facilities usually depend on the finances of the local government. There are no centralised standards on the quantity of financial support that should be offered by gmina.

What is the predominant form of childcare provision? i.e. public, private or mixed.

Both. Some childcare facilities are co-financed by local governments, but some are financed by private resources.

How is childcare financed (e.g. by public funds, privately or mixed)?

Mixed. There is a number of childcare facilities that are co-financed by local governments (gminas). There are also private institutions, fully financed by the parents.

Is the pension age the same for women and men? If so, since when?

No. Women's pension age is 60, men's pension age is 65.

### **4.2 Intimate citizenship**

Is abortion legal?

No, except for in three cases: if the pregnancy is the effect of a criminal act; if the pregnancy is dangerous for the women's health or life; and if the foetus is seriously damaged.

If so, in what year did this happen? 1993

Up to which week of pregnancy is abortion legal? 12

Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?

There are no other conditions mentioned in the law, but in practice access to legal abortion is extremely difficult (for example hospitals may refuse to perform an abortion, even in cases when it is legally permitted)

How many abortions are carried out per year (select most recent year where data available. Approximately 300 legal abortions per year.<sup>32</sup>

If illegal, approximately how many women travel to access abortion services in another country?

According to women's NGOs, there is huge number of underground abortions in the country. The estimation is 150 000- 200 000 illegal abortions per year.<sup>33</sup>

Is a marriage a state based contract, religious contract or both?

Marriages can take place as a civil ceremony or as a religious ceremony. Religious ceremonies in the Roman Catholic Church, and some other churches, are considered valid by the state.

Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)?

Yes, divorce is legal.

Are there any restrictions to marriage other than the gender of the partners (e.g. nationality, country of origin)?

No.

Are civil partnerships/civil unions/gay marriage legal? No

If so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/no+year when introduced):

Does it extend to:

- survivors' benefits in pensions? No
- adoption rights? No
- parental leave? No
- assisted reproduction ? No.
- Family reunification – have partners the right to settle and be employed in the country where their partners live? No
- Number of registered civil partnerships, annually and in total? ---

#### 4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out? YES

There are several surveys on violence.<sup>34</sup>

Research was carried out in September 2007, it is mainly concentrated on domestic violence, its scope and stereotypes.<sup>35</sup>

Does it include:

- Domestic violence and violence in partnerships? YES
- Sexual assault/violence and rape? Yes
- Sexual harassment and stalking? No
- Trafficking and prostitution? No
- Forced marriage, honour crimes and FGM? NO

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<sup>32</sup>Governmental Report on Implementation of Law on Family Planning, Foetus Protection and Conditions of Permissible abortion, 2005; Report of Federation for Women and Family Planning, 2006

<sup>33</sup>Report of Federation for Women and Family Planning, 2006

<sup>34</sup><http://www.niebieskalinia.pl/index.php?assign=statystyki&w=1024>.

<sup>35</sup><http://www.mps.gov.pl/index.php?gid=1070>

#### 4.3.1 Domestic violence

What (civil law) legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? (Yes/no+year when introduced). Devices could for instance include:

- restraining orders - YES
- non-molestation orders
- occupation orders
- state funded perpetrator programs YES:
- other devices?

#### Przemoc w rodzinie

##### Liczba ofiar przemocy domowej wg. "Niebieskiej Karty"

	1999	2000	2001	2002	2003	2004	2005	2006	2007
liczba ofiar przemocy domowej ogółem	96.955	116.644	113.793	127.515	137.299	150.266	156.788	157.854	130.682
w tym kobiety	55.214	67.678	66.991	74.366	80.185	88.388	91.374	91.032	76.162
w tym mężczyźni	4.239	5.606	5.589	7.121	7.527	9.214	10.387	10.313	8.556
dzieci do lat 13	23.929	27.820	26.305	30.073	32.525	35.137	37.227	38.233	31.001
nieletni od 13 do 18 lat	13.546	15.540	14.908	15.955	17.062	17.527	17.800	18.276	14.963

What is the prevalence of domestic violence against women, in one year? (from the survey)<sup>36</sup>

#### Translation of the table:

Title: Number of victims of domestic violence according to "Blue cards"

Columns:

number of victims of domestic violence in general

number of women- victims of domestic violence

number of men- victims of domestic violence

number of children under 13- victims of domestic violence

number of children aged 13-18-victims of domestic violence

What is the life time prevalence of domestic violence against women? (from the survey)

Age is not mentioned.

What is the number of incidents of domestic violence reported to the police (annual)? (If not available, say so)

In 2007, there were 130.682 reported cases of domestic violence.

What is the number of domestic violence convictions in the courts? (If not available say so)

N/A

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? (if not available say so)

N/A

#### 4.3.2 Rape & Sexual assault

When was marital rape criminalized?

According to the Penal Code, marital rape is a form of violence and it is a crime (art. 197, art. 207)

<sup>36</sup><http://www.policja.pl/portal/pol/4/318/>

What is the number of annually reported incidents to the police?

Number of reported marital rapes is not indicated.

In 2007 there were 1827 cases reported and qualified as rapes.<sup>37</sup>

#### Zgwałcenia

	LICZBA PRZESTĘPSTW STWIERDZONYCH	WYKRYWALNOŚĆ W PROCENTACH	LICZBA PODEJRZANYCH	CZYNY NIELETNICH
2007	1.827	84,2	1.111	126
2006	2.001	82,7	1.215	148
2005	1.987	83,7	1.183	116
2004	2.176	82,7	1.253	95
2003	2.322	85,7	1.449	237
2002	2.345	85,3	1.476	118
2001	2.339	83,9	1.524	166
2000	2.399	85,9	1.481	191
1999	2.029	83,7	1.306	137

Translation of the table:

Title: Rapes

Rows:

number of crimes qualified as rape

crime detection rate in percents

number of suspects

crimes performed by persons under 18

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)?  
(if not available say so)

N/A

What is required for an act to be considered to be rape, e.g.:

Lack of consent; sexual practices not accepted by the person; use of violence or threat.

#### 4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the EU convention on human trafficking (date) Yes

Is trafficking primarily seen as a problem of the sending or the receiving country? Transfer country

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long? (date)

Trafficking in 2007: reported cases<sup>38</sup>

1 case of trafficking abroad and forcing into prostitution.

22 cases of trafficking in persons, even with the consent of the person trafficked

<sup>37</sup> <http://www.policja.pl/porta1/pol/4/331/Zgwalcenia.html>

<sup>38</sup> [http://www.policja.pl/porta1/pol/4/314/Handel\\_ludzmi.html](http://www.policja.pl/porta1/pol/4/314/Handel_ludzmi.html)

## Handel ludźmi

Rok	Art. 204 par. 4		Art. 253 par. 1		Art. 253 par. 2	
	Liczba przestępstw	Liczba podejrzanych	Liczba przestępstw	Liczba podejrzanych	Liczba przestępstw	Liczba podejrzanych
2007	1	2	22	23	0	-
2006	3	2	18	9	-	-
2005	3	1	19	9	1	1
2004	6	4	44	21	0	0
2003	3	1	21	12	0	0
2002	2	2	8	7	0	0
2001	10	3	24	23	1	0
2000	6	7	19	12	0	0
1999	3	4	5	3	3	3

### Translation of the table:

Title: Trafficking in human beings

Rows:

Art 204 par. 4: Number of Crimes

Number of persons convicted

Art 253 par 1: Number of Crimes

Number of persons convicted

Art 253 par 2: Number of Crimes

Number of persons convicted

Art 204 par. 4- defines punishment for kidnapping or deceiving a person for prostitution abroad (§ 4. Karze określonej w § 3 podlega, kto zwabia lub uprowadza inną osobę w celu uprawiania prostytucji za granicą.)<sup>39</sup>

Art 253 par 1 Punishes persons organising trafficking in human beings, even if the person being trafficked expressed consent (Art. 253. § 1. Kto uprawia handel ludźmi nawet za ich zgodą, podlega karze pozbawienia wolności na czas nie krótszy od lat 3.)<sup>40</sup>

Art 253 par 2 Punishes organising illegal adoption (§ 2. Kto, w celu osiągnięcia korzyści majątkowej, zajmuje się organizowaniem adopcji dzieci wbrew przepisom ustawy, podlega karze pozbawienia wolności od 3 miesięcy do lat 5.)<sup>41</sup>

### 4.3.4 Intersections

Have specialised policies and practices in relation to gender-based violence in minority communities been developed by:

- Police
- NGOs: Yes
- Local Authorities / government: Yes.
- Other

In 2003, a governmental program for the Roma community in Poland was established. The main aim of the program is to support the Roma community and to counteract possible problems such as domestic violence, poverty etc. NGOs and other institutions may propose programs and apply for funding.

<sup>39</sup>Penal Code, 06.06.1997, <http://prawo.money.pl/akty-prawne/ujednolicone-akty-prawne/kodeksy/kodeks;karny;z;dnia;6;czerwca;1997;r;,1997,88,553,DU,410.html>

<sup>40</sup>Penal Code, 06.06.1997, <http://prawo.money.pl/akty-prawne/ujednolicone-akty-prawne/kodeksy/kodeks;karny;z;dnia;6;czerwca;1997;r;,1997,88,553,DU,410.html>

<sup>41</sup>Penal Code, 06.06.1997, <http://prawo.money.pl/akty-prawne/ujednolicone-akty-prawne/kodeksy/kodeks;karny;z;dnia;6;czerwca;1997;r;,1997,88,553,DU,410.html>



#### 4.3.5 Service provision

Are there refuges and/or sexual assault centres? (dates)

Yes, there are refuges centres. There are also centres for victims of domestic violence.

How many are there? N/A

When was the first set up? N/A

Are they state funded, to what extent? N/A

### CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

#### 5. Political system

5.1 On what state level are policy decisions made (e.g. national, federal, provincial, local)?

National

5. To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

The rules of social dialogue were shaped in Poland during the initial period of transformation. Since 1997 the social dialogue is one of the principles of Polish political system, twice written down in the Constitution. The

Constitution's preamble states: "Having concern of existence and future of our Motherland (...) we, the Polish Nation – all the citizens of the Republic (...) we set up Constitution of the Republic of Poland as a basic laws for the state based on respect for freedom and justice, co-operation of authorities, social dialogue and rule of subsidiary consolidating the rights of citizens and theirs communities."<sup>42</sup>

Chapter I art. 20 states: "Social market economy based on freedom of economic activity, private ownership and solidarity, dialogue and co-operation of social partners, enacts the basic of economic system of the Republic of Poland".

According to the Constitutions, authorities are obliged to use social dialogue in decision making process. The consulted partners in the social dialogue are: local governments, professional unions, trade unions, employers' organisations and other social organisations (NGOs).

An organisational core of the social dialogue in Poland is a Tri-partite Commission for Socio-Economic issues. Ten Tripartite Branch Units operate alongside the Tripartite Commission.

There is also a mechanism of dialogue present at the County level, these are Counties Commissions of Social Dialogue.<sup>43</sup>

Are there legally binding decision making processes similar to the EU Social Partners Framework agreements (e.g. as the Parental Leave Directive)?

2003 "Act on volunteerism and a public benefit activity"<sup>44</sup> and appointing the Council of the Public Benefit Activity were important legislative steps in enhancing cooperation with civil society. It is difficult to compare the quality and form of the social dialogue in Poland with experiences of the other EU countries.<sup>45</sup>

Could the political system be described as corporatist or neocorporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

Yes

What is the gender composition of any existing agreements made by the social partners?

N/A

<sup>42</sup><http://www.mps.gov.pl/index.php?gid=933>

<sup>43</sup><http://www.mps.gov.pl/index.php?gid=933>

<sup>44</sup>USTAWA z dnia 24 kwietnia 2003 r. o działalności pożytku publicznego i o wolontariacie

<sup>45</sup><http://www.mps.gov.pl/index.php?gid=933>

5. In which policy environment (ministry) is a decision on the issue made (for each area: general gender equality policies; non-employment; intimate citizenship)?

It's impossible to clearly divide the competences of the ministries.

#### 5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

There are no major ethnic/ religious/ language divisions.

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

When, if at all, was CEDAW signed?

1980<sup>46</sup>

The Optional Protocol to the CEDAW convention was signed on 9 January 2003.<sup>47</sup>

When did the country join the EU?

1 May 2004

## 6. Political Representation

### 6.1 The development of women's political representation, including:

- Date of female suffrage 1918
- Note any caveats, e.g. age, property qualification, ethnicity, and when removed. Each person over 21 with Polish nationality is eligible to vote
- Date of male suffrage 1918
- Use of quotas- No quotas are used.
  - When introduced
  - What form e.g. party, electoral, constitutional
- What is the numerical representation of women in parliament? (over QUING period)

After the last elections (2007):

Women in Parliament: 93 of 460 seats (20%)

Women in Senate: 8 of 100 seats (8%).<sup>48</sup>

- Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points?  
During the last years, the participation of women has been on basically the same level, approximately 20% in Parliament.
- Other important developments

### 6.2 Political representation for intersecting inequalities:

- Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament) No
- ethnicity/religion (what exclusions and when; numerical representation in parliament) Not relevant for Poland
- Other important intersecting inequalities, any quotas  
Special conditions of granting places in Parliament for national minorities.

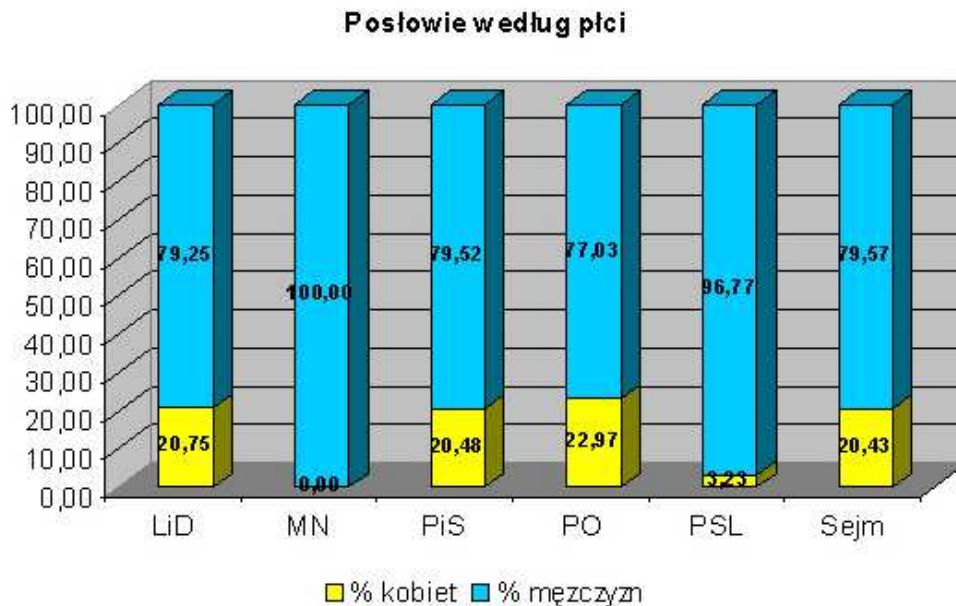
### 6.3 Political parties and gender

<sup>46</sup>[http://www.bryk.pl/teksty/liceum/pozosta%C5%82e/wos/25710-prawa\\_cz%C5%82owieka.html](http://www.bryk.pl/teksty/liceum/pozosta%C5%82e/wos/25710-prawa_cz%C5%82owieka.html)

<sup>47</sup>[http://www.bryk.pl/teksty/liceum/pozosta%C5%82e/wos/25710-prawa\\_cz%C5%82owieka.html](http://www.bryk.pl/teksty/liceum/pozosta%C5%82e/wos/25710-prawa_cz%C5%82owieka.html)

<sup>48</sup><http://www.ipu.org/wmn-e/classif.htm>

Does women's political representation vary by Party; if so, do these Parties tend to represent different class, ethnic, religious or other interests?



Data on participation of women in Parliament by Party after elections in 2007 as indicated by the schema above.<sup>49</sup>

party:

LiD- Left and Democrats- 20%

MN- German Minority- 0%

PiS- Right and Justice- 20%

PO- Civil Platform- 22%

PSL- Polish Peasant's Party- 3%

Sejm- Parliament in Total: 20,43

Number of women in the Parliament in each party does not depend from political orientation of the party (left- right division).

What is the current Party / Parties in Government:

Civil Platform (2008).

With which European Parliament political group is this Party / Parties affiliated?<sup>50</sup>

Group of the European People's Party (Christian Democrats) and European Democrats<sup>51</sup>

What political party / parties have held office during 1995-2007?

1993-1997- Democratic Left Alliance (left)

1997-2001- Solidarity Election Action (right), Prime Minister Jerzy Buzek

2001-2005- Democratic Left Alliance (left), Prime Minister Leszek Miller

2005-2007- coalition: Right and Justice, Self- Defence, Ligue of Polish Families (right), Prime Minister Kazimierz Marcinkiewicz, replaced by Jaroslaw Kaczynski

2007- now, Civil Platform (liberal), Prime Minister Donald Tusk

## 6.4 Representation in government

What percentage of government Ministers are female?<sup>52</sup>

6 women out of 26 ministers (23%)

<sup>49</sup><http://www.sejm.gov.pl/poslowie/stat/stat.htm>

<sup>50</sup> See list Of EP political groups: [http://www.europarl.europa.eu/groups/default\\_en.htm](http://www.europarl.europa.eu/groups/default_en.htm)

<sup>51</sup><http://www.epl-ed.pl/>

<sup>52</sup> See IPU: <http://www.ipu.org/wmn-e/world.htm>

### To which Ministries do female ministers belong?

Krystyna Szumilas – Minister of Education  
Elżbieta Radziszewska- Plenipotentiary for Equal Treatment  
Julia Pitera- secretary of state in Chancellery of Prime Minister  
Elżbieta Suchocka-Roguska- Minister of Finances  
Hanna Jahns- Minister of Regional Development  
Maria Orłowska – Minister of Science and Higher Education<sup>53</sup>

## 7. Civil Society

### 7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women's organisations.

It's difficult to evaluate leadership. There are several important women's feminist- oriented organisations:

- Feminoteka
- Women's Foundation Efka
- Oska (used to coordinate women's NGOs in the past)
- Federation for Women and Family Planning
- Centre for Women's Rights
- Karat Coalition,
- NEWW-Polska
- Foundation Lorga
- Foundation Konsola
- Towarzystwo Interwencji Kryzysowej [Association for Crisis Intervention]

There are also other women's organisations, although not declared as feminist (or rejecting feminism) concentrating on single issues. The most important are organisations of lone mothers and worker's organisations.

If so,

is this the same as the body which is affiliated to the European Women's Lobby?

No, there is no Polish NGO member of the European Women's Lobby

The most important information on leading Polish women's NGOs can be found at Feminoteka ([www.feminoteka.pl](http://www.feminoteka.pl))

when was it established?

Feminoteka was established in 2001 as a feminist information centre and bookstore. In 2005 it was registered as a foundation.

How many staff work for the organisation (how many paid, how many unpaid)?

Feminoteka employs seven persons. Several volunteers cooperate with the foundation.

What is its budget?

In the 2007 financial report, the foundation mentions 951.000 zł (240.000 EURO) as incomes for statutory activities.

What is its range of activities (are these in an annual report)?

Activities are aimed at the elimination of discrimination in all spheres of society and culture and include: the promotion of feminist literature/ perspective; the promotion of gender equality in all spheres of life and counteracting discrimination; supporting participation of women in public life and culture; promoting information technologies among women; and counteracting violence against women

Does the national body engage with all or only some of our 3 issues

Feminoteka deals with all issues, especially with general gender equality.

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<sup>53</sup>[http://pl.wikipedia.org/wiki/Sekretarz\\_stanu\\_w\\_Polsce](http://pl.wikipedia.org/wiki/Sekretarz_stanu_w_Polsce)

### **Women's Fundation Efka (Fundacja kobieca Efka)**

when was it established?

1991

How many staff work for the organisation (how many paid, how many unpaid)?

N/A

What is its budget?

N/A

What is its range of activities (are these in an annual report)?

Main aims: supporting women's solidarity; supporting independence and creativity of women; counteracting discrimination; and development of women's culture.

Does the national body engage with all or only some of our 3 issues

With all issues, with special attention to general gender equality and supporting women's employment.

### **Federation for Women and Family Planning**

when was it established?

1991

how many organisations are affiliated to the national body?

League of Polish Women [Liga Kobiet Polskich]

Association Pro- Femina [Stowarzyszenie Pro Femina]

Neutrum- Association for religious- neutral state [Neutrum - Stowarzyszenie na rzecz Państwa Neutralnego Światopoglądowo]

Association of Christian Girls and Women Y.W.C.A. [Stowarzyszenie Dziewcząt i Kobiet Chrześcijańskich-Polska Y.W.C.A.]

Democratic Union of Women [Demokratyczna Unia Kobiet - koło Ewa]

Association of Family Development [Towarzystwo Rozwoju Rodziny]

Association "Center of Assistance for Family" in Olsztyn [Stowarzyszenie "Centrum Pomocy Rodzinie" w Olsztynie]

how many women are so coordinated?

N'A

How many staff work for the organisation (how many paid, how many unpaid)?

N/A

What is its budget?

N/A

What is its range of activities (are these in an annual report)?

Activities for equalising chances of women and men by defending women's reproductive rights.

Promotion of information on sexuality and contraception

Promotion of good quality of care on pregnant woman and foetus

Defending women's rights to abortion

Assistance for women whose rights are violated

- o Does the national body engage with all or only some of our 3 issues

Deals mostly with intimate citizenship- women's reproductive rights

### **Centrum Praw Kobiet [Center for Women's Rights]**

- o when was it established?

N/A

- o How many staff work for the organisation (how many paid, how many unpaid)?

N/A

- o What is its budget?

N/A

- o What is its range of activities (are these in an annual report)?

Supporting equal status of women and men in public life and family.

Defending equal rights

Defending women's human rights and implementation of equality in social, political, economic and family life

Counteracting all forms of discrimination of women, especially due to age, disability, social status, religion, race, nationality and sexual orientation

Counteracting unemployment of women and promotion of professional activity of women

Counteracting violence against women and offering assistance to victims of domestic violence

Promotion of women's reproductive rights, sexual education and contraception

Creation of civil society and social participation of women

- o Does the national body engage with all or only some of our 3 issues

All issues. Concentration on legal aspects and legal assistance to women. It most often deals with violence (domestic violence, gender based violence) and non-employment (assistance in cases of discrimination on labour market and trainings for women).

### **Fundacja OSKA (OSKA Foundation)**

- o when was it established?

1996

- o How many staff work for the organisation (how many paid, how many unpaid)?

3 persons (2 paid, 1 unpaid)

- o What is its budget?

Incomes in 2007: 903.612 PLZ (approx. 225 000 Euro)

- o What is its range of activities (are these in an annual report)?

Support, information and coordination of women's organisations and initiatives.

Promotion of participation of women in public and social life

Promote information on feminism and the situation of women in Poland

Does the national body engage with all or only some of our 3 issues

With all issues

### **Network of East-West Women (NEWW- Polska)**

- o when was it established?

1991

- o how many organisations are affiliated to the national body?

NEWW is an international organisation. There are several Polish members:

Polish Association of Women Entrepreneurs

Ośrodek Informacji Środowisk Kobietych - OŚKa

Association „Fullness-of-Life Academy”

Towarzystwo Interwencji Kryzysowej/ Crisis Intervention Society

Fundacja Ja Kobieta

Stowarzyszenie Pegaz

fundacja Parvane

how many women are so coordinated?

N/A

- o How many staff work for the organisation (how many paid, how many unpaid)?

N/A

- o What is its budget?

N/A

- o What is its range of activities (are these in an annual report)?

Promotion of full participation of women in just and open civil society

Reproductive rights of women

Economic justice and non-discrimination in employment

Promotion of rights of women and men to be free from violence, discrimination based on race and ethnicity, and any other form of discrimination

Lobbying for implementation of laws that guarantee safety and assistance to victims of violence

Freedom to express sexuality, including sexual orientation

- Does the national body engage with all or only some of our 3 issues  
All issues.

- Are there national coordinating organisations for feminist/women's activities in: employment/non-employment; gender based violence; and intimate citizenship (if so name them)?

It is difficult to indicate "national coordinating organisations". There are organisations, that specialise in some issues and may be evaluated as national opinion makers on the issue.

For example:

Federation for Women and Family Planning reproductive rights. Centre of Women's Rights: domestic violence; discrimination on labour market.

Association of Crisis Intervention: domestic violence; gender based violence.

Lambda: same sex rights.

### List the key women's / feminist civil society organisations and their main methods / activities

#### Feminoteka

- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- 

#### Women's Fundation Efka

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
  - research

#### Federation for Women and Family Planning

- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research

#### NEWW-Polska

- Building autonomous institutions
- Campaigning
- lobbying state
- service provision
  - research

#### Karat Coalition

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision

#### Center for Women's Rights

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision

- research

#### Oska

- Campaigning
- lobbying state

#### Fundation Lorga

- service provision
- research

#### Fundation Konsola

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research

- [Are they important or marginal to national politics?](#) Rather marginal
- [Are they centralised or dispersed?](#) NGOs cooperate, but there is no central organisations responsible for coordinating actions.

### List the key anti-feminist organisations and their main methods/ activities?

Organisations associated with Catholic “Radio Mary”: “Family of Radio Mary”

Forum of Polish Women<sup>54</sup> (57 organisations associated)

Pro-life movement: Polska Federacja Ruchow Obrony Życia [Polish Federation of Pro- Life Movements]<sup>55</sup>; Polskie Stowarzyszenie Obrońców Życia Człowieka [Polish Association of Defenders of Human Life]<sup>56</sup>

All Polish Youth

#### Catholic “Radio Mary” and “Family of Radio Mary”

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research

#### Polish Federation of Pro- Life Movements

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state

#### Polish Association of Defenders of Human Life

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state

#### All- Polish Youth

<sup>54</sup>[http://www.forumkobietpolskich.csc.pl/rep\\_org.php](http://www.forumkobietpolskich.csc.pl/rep_org.php)

<sup>55</sup>[http://www.prolife.com.pl/serwis/index\\_p.php?strona=nowosci](http://www.prolife.com.pl/serwis/index_p.php?strona=nowosci)

<sup>56</sup><http://www.pro-life.pl/>



- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning

○ **Are they important or marginal to national politics?** They are visible in the media and have some influence on national politics (especially powerful is Radio Mary). In general, organisations close to the Catholic Church or those respecting its point of view are much more powerful than women's/ feminist organisations.

○ **Are they centralised or dispersed?**

They seem to be separate, but at the same time well organised. However, this issue needs more research, because judging from the available information is difficult to evaluate the exact relations between particular organisations. Some of them cooperate, others participate only in some actions, and some act separately.

○ **What are the major distinctions in civil society between different types of organisations/projects e.g. feminist, pro-family etc.?**

At the moment, one of the main divisions is the issue of abortion. It divides pro-choice organisations (usually women's and feminist organisations) and pro-life organisations (usually Church oriented). The issue of gender equality does not effect such polarisation; the issue is generally ignored by most organisations, other than by women/feminist organisations.

○ **Do women's organisations actively engage with other intersecting inequalities (in each area)?**

Yes. There are debates and actions showing that women's organisations are conscious of the intersection of inequalities. The most often mentioned intersections include:

Gender and sexual orientation (probably the most often discussed intersection; usually considers the situation of lesbians. Women's organisations provide not only debates, but also research, workshops for lesbian and bisexual women, and support groups). Gender and age (usually the situation of elder women in society, culture and labour market).

Gender and class (issues of discrimination in the labour market; economic situation).

Gender and regional status (rural women and their problems).

Gender and disability.

○ **Do they have good alliances with those representing other inequalities or not? (in each area)**

Difficult to evaluate. Some of them (the Association for Crisis Intervention, Women's Rights Centre, etc) actively cooperate with organisations representing other inequalities.

○ **Are there many organisations of minoritised women? (in each area)**

There are several organisations. The best developed network of organisations is probably the network for lesbian women, e.g. Fundacja Lorga, Lesbijka.org, Lambda, partly Campaign Against Homophobia.

There are organisations for Roma Women, e.g. Stowarzyszenie Kobiet Romskich- Association of Roma Women.

○ **What links are there with international / bilateral / EU level bodies? (in each area)**

Not known.

○ **Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?**

Not recently

○ **Does this vary between issue areas?**

○ **Has this changed over time?**

Yes. During the rule of left wing government (2001-2005), women's feminist organisations were frequently consulted.

- When engaging with the state is a coalition form of organising common or not?  
Not known.

- Does it make sense to talk of a 'women's movement' or not? Yes
  - Briefly explain your answer.

In the early 1990's there was a debate whether or not there is a feminist movement in Poland. The most prominent feminist activists and scholars participated in the debate. The conclusion was that a feminist movement exists, but it is not very strong and does not have big social support. There was an attempt to answer 'why' by making reference to history and culture. To answer the question in a little bit ironic way: the debate on the existence of a feminist movement is proof of the existence of a feminist movement.

To answer it more seriously, there is a quite well developed network of women's and feminist organisations and they cooperate through some projects, they support each other's public actions, organise demonstrations together. There is space for debating the feminist agenda, directions of development and other issues. One may even speak of some 'intellectual community' having similar values and aims, but diverse ideas on how to achieve gender equality.

- Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

It seems to me that all these approaches are visible, but in different areas. Sameness, understood as equal rights, is prevailing in the area of women's political rights and political participation of women. The same approach is also visible when discussing discrimination in employment and the gender pay gap.

Valuation of difference is approach which is most visible in cultural criticism and in something that may be called the 'cultural project'. There is an attempt to build independent 'women's point of view', for example by validating experience of the body, trying to find a specific language and women's forms of expression.

The transformation approach is visible in the discourse of the labour market and the reconciliation of work and family life. It is also prevailing in what may be called the 'social project'. It is claimed that it is necessary to change the society, eliminate cultural and social stereotypes in order to achieve real equality between women and men.

- Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

It seems that the state is more supportive of the domestic regime.

- How closely aligned is feminism with social democracy?

It is difficult to assess.

- Notes on the history of the development of gendered or feminist civil society organisations:

Before 1989, there were no civil society organisations. The first feminist oriented women's organisations were established in early 1990's.

- Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate?

In some periods (during the left government, 2001-2005) women's organisations closely cooperated with state institutions on issues of gender equality. Later they had to become autonomous and the cooperation was interrupted.

- Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)?

At this moment- no.

- Is there a history of divisions as to: socialist, radical, liberal? Rather not
  - Does this vary by 4 areas?
- no
- Is there a history of changing engagement with class, ethnic and religious forces? No
  - Does this vary by 4 areas?

No

- Is feminist research organised in Universities and research institutes? Yes
  - Are there named centres?
    - If yes, are they important? They are rather marginal to academic life, but quite relevant for gender research in Poland
    - If not, is important feminist research primarily dispersed or mainstreamed?

### ***Feminist research in academia***

One of the first groups researching gender problems was **The Interdisciplinary Women's Studies Group of Adam Mickiewicz University in Poznań** (The Interdisciplinary Women's Studies Group, 2005). The group was established in 1989 as an informal, nonexclusive group of scholars and students interested in women's/gender studies within various academic fields. The group not only conducted research on gender issues, but was also engaged in political activities, such as collecting signatures under the pro-choice petition for the Parliament. Despite this occasional political engagement, academic research was the main part of Interdisciplinary Women's Studies Group. The group organised several conferences and published several volumes of post-conference articles. They become the canon of Polish gender studies. The Interdisciplinary Seminar on Women Studies has been held since 1993. . It was the space within academia where gender issues were discussed. It also gave a chance to MA and PhD students to write theses and dissertations on gender issues. With time the Seminar became a space for discussion open for scholars and PhD students working at various universities. Recently the seminar became a part of curricula of the Institute of Philosophy. In addition, several courses on contemporary feminist thought, women and philosophy, women and science and feminist political philosophy were included into curricula of the Institute of Philosophy.

**Women's Studies Center of the University of Łódź** was founded in 1992 by its present director Elżbieta H. Oleksy (Women's Studies Centre of the University of Łódź, 2005). Now, it is an independent unit within the university. Scholars from different academic disciplines systematically collaborate with the Centre. Activities of the Centre include interdisciplinary research and teaching on gender and women's studies. Recently, the Women's Studies Centre together with the Department of International Relations and Political Sciences of Łódź University established the first Polish specialisation of "international gender studies" within MA studies. The specialisation is available for 4<sup>th</sup> year students.

Three Polish universities offer postgraduate gender studies granting Master diploma.

The first **Post- Graduate Program on Gender Studies at Warsaw University** was established in 1996 by two professors: Bożena Chołuj and Małgorzata Fuszara. Postgraduate Gender Studies at Warsaw University were planned as interdisciplinary. Scholars from various fields (philosophy, sociology, psychology, law, literary history and other social sciences) investigated gender issues within their disciplines.

The second **Post- Graduate Program on Gender Studies Jagiellonian University in Krakow** at the Institute of Audiovisual Arts was established in 2001 (Post- Graduate Program on Gender Studies at Jagiellonian University, 2003). Its aim is cultural, anthropological, sociological and historical analysis of male and female gender identity. The program offered by Jagiellonian University is multidisciplinary and investigates, like the program in Warsaw, a wide range of issues in gender and feminist theory.

**Post- Graduate Studies entitled "Cultural and Social Gender Identity" were established at Szczecin University** (Post- Graduate Studies at Szczecin University, 2005). The studies commenced in the academic year 2005-2006.

### **Other**

There are several Polish feminist/women organisations that break the academic monopoly on knowledge and offer gender education outside of academia. The most important ones offering lectures on gender/women's studies are "Feminist Academy eFKa" and "Introduction to Gender Studies" organised by "Women's Association Konsola". Two events organised during the summer offer

intensive education in gender studies: : “Summer School of Feminism” organized by Ośka’s and “Feminist Summer Camp” arranged by Ulica Siostrzana.

- Are there specific positions, funds or journals within the country (or region e.g. Nordic)?

The first feminist journal, published in the 90's was *Pelnym glosem* (Full voice). It published interesting articles and discussions by the most prominent gender scholars and feminist activists.

There is an academic journal, *Katedra*, published quite irregularly and depending on funding. *Zadra* is probably the oldest feminist journal. It is published 4 times per year by the feminist organisation EFKA in Krakow.

The journal *Oska* was published by the feminist organisation “Oska” in Warsaw, but is not published any more.

- Is there a national association for women’s studies/gender studies?

No

- Are there feminist lawyers’ organisations?

Centre for Women's Rights is offering legal assistance for women

There is also the association “Femina Legis” running the web-page “Women and Law” ([www.kobietaiprawo.pl](http://www.kobietaiprawo.pl)). The association provides legal assistance for women. According to information given on the web-page, “Femina Legis” was established by persons previously active in women's NGOs.<sup>57</sup>

- Are there radical lawyers’ organisations that support justice claims for one or more of the inequalities?

N/A

## 6.2 Class

- A short history of the development of organisations representing class interests.

Due to the role played by the Solidarity trade union during the social and political changes in the 1980's, trade unions in Poland have a special position. The history of trade unions started after gaining independence in 1918. Before the WWII, there were hundreds of trade unions, differentiated by their trade and political agendas. After the war trade unions became a part of the communist system, they were nationalised and centralised in a central trade union board. During the communist period there was only one trade union- the Central Council of Trade Unions [Centralna Rada Związków Zawodowych, CRZZ], which grouped over 20 branch unions. Trade unions constituted a form of state institution, which fulfilled selected social needs for workers, such as organised leisure and holiday

The Solidarity Independent and Self-Governing Trade Union, created after the strikes in Gdansk shipyard in August 1980, was the first independent union organisation in Poland and in the Soviet bloc. The government gave permission to the existence of independent trade unions, which contributed to the establishment of 'Solidarnosc' (NSZZ 'Solidarnosc'), which at least 7 million workers joined (over 60% of all employees). Solidarnosc was soon transformed into a huge social movement with nearly 10 million members. After the announcement of the martial law in December 1981, all trade unions ceased to exist. However, in October 1982 the government allowed the setting up of new trade unions, if loyal to the authorities. Surprisingly, these trade unions had an autonomous character, with federal features. In January 1984, these new trade unions established a new umbrella organisations, the All-Poland Alliance of Trade Unions [Ogólnopolskie Porozumienie Związków Zawodowych, OPZZ], assembling over 100 federations. According to official statistics (Główny Urząd Statystyczny, GUS), over 5.6 million workers belonged to OPZZ (45.5% of all workers) in 1986.<sup>58</sup> 'Solidarnosc' existed as an underground movement and it is impossible to assess its membership.

In January 1989, 'Solidarnosc' was legalised. In February 1989 negotiations of “Solidarity” with the government began at a 'round table'. Solidarnosc called for the introduction of a social market economy, socialisation of enterprises, and an extension of workers' 'self-government' rights. In August 1989, the first non-communist government (recruited from Solidarnosc) was established.

<sup>57</sup><http://www.kobietaiprawo.pl/index.php?module=htmlpages&func=display&pid=2>

<sup>58</sup><http://www.eurofound.europa.eu/eiro/2002/08/feature/pl0208105f.htm>

Currently, the two largest trade union organisations are the OPZZ (the Polish Alliance of Trade Unions) with headquarters in Warsaw; and NSZZ Solidarność (the Solidarity Independent and Self-Governing Trade Union), with a national committee in Gdańsk. OPZZ is a partner of the social-democratic groups, and NSZZ S is connected with the right-wing parties. Other existing trade unions occasionally make alliances with various political parties. Recently, most of the remaining trade unions have been trying to create a third centre, known as the Forum<sup>59</sup>.

Unions represent employees in the “Tri-lateral Committee for Social and Economic Affairs”- an institution for social dialogue between employers, employees and the government. The main issues discussed are wages, social benefits, tax liabilities, the draft budget, and other issues.

The smaller union organisations include the Solidarity '80 Independent and Self-Governing Trade Union, and unions representing specific trades: miners, teachers, railway workers, nurses and midwives, private farmers and agricultural employees.<sup>60</sup>

How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)

- density (proportion of workers that are organised),

Poland currently has one of Europe's lowest levels of trade union density. Over the past 20 years, trade union density in Poland has dropped from 80% of the workforce in the 1980's to 14% in 2002. This sharp decrease in density has been influenced by a number of economic and political factors. As a result, Poland has much weaker trade unions than most other European countries.<sup>61</sup>

Currently, there are between 3 million and 3.5 million trade union members. Solidarnosc has 1.2 million members; the membership of the OPZZ is more or less the same.<sup>62</sup>

According to the Centre for Social Opinion Research (CBOS)<sup>63</sup> ( 7.9% of the adult population belonged to a trade union in 2001. 14.1% of the workers were members of unions: 15.9% of full-time workers, 6.9% of part-time workers, and 1.3% of those engaged in 'odd jobs'. When analysing sectors, the highest level of trade union membership among employees was found in mining (43.8%), transport (27.3%) and education (27.5%), and the lowest in agriculture (3.5%) and construction (3.6%). In the under-25 age group, only 2.4% of the workers belonged to a trade union, and in the 25-29 age group only 6.8%. Among the 50 and above age group 17.0% were union members.

**Trade union members as % of adult population**

Year	Total	'Solidarnosc'	OPZZ	Other unions
1991	18%	9%	6%	3%
1994	14%	5%	5%	4%
1999	11%	5%	3%	3%
2002 (July)	6%	2%	2%	2%

Source: CBOS

- coverage (what proportion of workers are covered by collective bargaining agreements),  
N/A

<sup>59</sup><http://www.eurofound.europa.eu/eiro/2002/08/feature/pl0208105f.htm>

<sup>60</sup><http://poland.gov.pl/Trade,Unions,396.html>

<sup>61</sup><http://www.eurofound.europa.eu/eiro/2002/08/feature/pl0208105f.htm>

<sup>62</sup><http://www.eurofound.europa.eu/eiro/2002/08/feature/pl0208105f.htm>

<sup>63</sup>Composition of trade unions towards the end of 2001, CBOS, Warsaw, 2002

- centralisation of collective bargaining:

is there are national body of trade unions;

Largest trade union coalitions:

The Polish Alliance of Trade Unions (OPZZ).

The Solidarity Independent and Self-Governing Trade Union, Solidarność (NSZZ) ()

- what proportion of TU members and unions are affiliated?

N/A

- coordination of collective bargaining:

Does the national body of trade unions negotiate on behalf of trade unions

Yes

### Women and trade unions:

What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female?

Women make up the majority of trade union members (51.7% of the total).

Men are in the majority in trade unions in construction (87.4% of all members), transport (74.0%), mining (65.5%) and industry (62.4%)

Women were in the majority in education (75.2%), administration (64.9%) and trade (57.4%)<sup>64</sup>

How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)?

**Polish Alliance of Trade Unions** (OPZZ) has seven committees, including the Committee for Women, headed by Bożena Pazdzior.<sup>65</sup> The Committee deals with issues such as: changes in the Labour Code, discrimination in the workplace, retirement age of women, wage gap, organisation of childcare. The Committee discusses and expresses its opinion on policy documents and policy actions (e.g. changes in the Labour Code, the programs on family policy). There is no explicit reference to gender equality and it seems that the scope of interests is limited to the situation of women and discrimination in the labour market.

**Solidarity Independent and Self-Governing Trade Union** (NSZZ Solidarność) has Plenipotentiary of National Committee for Women (Danuta Wojdat).<sup>66</sup> The Plenipotentiary is responsible for presenting opinions on the situation of women and problems related to women in employment; collect data on the situation of women, including the position of women in trade unions; and for representing women's interests during international meetings of trade unions. The Plenipotentiary expresses opinions on proposed legal changes and comments on policy documents and plans. There is no explicit reference to gender equality and the scope of interests is limited to the situation of women in the labour market.

What proportion of women are in the executive of (major) trade unions?

Data not available

Is gender equality high or low on the bargaining agenda?

Gender equality is not explicitly mentioned as an objective. There is only reference to equality and non-discrimination. On basis of existing data, it is difficult to evaluate how seriously gender equality is taken.

According to feminist women's NGOs, gender equality is of marginal importance to trade unions. In a report on sexual harassment and discrimination of women in the labour market they state: "Polish trade unions have historically not supported women facing discrimination or harassment on the job."<sup>67</sup>

Further, the opinion is given a historical explanation: "Despite their focus on workers' rights, Polish trade unions during this period did not actively promote women's labour rights. Under communism,

<sup>64</sup>Composition of trade unions towards the end of 2001, CBOS, Warsaw, 2002

<sup>65</sup>[http://opzz.org.pl/portal/komisje\\_problemove/kobiety/informacje.html](http://opzz.org.pl/portal/komisje_problemove/kobiety/informacje.html)

<sup>66</sup>[http://www.solidarnosc.org.pl/pol\\_spoleczna/pelnom\\_kob/index.htm](http://www.solidarnosc.org.pl/pol_spoleczna/pelnom_kob/index.htm)

<sup>67</sup>Employment Discrimination and Sexual Harassment in Poland, Minnesota Advocates for Human Rights, Women's Rights Center, 2002, p. 3

women made up a majority of trade union members, yet few held leadership positions.”<sup>68</sup> The report sums up: “Women in Poland encounter sex discrimination and sexual harassment in the workplace. The Polish government, labour unions, and employers frequently ignore these abuses.”<sup>69</sup>

#### Is it seen as an issue for women, or for all trade unionists?

There is no exact information available, but it is probably seen as a “women's issue” and is not in the mainstream of the unions’ interests.

#### How well organised are employers?

According to a law from 23.05.1991, employers have a right to establish, and participate in their own, organisations. The main aim of employers’ organisations is to represent the interests of the employers before trade unions, government’s administration and local governments. According to Law on Triparties Commission for Socio-Economic Issues (06.07.2001), employer’s organisations have the right to express opinions on legal acts and policy proposals related to the interests of employers<sup>70</sup>.

There are four main employer’s organisations<sup>71</sup>.

**Confederation of Polish Employers** (Konfederacja Pracodawców Polskich)- politically independent and non- profit organisations. Has approximately 40 regional employer’s organisations and enterprises as members.

**Polish Confederation of Private Employer's “Lewiatan”** (Polska Konfederacja Pracodawców Prywatnych ‘Lewiatan’)- independent, self- governing organisation. Organises employer’s organisations and employers in important economic positions. Represents the interests of employers in the social dialogue and in the decision making process.

**Polis Association of Crafts** (Związek Rzemiosła Polskiego)- organises 490 guilds, 271 craft cooperatives, 27 craft associations. Its aim is to protect the interests of employers in decision making processes.

**Business Centre Club** – employer’s organisation aimed at lobbying during decision making processes and defending the interests of enterprise owner’s.

#### Do they have a single (or more) national organisation?

4 main organisations

#### Is it powerful or not? E.g. can it control its members?

N/A

#### Are they indifferent or hostile to gender equality in the workplace?

Most of the organisations are probably indifferent. However, some of them (for example “Lewiatan”, supports ideas of gender equality in the workplace.

#### Do they oppose the development of gender machinery, gender equality policies and gender equality laws?

No, they don't. Some organisations (Lewiatan) have actively cooperated with the Plenipotentiary for Equal Status of Women and Men. Lewiatan has argued for prolonged maternity leave.

#### Do they support ‘diversity management’?

N/A

#### Did they lobby for a merged rather than separate equalities bodies?

N/A

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<sup>68</sup>Employment Discrimination and Sexual Harassment in Poland, Minnesota Advocates for Human Rights, Women’s Rights Center, 2002, p. 10

<sup>69</sup>Employment Discrimination and Sexual Harassment in Poland, Minnesota Advocates for Human Rights, Women’s Rights Center, 2002, p. 56

<sup>70</sup><http://www.mpips.gov.pl/index.php?gid=812>

<sup>71</sup><http://www.mpips.gov.pl/index.php?gid=812>

Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions?

Yes

Are women represented in such bodies?

Data not available

Are there EU, bilateral or other international level links for either trade union or employer organisations?

N/A

Are these links important (e.g. in lobbying government at national level)

N/A

### 7.3 Other intersecting social inequalities

#### 7.3.1 Ethnicised / racialised groupings

What is the composition of the national population by ethnicity?

Ethnically, Poland is one of the most homogeneous countries in Europe. 96.7% of all Polish citizens are of Polish nationality (leaving aside persons who did not respond to the nationality question, this percentage is even higher, 98.7%).<sup>72</sup>

What are considered to be the most important ethnicised, racialised, linguistic and religious divisions politically (e.g. Islamic/non-Islamic, Roma/non-Roma, Black/White, citizen/migrant, language communities)?

Divisions based on ethnicity, race or language are not recognised as important political problem.

There is almost no linguistic variation. Polish is a language spoken all over the country, and regional differences are small.<sup>73</sup>

The population of Poland by national groups as declared, in thousands (2002)<sup>74</sup>:

<u>Nationality</u>	<u>citizens</u>
Polish	36 983.7
Silesian	173.2
German	152.9
Belarusian	48.7
Ukrainian	27.2
Roma	12.9
Russian	6.1
Lemko	5.9
Lithuanian	5.8
Kashubian	5.1
Other	33.8
Undeclared	774.9
<b>Total</b>	<b>38 230.0</b>

Prioritise the ones that have been the most important in the development of gender+ equality policies.

Not applicable

What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?

No

In what way are ethnicised and racialised groups organised?

There are several organisations for ethnic minorities, especially Roma:

<sup>72</sup><http://www.business.gov.pl/Business,practices,83.html>

<sup>73</sup><http://www.business.gov.pl/Business,practices,83.html>

<sup>74</sup><http://www.business.gov.pl/Business,practices,83.html> Source – based on the General Public Census 2002, published by Central Statistical Office at <http://www.stat.gov.pl/>



Association of Roma in Poland<sup>75</sup>  
Association of Roma Women<sup>76</sup>

What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

They mostly build independent organisations and provide assistance for Roma in need.

In what way are women engaged in these organisations?

There is no information available.

Do minoritised women organise separately within or outside of such organisations?

There is an independent organisation of Roma women, but there is no information on cooperation between those organisations.

Are there any groups organised against certain ethnic groups?

No openly, but ethnic prejudice is the unspoken rule of many right wing organisations.

EU, bilateral or other international links?

N/A

### 7.3.2 Religion/belief/faith

What is the composition of the national population by religion / faith

There are 138 registered churches and religious associations in Poland.<sup>77</sup>

There are four branches of Catholicism in Poland: the Byzantine-Ukrainian, Neo-Uniate, Armenian, and Roman Catholics.

The biggest church is the Catholic Church. Poland, just after Malta, is 'the most Catholic country' in Europe. According to data from Episcopate, the Catholic Church has 36,6 million members (89% of society) gathered in 10.114 parishes<sup>78</sup>.

Autocephalous Orthodox Church is the second largest official religious organisation, with about 550 000 believers and 320 priests. Most of the Orthodox Christians are members of the Byelorussian minority in the eastern part of the country.

Protestantism, divided into several denominations, is the third largest branch of the Christian religion. The Augsburg Evangelical (Lutheran) Church has over 85 000 members, United Pentecostal Church approximately 17 000 members, and the Seventh Day Adventist Church approximately 10 000 members.

There are several Old Catholic churches (not in communion with Rome): the Old Catholic Church of the Mariavites, the Polish National Catholic Church of Poland, and the Catholic Church of the Mariavites. Their combined congregations amount to over 88 000 people. The Jehovah's Witness Religious Association has approximately 130 000 members. There are several other religious groups: the Muslim Religious Union, the Union of Jewish Religious Communities, the Karaite Religious Board, International Krishna Awareness Society and the Buddhist Society."<sup>79</sup>

What proportion of the population are practising members of an organised religion?

There are several sources of data available on the number of people being members of religious groups. According to Episcopate, 89% of society belongs to the Catholic Church. However, opinion polls show that only 55% of Poles identify with the church, while 60% claim that the influence of the

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<sup>75</sup><http://www.stowarzyszenieromow.hg.pl/rocznice/likwidacja.html>

<sup>76</sup><http://kobietyromskie.free.ngo.pl/glowna.htm>

<sup>77</sup><http://poland.gov.pl/?document=397>

<sup>78</sup>[http://pl.wikipedia.org/wiki/Ko%C5%9Bci%C3%B3%C5%82\\_katolicki\\_na\\_%C5%9Bwiecie#Sytuacja\\_w\\_Polsce](http://pl.wikipedia.org/wiki/Ko%C5%9Bci%C3%B3%C5%82_katolicki_na_%C5%9Bwiecie#Sytuacja_w_Polsce)

<sup>79</sup><http://poland.gov.pl/?document=397>

Church on political life is too strong<sup>80</sup>. According to data gathered in 2005, 45% of the members of the Catholic Church attend Sunday Mass.<sup>81</sup>

#### What are the main religious organisations?<sup>82</sup>

Catholic Church

Pro- life organisations:

Association of assistance of St. Brother Albert (Towarzystwo Pomocy im. św. Brata Alberta);

Ortodox Center of Charity "Eleos" (Prawosławny Ośrodek Miłosierdzia „Eleos”);

Caritas Polska;

Sisterhood of St. Martha (Siestriczestwo św. Marty)

#### What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Pro- life organisations: Building autonomous institutions, public protest, e.g. demonstrations; campaigning, and lobbying the state:

- Association of assistance of St. Brother Albert: charity work; running shelters; assistance to homeless persons and other persons in need.
- Ortodox Center of Charity "Eleos": charity, providing assistance to poor.
- Caritas Polska: charity.
- Sisterhood of St. Martha; charity.
- Radio Mary and Families of Radio Mary
- Forum of Catholic Women (Forum Kobiet Katolickich)<sup>83</sup>
- Polish Association of Catholic Women (Polski Związek Kobiet Katolickich)
- Federation of Pro- Life Movements (Polska Federacja Ruchów Obrony Życia)

#### How are women represented or not within them?

This is a very complex issue, the majority of members of religious organisations are usually women.

#### Do they oppose gender equality in general and in our three issues?

Again, a very complex issue and it is necessary to carry out more research on this issue. Some organisations (those concentrated on charity) do not take part in discussions on gender equality and are neutral towards the issue. However, there is quite big group of organisations, usually those supporting the pro-life movement, that take an active part in debates on the scope of gender equality. They usually oppose gender equality (in a feminist understanding).

One of the biggest groups formulates their mission as follows: "to support education regarding proper consciousness of women, to help them accept their womanhood and maternity and to support realisation of caring about human being in society. To form consciousness on complementarity of roles of women and men in society and family."<sup>84</sup> It is clear that the group is not supporting gender equality, but a rather traditional gender regime based on the division of spheres.

#### What is their preferred model of womanhood?

Traditional model of mother and caregiver.

#### Do they support or oppose the other equalities issues?

They are rather opposed. In supporting a traditional gender regime they rather oppose professional work of women (so no support for equality policy on the labour market); they reject the notion of "reproductive rights of women"; and they usually do not mention the problem of gender based violence.

#### Are they in alliance with any other inequalities or not?

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<sup>80</sup>[http://pl.wikipedia.org/wiki/Ko%C5%9Bci%C3%B3%C5%82\\_katolicki\\_na\\_%C5%9Bwiecie#cite\\_note-12](http://pl.wikipedia.org/wiki/Ko%C5%9Bci%C3%B3%C5%82_katolicki_na_%C5%9Bwiecie#cite_note-12)

<sup>81</sup><http://www.kosciol.pl/article.php/20060520115254964>, quoting "Rzeczpospolita"

<sup>82</sup><http://wiadomosci.ngo.pl/wiadomosci/37354.html>

<sup>83</sup><http://www.forumkobietpolskich.csc.pl/statut.php>

<sup>84</sup>Forum of Catholic Women, <http://www.forumkobietpolskich.csc.pl/deklaracja.php>

Some of them- yes. Organisations devoted to charity may ally with organisations combating poverty and social exclusion based on class and disability. However, it is rather questionable if gender is taken into account.

Are there any groups organised against certain religious groups?

No

### 7.3.3 Sexuality

Are there gay/lesbian/trans organisations?

There are two main organisations:

Campaign Against Homophobia

Lambda

internet portal [www.lesbijka.pl](http://www.lesbijka.pl)

Do they have a national organisation?

Yes

Do they work in alliance with other inequalities or not?

Rather not.

Are there any groups organised against gay / lesbian / trans-people?

Yes. Mostly right wing oriented groups and religious groups.

Catholic Church

Catholic organisations

Political Parties (Rights and Justice, League of Polish Families)

Organisation All Polish Youth

EU, bilateral or other international links?

### 7.3.4 Disability

Are there disability organisations?

Yes

What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Campaigns, information campaigns

Lobbying, Research, Legal support for disabled persons

In what way are women engaged in and represented in these organisations?

They are de-gendered and no gender perspective is visible.

EU, bilateral or other international links?

### 7.3.5 Age

Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Yes

How are women engaged in and represented in these organisations?

Yes

EU, bilateral or other international links?

No

#### 7.4 Hotspots and Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which?)? For example is gender/religion or sexuality/religion or gender/Islam a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?

There is very long history of controversies between sexuality and religion.

The oldest is the controversy over abortion. The controversy started in the late 80's and early 90's, when the first debates took place. In 1993, the anti-abortion law was established. Since this time, there has been an ongoing debate on abortion/protection of unborn life.. At certain moments, it is more vivid, sometimes more quiet, but always present.

Another controversy is the 'homosexuality controversy'. The debate on the rights of same-sex couples started in late 90's, when there were attempts to give some rights to same sex couples. Since this time, there has been a debate between the defenders of rights of same sex couples (LGBT organisations, women's feminist organisations, left wing political parties, intellectuals) and its opponents (Catholic Church, religious organisations, nationalists, right wing political parties).

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

There is an alliance between feminism and LGBT groups. The alliance seems to be stable and consists of mutual support.

### WIDER SOCIAL INSTITUTIONS

#### 8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

#### *Population, economic development, economic inequality and state welfare*

	Poland	EU
GDP per capita PPP (Purchasing Power Parity) 2003 (OECD 2006)	11700	29.9
Population size 2006 (Eurostat 2006)	38,2	460
% of workforce in agriculture 2003 (World Bank 2006)	17,4	4,2
Longevity 2005 (World Bank 2005)	75	
Gini (measure of economic inequality) 2005 (Eurostat 2007)	36	31
% GDP/gov. expenditure on social expenditure 2003 (OECD 2007)	19,6	27,2
% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)	0.43	
% GDP/government expenditure on childcare (forthcoming OECD)	0	
% GDP/Government expenditure on military (World Bank 2005)	1,788	

### Gender regime

	Poland	Female	Male
Employment rate (2007, Eurostat) <sup>85</sup>		46,8	58,9
Unemployment rate (2005, Eurostat) <sup>86</sup>		19,1	
Share of women in adult labour force % (2004, UN) <sup>87</sup>		46	
Women's share of part-time employment % (2004, UN) <sup>88</sup>		14.2	8.2
Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2005 Eurostat) <sup>89</sup>	10		
School enrolment tertiary % gross (2004, World Development Indicators) <sup>90</sup>	61	71,7	50,8
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (UN 2007) <sup>91</sup>		20,4	
Women's share of legislators and managers % (UN 2005) <sup>92</sup>		33	
% lone parent families (of all family units with children) <sup>93</sup>			
Mean age at first marriage (1996, Eurostat) <sup>94</sup>		25	27,1
Marriage rate (2003, UN) <sup>95</sup>	5.42		

<sup>85</sup>Employment rates:  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em012](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em012)  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em013](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em013)

<sup>86</sup>Unemployment rates:  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em072](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em072)  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em073](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em073)

<sup>87</sup>Share of women in adult labour force:  
<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

<sup>88</sup>Women's share part-time employment:  
<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

<sup>89</sup>Gender pay gap:  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em030](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030)

<sup>90</sup>World Development Indicators, World Bank (September 2006)

<sup>91</sup>Women in parliament:  
<http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

<sup>92</sup>Women's share legislators and managers:  
<http://unstats.un.org/unsd/demographic/products/indwm/tab5d.htm>

<sup>93</sup>(Calculated from Central Statistics (2007), *Census 2006, volume 3: Household composition, family units and fertility, table 34.* [http://www.cso.ie/census/census2006results/volume\\_3/tables\\_30-41.pdf](http://www.cso.ie/census/census2006results/volume_3/tables_30-41.pdf))

<sup>94</sup>Mean age at first marriage,  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=Yearlies\\_new\\_population&root=Yearlies\\_new\\_population/C/C1/C13/cab11024](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_new_population/C/C1/C13/cab11024)

Divorce rate (2003, UN) <sup>96</sup>	1.8		
Fertility rate (2004 , World Development Indicators) <sup>97</sup>	1.2		

## 9. SUMMARY

### 9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
<b>Issues</b>						
<b>1 Equal pay/equal treatment</b>	yes			Limited to employment		
<b>2 Sexual harassment and discrimination</b>	Not exactly		2002	Some provisions in Labour Code; limited to employment; limited to heterosexuality		
<b>3 Equality bodies</b>	no			Lack of independence; no decision making power' limited to monitoring and advising		
<b>4 NGO/civil society dialogue</b>	yes					
<b>5 Parental leave</b>	partially			No independent and obligatory leave for fathers		
<b>6 Organisation of working time</b>	yes					

<sup>95</sup>Marriage rate, table 23, p.624 <http://unstats.un.org/unsd/demographic/products/dyb/dybsets/2003%20DYB.pdf>

<sup>96</sup>Divorce rate: <http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

<sup>97</sup>World Development Indicators, World Bank (September 2006)

## 9.2 Plans and programmes

National general gender equality plan (current)	N/A				No plan exists
Reference to Lisbon targets	N/A				
Reference to Barcelona targets	N/A				
Targets and indicators	None x	Weak	Moderate	Strong	

National plan: Gender-based violence (current)	Yes				
Targets and indicators	None	Weak	Moderate	Strong	

Focus on gender	No	Yes:	Weak	Moderate	Strong
Employment plan (general assessment)			Very weak		
Social protection and social inclusion plan (general assessment)			Very weak		
Reference to gender based violence	no				

## 9.3 Gender machineries

National gender machineries	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister		2002		
Independent equality body (research, monitoring, and enforcement)				Hard to evaluate independence and scope of competences of presently existing equality body
National consultative / representative body linking state and women's NGOs		yes		There is a body for civil dialogue in general, but at the moment there is no special body for dialogue with women's organisations.
Any other body / bodies (e.g. parliamentary committees) Please name:				

#### 9.4 Policy summary

	No- at all	Not	Yes/ Low	Yes/ Moderate	Yes /High
<b>General</b> To what extent is gender mainstreamed throughout policies?	X				
<b>Non-employment (4.1)</b>			X		
Extent to which mothers can be legitimately non-employed			X		
<b>Intimate citizenship (4.2)</b>			X		
Extent to which women have access to abortion (in country of residence)	X				
Extent to which state policies are heteronormative					X
<b>Gender-based violence (4.3)</b>			X		
Extent to which policies on GBV go beyond domestic violence			X		
Strength, resources and co-ordination of GBV policies				X	

#### 9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)		X		
Extent to which the women's NGOs participate in policy making		X		
Extent to which women's NGOs are close to state	X			
Extent to which women's NGOs engage with intersecting inequalities			X	
Extent to which women's NGOs are state funded	X	X		
Extent of influence of trade union body on policy making		X	X	
Extent of power of women within trade union body				